

SAAKNOMMER: CC 482/85

DELMAS

1986-04-10

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRÜGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

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HOF HERVAT OP 10 APRIL 1986.

MR BIZOS : My Lord, Mr Popo Molefe, accused no. 19, was taken for some tests. It was hoped that he would be back in time for the hearing, but he is not. We would ask Your Lordship in terms of the section to proceed with the trial in his absence.

COURT : Only accused no. 19?

MR BIZOS : No, accused no. 22 is also absent.

COURT : Any objection, Mr Jacobs?

MNR. JACOBS : Geen beswaar. (10)

COURT : Yes, it is so ruled.

ESAU CHAKE MAHLATSI, nog onder eed (Deur tolk)

ONDERVRAGING DEUR MNR. JACOBS (vervolg) : Mnr. Mahlatsi, ons het gister afgesluit met die vergadering wat gehou was met die predikante. Dit is die Sharpeville vergadering en ek dink die laaste getuienis wat jy gesê het was dat jy het nie 'n agenda uitgestuur nie, maar jy het aan die vergadering gesê wat die punte is? -- Dit is korrek.

Op die vergadering, nadat jy jou uiteensetting gegee het van wat jy graag verlang van die predikante, het daar 'n (20) bespreking gevolg daarvan? Het die predikante deelgeneem daaraan? -- Ja, van die predikante se kant af.

Omtrent die kwessie van die samewerking met die predikante en die Raad, wat het daarvan gekom? -- Een van hulle het gesê namens die predikante dat hulle baie bly is dat hulle so genooi was. Dit was die eerste keer in hulle lewens dat 'n vergunning aan hulle gegee was dat hulle 'n samespreking uitgevoer het met die Raad.

En wat het hulle gesê omtrent samewerking? -- Soos ek alreeds gesê het, hulle was bly gewees dat hulle genooi (30) was om hulle samewerking te gee aan die Raad en wat hulle toe

... / daar

daar bygesê het was dat hulle dit baie sal waardeer indien daar meer erwe beskikbaar gestel word vir kerkgeboue in die omgewing, want daar is 'n tekort aan kerke.

Het jy daarop kommentaar gelewer omtrent kerkerwe? -- Ja, my kommentaar daaromtrent was, die Raad sal dit moet bespreek. Al wat ek kan doen is om dit te notuleer dat dit 'n versoek was.

En oor die welwillendheidsweek, was daarvoor 'n gesprek gevoer en wat was die reaksie van die predikante toe daarvoor? -- Ja, van die predikante het gesê in party van die kerke is daar alreeds hierdie tipe dienste wat alreeds aan die gang (10) is aangaande hierdie week waarvan ek gepraat het.

En dan die kwessie van die gebruik van kerkpersele en -sale vir politieke doeleindes, was daarvoor ook 'n gesprek gevoer? -- Daar was geen kommentaar of toespraak van hulle kant af aangaande dit nie.

Wat het toe vervolgens gebeur? -- Na die gesprek daar gesluit was, was daar gebid en die vergadering is toe uiteen.

Is almal daar weg of wat het gebeur? -- Ons, die raadslede, is weg. Wat ek wel opgemerk het is dat die predikante agtergebly het. (20)

Wie het hulle agtergehou? -- Na my mening soos wat ek dit daar opgelet het, sal ek sê dit was op versoek van eerwaarde Moselane.

Beskuldigde nr. 3? -- Ja.

Kon jy hoor waaroor hulle praat toe daar? -- Ons het nie eers geweet waaroor hulle gepraat het nie.

Julle is toe weg? -- Ja, ons is toe weg.

Ten opsigte van die ander vergadering wat jy van gepraat het, dit is 'n brief wat geskryf is ook om die predikante te vra om ... (Hof kom tussenbei) (30)

HOF : Laat ons dit net duidelik kry. Die eerste vergadering

is 'n Sharpeville vergadering op 16 Augustus 1984?

MNR. JACOBS : 1984. -- Ja, dit is korrek.

Die tweede vergadering was dan ook gereël met die ander predikante op Vrydag, 17 Augustus 1984 om 18h00 in Sebokeng?

-- Ja.

Die een te Mpatlatlatsane Hall? -- Ja, dit is reg.

En na hierdie vergaderings was kerkleiers van Zones 3, 7A, 7B, 11, 12, 13 en 14, Sebokeng en Residensia genooi? -- Ja, dit is reg.

Ek wil aan jou 'n dokument toon hierso. Ons sal dit (10) BEWYSSTUK AAT(15) merk. Is dit die uitnodigingsbrief wat uitgestuur was aan die predikante om hierdie vergadering by te woon? -- Ja, dit is die uitnodigingsbrief.

Het u hierdie vergadering bygewoon? -- Ja, ek het dit bygewoon.

Was daar toe van die predikante van hierdie gebiede wat uitgenooi was daarso gewees? -- Ja, hulle was teenwoordig.

Was daar enige van die vorige vergadering se predikante weer teenwoordig of was daar nie? -- Nee.

Op hierdie vergadering het jy ook die drie punte wat (20) jy gister hier genoem het van die eerste vergadering, die kwessie van samewerking, tweedens die kwessie van welwillendheidsweek en derdens die kwessie van die gebruik van kerksale vir politieke vergaderings hier geopper?

MR BIZOS : I understood the witness to say that there was no talk about the use of churches for political purposes.

COURT : Do you mean at the previous meeting or at this meeting?

MR BIZOS : The way I understand the question was with reference to the previous meeting.

COURT : Yes, that is correct. (30)

MR BIZOS : And a summary was given of the previous meeting

which is not correct.

COURT : Well, at the previous meeting there was a request by the witness that the churches should not be used for political purposes and the evidence today was that there was no discussion upon that request. The church leaders did not discuss the request.

MR BIZOS : I did not recall that there was this request from the witness yesterday. I understood the evidence this morning to be that there was no discussion.

COURT : No discussion by the church leaders of the request.(10)

MNR. JACOBS : Kan jy vir ons sê, het jy hierdie drie onderwerpe geopper teenoor die vergadering? -- Ja, ek het.

Enigiets verder behalwe hierdie drie? -- Ek het niks verder bygevoeg nie.

Het jy 'n agenda gehad of het jy dit ook net weer daar geopper soos jy daar gestaan en praat het met die mense? -- Ek het nie 'n agenda gehad nie.

Was daar op die vrae toe 'n bespreking of het die predikante toe gereageer? Kom ons vat eers die samewerking. Wat was hulle reaksie daarop? -- Hulle was bly gewees om dit (20) te verneem en toe gesê dat hulle dit aanvaar.

Die kwessie van die welwillendheidsweek wat jy voorgestel het wat gehou moet word vir die inwoners? -- Dit was ook aanvaar deur die predikante, behalwe natuurlik dat in hierdie geval was daar nie iemand gewees wat gesê het dat hulle alreeds daarmee besig was in hulle kerke nie, maar in die normale loop van sake was dit so aanvaar deur hulle.

En die derde aspek, die kwessie van die gebruik van kerk-sale en -persele vir politieke vergaderings, het daar reaksie van die predikante gekom? -- Die predikante het gesê dat (30) hulle daarna sal oplet dat dit nie gebeur nie.

Na hierdie vergaderings het daar enige reaksie gekom of is daar enige briewe na jou toe gebring? -- Ja, na die twee vergaderings het ek 'n brief ontvang wat aangedui het dat dit 'n memorandum was van die predikante se kant af.

Wie het dit vir jou gegee? -- Die klerk in my kantoor het dit aan my oorhandig.

Ek wil hê jy moet kyk na hierdie dokument. Dit sal wees BEWYSSTUK AAT(16). Dit is 'n koevert bo-op geadresseer "The Mayor, Lekoa Town Council, Sebokeng", dit is die oorspronklike en dan daarby is 'n memorandum "By church leaders as in the (10) Vaal Triangle to the Mayor of Lekoa Town Council". Kan jy hierdie dokumente? -- Ja, ek herken die dokumente.

Is dit die memorandum wat jy ontvang het? -- Ja.

Kan jy dan net vir ons lees wat sê hulle daarin? -- (Getuie lees BEWYSSTUK AAT(16) uit aan Hof)

U handig dit in as BEWYSSTUK AAT(16).

HOF : Onderaan staan dat daar 'n kopie gestuur is aan die burgemeester en aan die pers. Dit sal ingaan as BEWYSSTUK AAT(16). Om die rekord volledig te maak die woorde "Copies (1) Mayor, Lekoa Township (2) The Press" is geskryf in (20) 'n ander ink as die ink waarin die res van die memorandum geskryf is.

MNR. JACOBS : Na hierdie vergaderings, het daar enigiets gekom van die welwillendheidsweek of die samewerking? -- Nee, niks het opgekom nie.

Op 29 Augustus 1984 was daar 'n vergadering gehou in Bophelong? -- Ja, daar was 'n vergadering gehou. Dit was op versoek van die gemeenskap.

Hoe het die versoek tot jou gekom of tot die Raad gekom? -- Dit was telefonies. Die boodskap was dat sekere mense (30) of die inwoners van Bophelong kom vir ons wag by die

gemeenskapsaal.

Watter dag was dit? -- Dit was die 27ste.

Het julle toe na die gemeenskapsaal te Bophelong gegaan op die 27ste? -- Ja, ons het. Met ons aankoms daar net buite die woonbuurt was daar 'n rapport aan ons gemaak dat die mense uiteen is.

En toe? -- As gevolg waarvan ons toe besluit het dat die raadslede van Bophelong 'n boodskap moet oordra aan die dorpsbestuurder dat hy 'n vergadering bekend moet maak die volgende, dit wil sê van 'n vergadering wat dan die dag daarna, die (10) 29ste, gehou moet word.

Is dit toe so geadverteer en is die vergadering gehou? -- Ja, dit is so.

Na die vergadering toe, wie is soontoe? Is dit net Bophelong se mense of was daar ander raadslede en jy self ook soontoe? -- Die raadslede was nie net van Bophelong nie. Ons was heelwat baie.

Hoekom het soveel ander raadslede ook besluit om na hierdie vergadering toe te gaan? -- Omdat ons genooi was deur die raadslede van Bophelong. (20)

Die vergadering, was hy in die aand gewees? -- Ja, dit was in die aand.

By die vergadering kan jy vir ons sê hoe was die opkoms daar van die publiek af? -- Die saal was vol gewees, soveel so dat heelwat mense buite die saal gestaan het.

Op die verhoog van die saal, hoeveel van julle raadslede was daar? -- Tussen sewe en agt. Ek is nie meer seker nie.

Jyself, was jy op die verhoog? -- Ja, ek was.

Was daar van die ander raadslede op ander plekke daar in die saal? -- Ja, buite die saal was daar ander raadslede (30) gewees, dit wil sê behalwe die raadslede wat op die verhoog was.

Die vergadering het toe begin daar. Kan jy vir ons sê, toe julle nou daar op die verhoog is en net voor julle begin het, wat was die gesindheid van die gehoor? Wat het hulle gedoen? -- Hierdie vergadering was met 'n gebed geopen. Onmiddellik na die gebed kon ek duidelik sien dat die atmosfeer in hierdie saal nie so goed was nie.

Na die vergadering geopen is met 'n gebed, wat gebeur toe? -- Onmiddellik na die gebed het ek opgemerk dat in die gehoor baie mense hulle hande hoog gehou het. Dit het vir my toe duidelik geword dat die mense onmiddellik wil praat. Dit (10) is die gehoor wou onmiddellik gepraat het.

Ja, gaan voort? -- As gevolg waarvan een van die raadslede van Bophelong toe die mense toegesprek het en gesê het "Ons is hier in hierdie vergadering omdat julle die inwoners ons genooi het om hier te wees. Ons wil dus hoor wat die rede is, waaroor gaan dit, hoekom moes ons bymekaar gekom het."

En toe? -- Onmiddellik daarna, een van die mense wie se hand opgesteek was in die gehoor, het toe opgestaan en na vore gekom om op die verhoog te wees. Die persoon het gekom tot op die verhoog. Sy woorde was "Daar is niks wat mense kan (20) aanvaar van hierdie raadslede van Bophelong nie, want hulle is 'n klomp skelms. Toe daardie persoon dit gesê het, het die hele gehoor dit beaam. Dit wil sê die hele saal het dit beaam.

Was dit 'n man of 'n vrou gewees? -- Dit was 'n vroumens gewees.

Kan jy vir ons sê wie is sy? Weet jy of nie? -- Ek weet nie wat haar naam is nie, maar indien ek haar weer sal raakloop sal ek in staat wees om haar te herken.

Het die Raad probeer antwoord op hierdie aantyging of die lede van die Raad wat daar was? -- Na die eerste vrou die (30) gehoor toegesprek het met die woorde wat ek alreeds genoem

het en die gehoor dit beaam het, was daar 'n tweede persoon wat toe alreeds op die verhoog was om te kom praat, voordat die Raad kans gekry het om iets te sê oor wat die vroumens gesê het.

'n Man of 'n vrou? -- Dit was ook 'n vroumens.

Ken jy haar? -- Nee, ek ken haar ook nie.

Ja en toe? Gaan voort? -- Na die tweede persoon daar opgekom het en ook begin praat het, kon 'n mens nie meer volg wat hierdie een sê en waaroor daardie een praat nie, want onmiddellik was daardie vergadering 'n deurmekaarspul gewees(10) dat 'n mens nou niks kon uitmaak van wat gebeur het nie, want van die gehoor was daar dinge gesê van verskillende persone.

Wat kon jy uitmaak wat van die gehoor gesê was? -- Ek het net hierdie woorde gehoor wat gebesig was vanaf 'n hoek heel agter in die saal, dit wil sê van die gehoor, waar iemand gesê het "Laat hulle doodgemaak word." Ek het toe 'n skok gekry as gevolg daarvan.

Ja en toe? -- In daardie deurmekaarspul het ek opgemerk dat die polisie die saal binnekom. Toe die polisie inkom het ek die polisie versoek om die saal te verlaat, al was ek (20) op daardie stadium geskok gewees, maar dit was voordat ek geweet het eintlik wat die probleem was en wat die oorsaak daarvan was.

Het die polisie uitgegaan? -- Ja, die polisie is toe uit.

Ja en toe? -- Onmiddellik na hulle uit was, het die ligte afgegaan.

En toe? -- As gevolg waarvan almal probeer het om net die pad uit te kry. Dit wil sê op sy eie na die uitgang gesoek het.

Is jy toe uit? -- Ja, terwyl die saal met klippe bestook(30) was en dit die dak en die vensters geraak het. Buite die saal

was daar 'n geklappery van vuurwapens.

En jy, wat het jy toe gedoen? -- Gelukkig het ek toe uitgekom. Ek het in die voertuig geklim en ons is toe uit en weg. Terwyl ons so uitbeweeg het met die voertuie het die klomp mense of die skare wat by die saal was ons gevolg of genader, besig om ons met klippe te bestook. Dit wil sê die voertuie waarin ons gery het.

Wie is die ons? -- Ek was saam met 'n ander raadslid gewees.

Is jou voertuig getref? -- Ja, hy was getref. (10)

Waarheen is jy toe? -- Onmiddellik toe ek die kans gekry het om daar uit te kom, is ek toe huis toe.

Op 2 September 1984 is jy na raadslid Dhlamini se huis toe? -- Ja, ek is.

Wat het jy daar by sy huis aangetref en hoe laat het jy daar gekom min of meer? -- Ek weet nie hoe laat dit was nie, maar dit was na sononder. Dit was donker gewees of sterk skemer, toe ek by sy huis gekom het en die huis was gebreek en met klippe bestook.

Was jy bewus gewees van vergaderings wat daar gehou (20) was in die woongebiede gedurende Augustus? -- Ja, ek het daarvan bewus geword.

Het jy enige stappe probeer doen om outoriteit te kry om van die vergaderings te verbied? -- As gevolg van die inligting wat ek bekom het wat daar aangaan in hierdie vergaderings, het ek probeer om hierdie vergaderings te stop.

Deur wie? Of hoe? -- Deur die landdros.

Watter vergaderings wou jy gestop het? -- Dit is die vergaderings wat daar aangekondig was met hierdie pamflette waarop geskryf was "Asinamali". (30)

Kon jy daarin slaag om dit gestop te kry? -- Ek kon nie.

HOF : Is dit nou die vergaderings wat aangekondig is in die pamflette wat u hier in die hof uitgeken het? -- Nee, nie daardie tipe nie.

MNR. JACOBS : Ek wil vir jou 'n bundel pamflette hierso toon. Kyk na hierdie BEWYSSTUK AN(17).

HOF : Aan die getuie word nou getoon twee plakkate AN(17)1 en AN(17)2. -- Die pamflet wat ek van praat is soortgelyk aan BEWYSSTUK AN(17)1, die kleintjie bo-op.

Die pamflet wat bo-op AN(17)1 is, is 'n plakker en dit is alreeds hier uitgeken as AN(15) 'òf .2 'òf .4. Kan ons net (10) daardie bewysstuk kry?

MNR. JACOBS : Mag ek net miskien hier iets afhandel.

HOF : Laat ons net eers hierdie ding identifiseer anders gaan dit deurmekaar loop. Sal u kyk na AN(15)2 en AN(15)4 en dit vergelyk met daardie pienk papiertjie, asseblief? -- In vergelyking met daardie pamflet op die plakkaat is dit dieselfde as die pamflet BEWYSSTUK AN(15)4 . Dit is identies aan daardie een.

En daardie pamflet AN(15)4 adverteer 'n vergadering vir 25 Augustus 1984 in The Anglican Church Zone 13. Is dit (20) korrek? -- Ja, dit is so.

MNR. JACOBS : Die groot plakkaat daar waarop daardie ander een staan, het jy hom gesien daar in die gebied of 'n soortgelyke een, die hele grootte, dit is nou AN(17)1? -- Ek kan nie meer so goed onthou of ek BEWYSSTUK AN(17)1 gesien het nie, maar as my geheue my nie in die steek laat nie, het ek iets soortgelyk aan hierdie BEWYSSTUK AN(17)1 gesien by die poskantoor.

Is dit een van die vergaderings wat jy probeer het dat dit verbied moet word? -- Ja, dit is so.

HOF : Dit sou dan wees 'n vergadering in The Anglican Church (30) Zone 13 op 25 Augustus 1984. Dit is dan dieselfde vergadering

as die een wat geadverteer is op AN(15)4? -- Ja.

MNR. JACOBS : Op 3 September 1984 was jy by jou huis gewees?
-- Ja, ek was.

Het jy een of ander tyd jou huis verlaat of het jy daar gebly? -- Is dit op die 3de?

Ja? -- Die oggend het ek die perseel verlaat.

Hoe laat omtrent? -- Dit was vroeg die oggend omtrent 07h35.

Waarheen is jy toe? -- Dit was kort na polisiebakkes of -voertuie daar verby is, wat ek uit die huis uitgekom het (10) om te gaan kyk wat gebeur.

Jy het tot in die straat voor jou huis gegaan? -- Ja.

En toe? -- Terwyl ek nog so staan en kyk, het ek opgemerk dat daar 'n klomp mense of 'n skare mense van my linkerkant af gekom het in my rigting, dit wil sê die rigting van my huis. Dit is die linkerkant terwyl 'n persoon in my hek staan en na buite toe kyk.

Hoe was hierdie skare mense wat daar gekom het? Het hulle stil aangekom of hoe was hulle optrede daar in die straat? -- Toe hulle daar te voorskyn gekom het, het hulle (20) vir my haastig gelyk. Hulle was in 'n groot haas gewees.

Maar was hulle stil gewees of het hulle gesing of geskreeu? -- Nee, hulle was nie stil gewees nie, al kon ek nie hoor wat hulle besig was om te sê of te doen mondelings nie, maar hulle was nie stil nie.

Was dit 'n groot lawaai gewees? -- Ek kon net stemme hoor van persone, maar ek kon nie presies hoor wat die persone sê nie.

Het hulle nader gekom na jou toe? -- Ja, hulle het nader gekom. Terwyl ek nog so staan en kyk na hulle, het die (30) een regs van die skare, soos wat ek gestaan en kyk het, dit

wil sê aan my regterkant soos ek daar staan, het gesê "Dit is hy daardie."

Ja? -- Hulle het my toe begin gooi met klippe.

HOF : Hoe groot was die skare? -- Meer as driehonderd.

Was die hele straat vol van kant tot kant? -- Ja, die straat was vol van kant tot kant.

MNR. JACOBS : Het die mense enigiets by hulle gehad? -- Nee, hulle het niks by hulle gehad nie.

Het jy enige wapens gesien? -- Nee, ek het geen wapens gesien nie. (10)

Jy sê hulle begin jou gooi met klippe? -- Ja.

En toe? -- In my sak het ek 'n vuurwapen gehad. Ek het toe in die lug begin skiet, dit wil sê om die mense skrik te maak. Ek was verbaas. In plaas daarvan dat die mense skrik as ek so in die lug skiet, het hulle nie geskrik nie. Hulle begin tel. As daar 'n skoot afgaan, dan sê hulle "one" en toe die tweede een afgaan, toe sê hulle "two".

Wat gebeur toe? -- Toe ek die vyfde skoot afgevuur het, het hulle vir my gesê "Nou bly met een koeël daar.

Gaan voort? -- Terwyl ek die ander skote afgevuur het, (20) het die mense nie vinnig na my toe beweeg nie. Op 'n stadium het hulle geretireer, maar nadat ek die laaste, dit wil sê die sesde skoot afgevuur het, het hulle toe vinnig na vore beweeg. Ek weet nie wat hulle in gedagte gehad het nie, want die magasyn van die wapen wat ek gehad het, vat sewe koeëls. Toe ek die sewende koeël gevuur het, het hulle weer geretireer. Hulle het toe weer na my toe gekom, na my toe beweeg, nog steeds besig om klippe te gooi. Ek het 'n tweede magasyn, die spaar een by my gehad. Ek het die een uitgehaal en die ander een ingesit. Op hierdie stadium het ek opgemerk dat die (30) mense as beskerming vir hulle die vullisblikke se deksels

gebruik. Dit was toe op daardie stadium wat ek opgelet het dat my lewe in gevaar was.

HOF : Tot die stadium het u deurgaans in die lug geskiet? -- Ja, net om hulle skrik te maak.

MNR. JACOBS : Goed? -- Die eerste skoot wat ek gevuur het van die tweede magasyn, het ek tussen hulle in geskiet. Op hierdie stadium het ek baie vinnig geretireer.

Kon jy sien of jy iemand raak skiet? -- Nee, ek kon nie sien nie.

Jy kon nie sien of iemand val of so iets nie? -- Nee, (10) glad nie.

Jy sê jy retireer nou? -- Terwyl ek so retireer het ek gevoel ek word met 'n klip getref van agter.

HOF : Het u geretireer met u gesig na die skare toe of het u omgedraai? -- Nee, met my gesig na die skare toe.

MNR. JACOBS : Jy retireer en jy word getref van agter af, wat gebeur toe? -- Ek het toe omgekyk en toe opgemerk dat agter my nog 'n skare mense is net soveel soos hierdie wat voor my is.

Het hulle in die pad van die teenoorgestelde kant af gekom? -- Ja. (20)

Het hulle ook die hele pad vol gemaak? -- Ja, die hele pad vol.

Ja en toe? -- Ek het ook tussen hulle geskiet. Op die stadium het ek toe begin wegvlug. Ek het deur 'n land gehardloop tussen die lykshuis en die garage.

HOF : Is die lykshuis deel van u besigheid? -- Nee.

Is dit van iemand anders se besigheid? -- Ja.

MNR. JACOBS : Het jy gekyk agter jou wat aangaan? -- Ja, ek het gekyk.

En toe? -- Ek het opgemerk dat daar rook van my huis (30) afkomstig was en my huis was aan die brand gewees.

Was daar enige van jou voertuie by jou huis gewees? -- Ja, daar was.

Toe jy nou weggevlug het, het jy tot by die polisie gekom? -- Ja.

Is jy toe later saam met die polisie terug na jou huis toe? -- Ja, dit is.

Toe jy nou terugkom, wat vind jy by jou huis? -- Op die stadium wat ek tuiskom, was die huis besig om beter te brand. HOF : Ek sou nie sê beter nie, ek sou sê slegter? -- Ja, dit het slegter gebrand. Wat ek probeer beskryf is, die vlamme(10) was sterk.

MNR. JACOBS : En jou voertuie wat by die huis was? -- Een van die voertuie was nie op die perseel gewees nie. Een was met klippe bestook en die venster was stukkend gewees.

HOF : Een van die voertuie wat vantevore daar was toe u gevlug het, was nie meer daar nie? -- Ja.

En die ander een? -- Dit was daar gewees, maar hy het duike gehad. Hy was met klippe bestook en daar was geen venster gewees nie.

MNR. JACOBS : Was die vensters almal stukkend gegooi? -- (20) Ja, dit is reg.

Het jy die ander een weer gesien, die een wat weg is wat jy vermis het toe jy terugkom? -- Ek het die voertuig weer na 'n paar dae gesien. Hy was uitgebrand. Dit was net 'n uitgebrande blik gewees.

Waar het jy hom toe gekry? -- In die tweede straat van my woning af.

HOF : Watter tipe voertuie was dit? -- Honda Ballade.

Dit is die uitgebrande een? -- Ja.

En die ander een? -- Ford Granada. (30)

MNR. JACOBS : Van jou besighede waarvan jy 'n aandeelhouer is,

was hulle uitgebrand of nie? -- Hulle was uitgebrand.

Watter almal? Dié in die Vaal? -- Ja, almal in die Vaal was uitgebrand.

Voor die oggend van die 3de, was daar aan die raadslede vuurwapens uitgereik en brandblussers? -- Ja, dit is so.

Hoe lank voor die 3de? -- Die laaste wapens wat bekom was was op 1 September.

Hoekom is die wapens uitgereik aan die raadslede en die brandblussers? -- Dit is na ons gehoor het dat daar gerugte is dat raadslede gedood sal word. (10)

Is jy bewus daarvan dat daar in die Vaal gedurende Augustus georganiseer is teenoor die raadslede?

HOF : Augustus 1984?

MNR. JACOBS : 1984, ekskuus. -- Ja, ek is bewus van vergaderings wat gehou was.

En ook van pamflette wat uitgegee is wat jy gesê het? -- Ja, dit is reg.

Weet jy wie is die organisasies wat daar in die Vaal georganiseer het teen die raadslede?

MR BIZOS : The question would have been more properly put, (20) with respect, who organised the meetings and who organised the pamphlets. In the context of the evidence who organised the meetings and issued the pamphlets against the councillors, puts an interpretation on it which may or may not be supported by the contents of the pamphlets or what may or may not have been said at the meetings.

CCURT : I think you are rather technical. If one looks at AN(17)1 and 2 it is clearly against the councillors or the council, is it not?

MR BIZOS : It is important in this context that we should (30) be careful, with respect, because we had an example of it in

the previous witness where he says he does not know what caused the troubles, but then two pamphlets are put before him and it was suggested that those were responsible. The question, in the manner in which it is put, contains assumptions which are unwarranted or at any rate are disputed and what is being against the councillors in the context, that they unwisely raised the rent, which we say this was the contention or against the councillors which made it necessary for them to be issued with fire-arms. So, that in my respectful submission the prosecutor leading the witness should (10) be careful as to how these questions are put, because there are unwarranted assumptions in the questions.

HOF : Weet u wie die vergaderings gereël het? -- Volgens die pamflette wat daar versprei was, is dit nie duidelik wie die persone is nie, behalwe natuurlik dat heel bo-aan geskryf was "Vaal Civic Association".

Het u die Vaal Civic Association geken? -- Ja.

MNR. JACOBS : Weet jy van ander organisasies wat daar pamflette en dinge versprei het daar in die Vaal? -- Nee. Wat betrekking het op hierdie vergaderings in Augustusmaand, (20) is net hierdie van die Vaal Civic Association.

... / CROSS-EXAMINATION

CROSS-EXAMINATION BY MR BIZOS: Councillor Mahlatsi before you became a councillor in 1977 were you a clerk working for Ellerines? -- That is true.

COURT: Is it Ellerines?

MR BIZOS: Ellerines, E-l-l-e-r-i-n-e-s.

COURT: Yes, thank you, before 1977?

MR BIZOS: Before 1977. Would you mind telling His Lordship how much capital you had when you left Ellerines? -- My capital is my private matter.

Well it may be of some importance in this case to find (10) out whether you in fact had any capital or not when you left Ellerines. What is the objection, why do you not want to tell us? -- Well no person goes about talking about his moneys.

No I am asking what is the objection to you telling us how much capital personally you had when you finished your job as a clerk at Ellerines in 1977? -- Well it is because I do not find any reason how is it really relevant to what I am discussing here.

Well the questions of relevance are for His Lordship to decide and not for you councillor. Please tell us how much (20) capital you had available? -- I cannot remember.

Well Mr, My Lord Mr Molefe has returned.

COURT: Accused number?

MR BIZOS: 20 My Lord.

COURT: Is it 20 or 19?

MR BIZOS: 19, I am sorry.

COURT: Welcome back Mr Molefe.

MR BIZOS: Now you see you may not remember but Mr Lekota, accused no. 20, remembers well because you were in the same football team. -- Yes we were in fact members of his (30) father's team.

Yes. And it was no secret that you were as impecunious as any other clerk that was working for Ellerines, or anyone else? -- No when I was a member to his father's team club I was still a scholar, I was not yet a clerk.

No but whilst you were a clerk you were still friendly with Mr Lekota, were you not? For old times sake? -- Well yes we used to meet.

Yes, and you were known as a modest clerk for a furniture, working for a furniture shop? -- That is true.

Yes. -- I was a clerk. (10)

Of modest means living from hand to mouth so to speak? -- No I do not think that is true.

Well please tell us how much capital you had available when you left Ellerines? -- I have already said I am very much against that because that is a private matter and secondly I cannot remember how much capital I had at the time.

Well let me remind you that you became a councillor and a protege of Mr George Thabe. -- That is not true.

COURT: Well there are two questions. One is you became a councillor. That is correct I take it? -- Yes that is true (20)

The other one is that you became a protege of Mr George Thabe, you say that is incorrect? -- That is incorrect. That is true, the last question, the statement is not correct.

MR BIZOS: Well who was the "Mayor", I know that he was not called mayor in those days but the Chairman of the Council, do not let us introduce, the Chairman of the Council? -- The very first Chairman of the Community Council was Mr George Thabe.

Yes. And was your ...

COURT: Could I just get clarity. Were Community Councils (30) started in 1977? -- Yes.

And he was the first Chairman of the Community Council?

-- That is true.

MR BIZOS: How long after you became a Community Councillor did you become a businessman? -- If my memory serves me well I got my first business, that is the butchery, during the year 1981 or 1982.

1981 or 1982. Who was the Chairman of the Council then?

-- Mr Majela, Knox Majela.

Were you not interested in any business whatsoever between 1977 and 1980 when you got your first butchery, (10) 1981, 1982 when you got your first butchery? -- I was interested. I was making applications which were not successful.

Were you working for Ellerines right up to 1981? -- No that is not so.

When did you give up your job at Ellerines? -- That is when I was offered a better salary by Decor Furnishers.

COURT: Decor? -- Decor.

When was that? -- If I remember well it was in 1978.

MR BIZOS: And when did you leave, when did you cease being an employee of any furniture business? -- I believe that (20) was in 1982.

When you first became a businessman? -- Yes that is true.

Now tell me this you got your first business in 1982, that is some four years ago? -- Yes.

Would you agree that from 1977 to the early 80's the Council itself was not responsible for the granting of business licences? -- That is true, they were not the people who were authorising licences though of course they did have the right to allocate business sites.

Yes. And all this was in the control of Mr Majela, (30) the granting of sites? -- No not his.

Whose? -- The trade committee was responsible for issuing of sites.

Who was the Chairman? -- Knox Majela was the Chairman.

Did you ever get onto this committee under Knox Majela's chairmanship? -- That is true.

When did you get onto the trades committee? -- I think it was in 1978, that is immediately when he became a chairman.

Were you a member of the trades committee when the first business was granted?

COURT: Which, his own business? (10)

MR BIZOS: Your own business.

COURT: His butchery.

MR BIZOS: His butchery. -- That is true.

Yes. Had you been in the butcher's business before, I mean you know were you a butcher's family background, I mean did you have any experience? -- Yes my cousin-brother owned a butcher and where I used to go and help after working hours.

I see. So that was the experience that you had? -- That is true.

Were you the only applicant or were there many applicants for this butcher's business, the first one, for that particular site? -- If I remember well we were many. (20)

COURT: Could I just get clarity on the allocation of these businesses. Is it so that people want businesses and then apply and say for example "I want to set up a butchery, I want a trading site for that purpose" or was it at that time the position that the Board would say well a butchery is needed on this site and therefore we ask for tenders or for applicants for the right to have a butchery on this site? What was the position? -- What happened is the Board was doing (30) the survey as to ascertain where is a business needed and

whereabout and what kind of business is needed at what place. Then thereafter they would advertise that, invite applications, which would be considered on receipt thereof.

So should one apply for for example a butcher's business would you then automatically get the trading site, the particular trading site, or would one further to have the permission of the trading committee of the Community Council to have a trading site? -- What happened is this, say a particular person or an individual applies for a site and says to the Council "I want to start a business at such and such a (10) place in this area" then if this application is received then the Council, or the committee, will have to investigate in order to ascertain whether that kind of a business could be allocated a site there, is it a suitable place for that business.

I still do not have clarity entirely. I thought that the initiative came from the Board, that is in the years past, that they determined that there was a need and desirability for that type of business and that they then advertised and asked for applications and my question was (20) whether that then entailed automatically that you would get the site once your application was successful? -- That is C185 still a procedure, that procedure is being followed up to now. But now what happens is it happens at times that a private person decides on a kind of business at a particular spot. Then that person would make an application, written application, which will have to be investigated first as to whether it was possible or it was at a suitable place where he wants to run this business and then thereafter the application will be considered. (30)

Now to take that one step further would then, say for

example Mr A decides that he would like to put up a garage in Zone 7, Mr A writes to the Council, it was the Community Council at that time, and he says to the Community Council "I would like to put up a garage in Zone 7, they look at the application and they say well it is fine there is a need for a garage in Zone 7. Did it then go to the Board and did the Board then advertise and ask for applications for a garage in Zone 7 or would the application be granted to this first applicant who initiated the thing? -- No what happens is this the original procedure is being followed. It will be (10) advertised, even the person who initially started the whole thing will have to apply like an ordinary applicant which will be considered with the others for the allocation.

Now that was the position under the Community Council system. Did that position remain the same under the Town Council or did it change? -- The same procedure is being followed up to now at this present moment.

But at this present moment would the Board still have a say as to the allocation of, a say as to whether there could be a business or is that in the hands of the Town Council? (20) -- The Council decides now on that.

Now let us go back to the Community Board, where it all started, the Community Council where it all started. If one applied for a business to the Development Board, the Administration Board as it was then, and you got that business from the Administration Board in the process what say had the Community Council had? -- There was probably a misunderstanding. I thought when His Lordship was talking about the Administration Board, say a Board, that His Lordship is referring to the Community Council. Now I just wanted to (30) be clear on that.

Yes. Now well let us start all over again then. Who grants the permission to set up a butchery, who has granted the permission to set up a butchery business in the time of the Administration Board? -- During those times, that is the time of the Administration or Development Board they were the people who were allocating such sites and permissions for that.

Now was that the position up to 1 January 1984 when the Town Council started? -- No with the introduction of the Community Councillors then the powers of allocating such (10) sites and businesses were transferred to the Community Council.

Was that in 1977? -- That is right.

So would it then be correct to say that as from 1977 businesses were no longer allocated by the Board, that was the Administration or Development Board, but by the Community Council? -- That is true.

And that the Community Council would then advertise and ask for applicants for a business? -- That is true.

And that those applications would then be reviewed and decided upon by the trade committee of the Community Council?(20) -- That is true.

Now in essence is the position still the same after you have become a Town Council? -- That is true.

Yes, thank you Mr Bizos.

MR BIZOS: I think that His Lordship is entitled to one slight distinction in relation to this that during the time of the Community Council the site would be granted by the trading committee but the formal granting of the licence, after the site had been allocated, would be done by the Board. Is that stating the position correctly? -- No the licence would come (30) from the Licensing Department in Vanderbijlpark.

COURT: That is the Local Authority, the Local Authority has to grant the licence but let us get away from the licence as such. That gets too technical.

MR BIZOS: As Your Lordship pleases. Let me put, let me ask you this, you have mentioned a cousin. You have in fact two prominent cousins in Lekoa? Mr M.B. Mahlatsi and Mr P.M. Mahlatsi? -- Yes I know them.

Would you mind telling His Lordship whilst you were a councillor, whilst you were councillor and before you got any businesses of your own how many businesses were allocated (10) to your two cousins? -- You mean during the period when I am still a councillor? I am still a councillor up to now.

Yes.

COURT: No, no the question is before you got any business of your own, that is before your butchery but while you were a councillor, how many businesses were allocated to M.B. Mahlatsi and P.M. Mahlatsi?

MR BIZOS: Please take your time and tell us about all of them. -- I remember only one.

Which one? -- That is the one is Sasolburg. (20)

COURT: In So? -- In Sasolburg.

Sasolburg? -- Zandela.

MR BIZOS: What business is that? -- It is a butchery.

Now tell me when I speak about your cousins I also speak about their companies and their nominees so do not let us have any misunderstanding please. Either to your cousins personally or to any companies in which they are involved, or their wives or children or close relatives, how many businesses? -- Just repeat that question, it is not clear to me. (30)

Is it not clear or is it difficult to answer?

COURT: No, no, you must repeat the question Mr Bizos.

MR BIZOS: As Your Lordship pleases. I am not only referring to the businesses that were given to your cousins directly in their own name but to businesses which they operated either through companies or members of their family or near relatives. -- Then there will be two.

Which is the other one? -- Sechaba Supermarket.

Where is that? - - Zone 7.

Where? -- Sebokeng.

To who was that granted and when? -- It was allocated(10) to Mischak Mahlatsi.

When ? -- Between 1981 and 1982.

Were you a member of the trade committee at that stage?

-- That is true.

Just so that His Lordship may have a more full picture are your two cousins, are your two cousins older than you and had they had considerable business experience when you were elected on the Council for the first time? -- One of them is of my age, the other one is older than me. The elder one, the one I refer to as an elder one to us, was not in business(20) but he was a minister of religion. The one who is of my age is the one who was in business prior to my being elected a Councillor.

ASSESSOR (MR KRÜGEL): Is that Mischak? -- No Paul. Mischak is the one I refer to as an ex-minister of religion. No I am sorry not an ex-minister of religion but he is still a minister of religion.

MR BIZOS: I do not know if Your Lordship considers this a suitable stage.

COURT ADJOURNS FOR TEA. COURT RESUMES.

(30)

ESAU CHAKE MAHLATSI: d.s.s. (Through Interpreter)

MR BIZOS: We are indebted to Your Lordship for the opportunity to start a little later. A very senior police officer was good enough to come a long way for this purpose. Accused no. 6 is not in court at the moment, I think that he will join us in the near future if Your Lordship would allow us to continue in his absence.

COURT: Yes, will you inform me when he returns?

MR BIZOS: As Your Lordship pleases.

FURTHER CROSS-EXAMINATION BY MR BIZOS: Councillor Mahlatsi would it be correct to say that under the jurisdiction of (10) the Lekoa Town Council, the present jurisdiction of the Lekoa Town Council, there are no less than nine businesses in the Mahlatsi family? -- I do not agree with that.

How many are there, in the Mahlatsi family how many do you say? If there are not nine how many do you say there are? Excluding the bottlestores. We are talking pre- How many, if it is not nine how many is it? -- You mean during the time of the Community Council?

Please listen to the question.

COURT: The question is at present, as you stand there in (20) the witness box.

MR BIZOS: Excluding the bottlestores. -- I think there are about seven.

Well I am going to put to you there are nine but we will not argue about that and burden the record. Except for the Mtsulebo, M-t-s-u-l-e-b-o, Garage which was established in 1985 were the others established between 1978 and 1984? -- Yes that is true.

Now Mr Mahlatsi I am going to ask you to please tell us how many square metres of business premises are occupied (30) by businesses owned by the Mahlatsi family? How many square

metres, /.....

metres, more or less? You are an experienced businessman, just give us in metres or acres or any other way you want the area occupied by the Mahlatsi businesses? -- Well they are not calculated according to metres, they are only counted as businesses.

Did you understand my question? -- Yes quite well.

Please try and give us an honest estimate as to how many square metres or how many acres or how many square feet or any other measurement that you like that is occupied by the Mahlatsi businesses? -- I do not even want to try and give (10) you an answer to that because I have never tried to work that out.

Alright perhaps then we could just take one or two as an example and deal with it with a more difficult way. Let us take one that you have not yet mentioned, the Pule(?) Restaurant. What is the area of that? -- I do not know what the area is.

Well do you agree that it is a Mahlatsi business for a start? -- Yes it is.

How big is the stand on which it is on? -- I do not (20) know what the size is. I only know where the site is.

Now in relation to the size of this courtroom, the built portion of the area, is it at large, smaller, twice the size, three times the size? -- About the same size as the courtroom.

About the same size as the courtroom. Two hundred square metres My Lord?

COURT: I will not know Mr Bizos.

MR BIZOS: Twenty by ten metres. At least.

COURT: It might be bigger Mr Bizos.

MR BIZOS: Between two hundred and two hundred and fifty (30) square metres. -- I do not know what the size of this courtroom

is.

Yes but you can accept it from us that that is right. Now could you please tell us how much the Mahlatsi family pays to the Lekoa Town Council, the owner of the ground?

COURT: Just a moment Mr Bizos. Is this leased by the Mahlatsi family or is it leased by a member of the Mahlatsi family?

MR BIZOS: Well we could clarify that My Lord. Who is this ground leased by? -- By Pule Mahlatsi.

Who is Pule Mahlatsi? -- You have not seen him before so you do not know him. (10)

Yes. Thank you for being so careful. I hope you always are. How is he or she related to you? -- He is my half-brother because he is a brother to Paul.

Right. Please tell us how much the Mahlatsi that I do not know pays for the benefit of the Lekoa Town Council for this restaurant? -- I do not know, that concerns him.

Well you are the Mayor and the person who was on the trading committee for so many years, is it an A type of shop or a B type of shop or a C type of shop? -- It is a B type.

Oh it is a B type of shop. And was it built by the (20) Board, the Administration Board or the Development Board or the Council or was it built by Mr Mahlatsi? -- It was built by the Development Board.

Right. Now you as the Mayor who was elected to look after the interests of the people of Lekoa please tell us whether it ever occurred to you as to whether your half-brother was paying a proper rent to the Lekoa Town Council or not? Please tell His Lordship what that rent of that shop is?

COURT: The answer is Mr Bizos that he does not know what he pays. You have got your answer. (30)

MR BIZOS: Well may I rephrase the question My Lord? Did you

not, at the budget meeting during June 1984, as the first citizen of Lekoa try and find out whether this Mahlatsi was paying an economic rental or not? -- Well that is not part of my duty to find out whether people are paying rents or not. Whether it being a Mahlatsi or not.

COURT: I note that accused no. 6 is back in court and while I am speaking of a different topic should you get tired you are entitled to sit down. -- Thank you.

MR BIZOS: Was that, was the Pule Restaurant acquired whilst you were on the trading committee? -- No this was given by (10) the Development Board.

But was it not given in 1979? -- No.

When was it given? -- It is before the existence of the Community Council.

Who owns the Mahlatsi Butchery? -- Paul is the owner.

In relation to the restaurant is it a smaller or a bigger shop? -- It is small.

Do you know whether it is an A, B or C shop? -- It is an A.

Do you know how much, was it built by the Council or (20) the Board or was it built by the occupant? -- By the Board.

Yes. And how much rental is being paid for that, do you know? -- All the A sites businesses trading right fee is R122.

And is that the total benefit that the Lekoa Town Council gets for this? -- That is true except for the metered electricity and water.

Is the Tuxedo Supermarket a group of businesses? -- Well I know it to be a supermarket. I do not know what you mean by a group of businesses.

Well in the supermarket are there not sub-tenants doing(30) their own thing, like we have say somebody in the O.K. Bazaars

engraving names on pens and things like that, you know he is not part of the organisation as a whole but he is entitled to be under the supermarket roof in order to do his own thing?

-- No. All I know about which is business carried out in this supermarket is a butchery.

So it is a supermarket and a butchery? -- Yes.

Try and not to compel us to go and measure it but would you please tell us how many times bigger it is than this courtroom? -- I will be happy if we could go and take measurements there because I do not want to pin myself (10) down about some measurements.

Well is it much bigger than this courtroom? -- Yes it is bigger than this courtroom.

Try and tell us whether twice as big or three times as big or four times as big? -- If I remember well in estimation it can be four times the size of the courtroom.

Yes, so that is about a thousand square metres we will estimate, that if it is four times the size of the courtroom. -- I do not know in square metres.

Yes. Could you please tell His, was that built by the (20) Board or the Council or by the occupant? -- What I know is it was bought from the previous directors of the business.

The building, was the building erected by the Board or by the occupant? -- I do not have the historical background.
COURT: Now let us get clarity. What counsel actually wants to know is whether the building is privately owned or whether it is still owned by the Board? -- I am not certain but what I know is this that the present occupant bought the business from the previous owners of the business.

MR BIZOS: Who is the present occupant? -- Paul Mahlatsi. (30)

Is that an A, B or C type of shop, this approximately

one thousand square metres? -- Well that one will have two classifications, it falls under A and B.

And how much benefit does the Council get for this thousand square metres, either R64 or R122 or somewhere in between those two? -- Both, for the A type which is R122 and the B type which is R64.

Oh I see yes. Now as the first citizen of Lekoa did it ever occur to you that approximately twenty-five, or less than twenty-five cents per square metre for the rental of business premises where hundreds of thousands of people live is (10) ridiculous? -- No it never occurred to me.

It never occurred. I do not want to go through the list of the other seven or eight businesses Mr Mahlatsi but what I want to suggest to you is that you as the first citizen of Lekoa were there primarily for the benefit of the Mahlatsi family? -- There is no truth in that.

Well let us just examine the facts. You know that in the budget which is EXHIBIT AAT(2) on page 39.

COURT: Are your pages numbered?

INTERPRETER: My Lord I remember I gave my copy to the (20) witness Mr Louw and it was not returned to me. This is the one which was incorrect which was given to Mr Louw.

MR BIZOS: We have a numbered copy to expedite the proceedings.

COURT: Yes please hand him a numbered copy.

MR BIZOS: Will you please have a look at that and tell His Lordship what that means to you?

COURT: Which portion of the page?

MR BIZOS: The conclusion at the bottom. What does the figure of R52 750, what does that mean to you? And for the sake of clarity that has got a minus behind it. (30)

INTERPRETER: This is not the one, it is the wrong one.

COURT: The wrong copy?

INTERPRETER: A wrong copy, yes.

COURT: Yes hand it back. Let us have another one please Mr Bizos.

MR BIZOS: I am sorry My Lord.

COURT: Look at page 39. The heading at page 39 is "Stadsraad van Lekoa, Gemeenskapsdienste, Handelsgeboue". On the right hand side "Town Council of Lekoa, Community Services, Business Premises", do you have that? -- Yes.

Now at the bottom of that page you have on the right- (10)
hand side "Total Zone, Total section" and just next to it on the left-hand side R52 750 deficit". So what is put to you is you are asked to explain that, what does it mean to you? Would it not shorten the proceedings if you just tell him what it means Mr Bizos?

MR BIZOS: As Your Lordship pleases. But as to whether he understood this budget may also be something which Your Lordship may want to find out. What does it, does it mean anything to you? -- Yes what it explains here before me is that there is a deficit of that amount right at the bottom. (20)

For what activity of the Lekoa Town Council? -- In respect of the business premises.

Yes. Now have you ever heard of any owner of ground who has taken the trouble to build buildings on it collecting less for rent than he pays, the owner pays to maintain those business sites? Have you heard of any private owner, of any other Local Authority, or any Board, or any institution or any other type of body that has shown a net loss on the ownership of immovable property that it is letting out? -- Well I do not know of such. I have never heard about it either. (30)

But now as an obviously successful businessman Mr Mahlatsi

when you were busy increasing the rent of the people living in houses much smaller than the shops you occupy did it not occur to you that you should apply your mind to the question that far from there being a loss from the letting of business premises they should be considerable gains? -- I would like firstly to ask you to withdraw the statement of saying I am the one who increased the rents.

The question was whilst you were considering to increase the rent, but you have given me a number of other questions that I want to ask you. Please answer the question. -- I (10) am grateful if you now say we as a Council and not me as an individual.

Whilst you were considering the increase of the rentals did it not occur to you that you may not have had to increase the rentals as much or at all if you applied your mind to the increasing of the rent of business premises of which you and your family owned a substantial slice? -- That was mentioned.

Yes, by whom? -- From one of the Executive members.

Who? -- Paul Mahlatsi.

What did he say? -- What he said on that was we will (20) have to find another way of doing things, that is the procedure as such, as to what to do to businessmen instead of them paying the R122 and the other amounts according to classification.

Did Mr Paul Mahlatsi suggest that the amounts paid by the businessmen were not adequate for the rights that they had?

-- Yes he did make mention of that.

Your Lordship might have noticed that accused no. 22 is now with us.

COURT: Yes thank you.

MR BIZOS: Now did he say that they were ridiculously low? (30)

-- All he said these are not the moneys which are supposed

to be paid by businessmen.

COURT: Now this Paul Mahlatsi, is he a member of the Mahlatsi family? -- Yes he is a member of the family.

MR BIZOS: One of your cousins? -- Yes one of my cousins.

What was his objection, was it that it was too low and more should be paid or that perhaps less than what was being paid should be paid? -- He said this was rather too low, it is bound to be increased.

And was his proposal, did his proposal, was his proposal accepted at the Executive Committee meeting? -- No there (10) was a speaker who was against that proposal taking into consideration the businessmen in Sharpeville in opposing that.

I see. -- The speaker said should it be that the rentals in Sharpeville are being increased then the people there who are the traders are going to be affected because already they are being affected in business by the shopping complex or sector of Pick 'n Pay which is in the vicinity and therefore if their rentals were to be increased then it means they will have to stop business, or go out of business.

So did the Executive Committee finish up with a decision of "Oh same do not let us oppress the businessmen with high rentals"? -- No we did not finish up by saying "Oh shame".

COURT: Yes Mr Bizos I think if you contain yourself a bit it may avoid sounds from the public gallery and it may lead to the position where the public can remain in court.

MR BIZOS: As Your Lordship pleases.

COURT: The traders in Sharpeville, how many were they? -- There is quite a lot of them, there is quite a lot of traders in Sharpeville, they can be more than 200.

More than 200 traders. How many of them would you (30) say were affected by Pick 'n Pay? -- I will say all of them

were affected, they were going out of business.

MR BIZOS: How many shops closed down in Sharpeville during 1984? -- I cannot remember if there is any shop which was closed during that period. I have not received any report about that.

Or 1983? -- There are a few of the businesses which were in fact already suffering during that time. Their business was limping to an extent that they even formed partnerships in order to keep up the businesses, they did not close.

Do you know of anyone that went out of business at (10) all throughout Lekoa Town Council's area of jurisdiction during the period 1983-1984? -- Some they do not close, instead they hire the business to different people.

Do you know of any business that closed down? -- If I remember well there is one business which closed down.

One. Did anyone suggest well that it may be that there is a number of traders and Sharpeville which may require special attention but there is no reason why economical rentals in the true sense of the word, should not be paid in Sebokeng, in portions of Sharpeville that are not affected, in Zandela (20 and in other areas, Bophelong and Boiphatong? -- No one suggested that.

Why did you not suggest it? -- It is because I did not want to judge things according to segregation or different, give different decisions on the same facts. In saying this I mean saying that the other people will not have to pay that, that is the economical rent whereas I will be demanding it from the others.

Where is Sebokeng Bakery Mr Mahlatsi? -- That is in Zone 3. (30)

Zone 3 where? -- Sebokeng.

And in relation to the size of this court how much does it occupy? -- It is about one and a half the size of the courtroom.

And how much rent is being paid? -- I think it is an A type of business.

R122? -- Yes.

Who is it owned or occupied by? -- Paul Mahlatsi.

The very person who suggested the increase? -- Yes that is true.

Was he serious in suggesting that increase? -- Yes to (10) me he was.

Well if there were some reasons in the opinion of some that Sharpeville was suffering, or the shopkeepers of Sharpeville were suffering, why did you not take it up and say well that is no reason for having completely ridiculous rentals for Sebokeng? -- I have already answered that question.

COURT: How many businesses does Paul Mahlatsi have? -- Five.

So was he the biggest businessman on the Council? -- Yes he is the one.

And he suggested an increase in the rent? -- Yes that (20) is so.

MR BIZOS: Was there no one to support him on the Executive Committee? -- No nobody supported him.

And at the Council meeting on 29 June when the budget was being discussed? -- They did not make mention of that.

Did anybody raise the question of the increase of the rentals of the business sites? At the Council meeting? -- You mean on the 29th?

Yes. -- No.

Was there no discussion about the possibly increase (30) of business site rentals at all on 29 June? -- No no mention

was made.

The previous witness told the Court that he raised it by you said that the matter had already been

COURT: Which is the previous witness, which ...

MR BIZOS: Mhmohajane, the immediate

COURT: Mhmohajane, yes.

MR BIZOS: But that you ruled him out of order by saying that it had already been decided. -- That is not true. If I remember well when he arrived at this meeting it was very late, it was just before the meeting closed and therefore he did not (10) say anything in that meeting.

Well he did tell His Lordship that he was late but that he was only, he was less than half an hour late.

ASSESSOR (MR KRÜGEL): No less than an hour late.

MR BIZOS: No it was

COURT: He came between 18h30 and 19h00.

MR BIZOS: Yes, as Your Lordship pleases, before 19h00. That he could not have been more than an hour late, but the question of rent increases was still going on. Do you say that his evidence is completely incorrect? -- No he never spoke (20) in that meeting.

Right. Now do you know of any reason why Mr Paul Mahlatsi did not raise the same question at a Council meeting? -- No.

Was there any reason why you did not raise the question at the Council meeting of 29 June, that here was an obvious source of revenue? -- Well it never occurred to my mind that I should raise that.

Did you not feel as Mayor and as Chairman of the Council in full committee discussing the budget that you should bring to the attention of the Council as a whole suggestions (30) that had been made at the Executive Committee that would enable

the Council to more properly perform its function? -- No it never occurred to me.

Is it perhaps that uppermost in your thought was the unfortunate circumstance of shopkeepers and the difficult times they were going through? -- No it never occurred to me.

You see if shopkeepers were in fact living through difficult times was the Vaal Triangle in 1984 the worst hit urban area in South Africa in relation to unemployment?

COURT: Is the question clear to you? -- It is not clear.

The question is not clear Mr Bizos, it can mean that (10) the employees of the traders had been retrenched or it can mean that generally there was unemployment and that this was reflected in the income of the traders.

MR BIZOS: No well obviously then My Lord I failed completely because I meant neither.

COURT: Then you also had me guessing.

MR BIZOS: I am sorry My Lord. Let us start it from

COURT: Well why do you not merely ask an easy question. Was there a lot of unemployment in the Vaal Triangle?

MR BIZOS: Yes, thank you My Lord. -- According to the (20) newspaper reports there were quite a number of retrenchments from different firms in the vicinity.

Yes. There was a slump in the steel industry. -- I beg your pardon?

There was a slump in the steel industry? -- I would say I was aware of the fact that there were retrenchments.

Yes. But what I am going to put to you is that it was well known, and it should have been well known to you in June 1984, that the Vaal Triangle was in a very bad state as a result of a slump in the steel industry. -- I do not have (30) any statistics to say that that was the position.

And I want to correct what I put to you as my attention has been drawn, that it was not the worst in South Africa, the prize was given to Port Elizabeth but that the Vaal was close behind. -- I thank you for having acquired that information.

Now I do not want to read to you the complete list but are there not approximately fifteen very large employers in the Vaal Triangle in the steel industry? -- It is possible.

Yes. And each one of these large employers had retrenched workers?-- Yes that is true.

And would you agree that generally speaking the plight(10) of a family man who has been retrenched is generally speaking much worse than any difficulties that may be faced by businessmen? -- Well face value, yes. But one would not know how much the other person has financially in his name.

Yes. How long did the meeting which passed this budget on 29 June last? -- I do not quite remember exactly but I estimate an hour and some minutes.

Well there could not have been any serious debate if that is all it lasted? -- I take it the defence will understand one thing that here is a budget put before these people and (20) they are happy about it, they have accepted it and mine is now to just to take that it is accepted and the meeting is being closed and then close the meeting. I do not have a reason to keep it longer.

I see. Was it mentioned to the members of the Council that in these figures on EXHIBIT AAT(2) fifteen percent of the income of your Town Council was going to go to the Board as an administration fee? -- I do not remember that being mentioned, nor did I personally make mention of that.

Did you know it? -- Yes I knew about that. (30)

Well as the Chairman did you say to the members of the

Council "Gentlmen built in in these figures, although it nowhere clearly appears, there is a fifteen percent administration fee payable to the Board"? Why did you not explain this to the councillors, the elected representatives should know that there was this fifteen percent in it? -- Well I thought they know.

You thought that they knew. Where does it clearly appear to a person who is not a qualified accountant and who has not done lots of calculations that there is a fifteen percent administration fee being paid to the Board? Where does it (10 appear on EXHIBIT AAT(2)? -- This budget is big and what I can tell the Court is I remember pertinently a certain document which was separate from the budget from the Town Treasurer which was explaining in details pertaining to the fifteen percent, as to what happens to the fifteen percent, what is it paid for.

You are sure that there was such a document? -- Yes I am quite sure.

Now you see we have had the Treasurer giving evidence before His Lordship and he told us that there was indeed (20) a document before the Council, AAT(3), called "Budget Report for the Financial Year 1984/1985" and I want to assure you there is nothing there pointing to this fifteen percent and I want to tell you that the treasurer's answer to a similar question was if he had to put that sort of detail on the report it would be too long.

ASSESSOR (MR KRÜGEL): Could we just get some clarification here please. Mr Mahlatsi this fifteen percent, what does that, what is that being paid to the Board for? -- I will explain it as follows: It started during the time of the Community(30) Council as I already earlier explained that the Community

Councillors will take a decision on a point which will have to be carried out by the Development Board. In other words what I am driving at is when we took over as a Council there was already a machinery by the Development Board

What you call an executive machinery? -- Executive machinery which we did not have at the time when we started.

And did the Town Council of Lekoa need this executive machinery? -- Yes to an extent, what I am going to say is this, while we were still organising our own executive machinery some work was to go on and therefore we had to make use of the (10 executive machinery, that is where this fifteen percent went to.

Alright, now it boils down to this that the Board either did work for you or supplied the work force to you as Lekoa Town Council? -- They were doing the work, we were just to give them the work to be done and then they would do the work. That is the Board.

Now what sort of work are you talking about? -- They had a treasury department, electricity department, and everything. At that time we had just chosen our departmental (20 heads in respect of those particular departments I referred to. What I mean is they had not yet completed getting the staff to do the work in those departments.

And that work was being done for you by the Development Board? -- That is true.

So Lekoa Town Council had to pay for the work anyway? Whether it was done by their own staff or by an outside agent like the Development Board? -- That is true.

And the exact figure of fifteen percent, was that an arrangement, a preliminary arrange, what type of arrange- (30 ment was it? Was it negotiable or reviewable? -- It was

discussed. In fact the negotiations were made that what is going to happen is each time one of our departments is fully staffed to carry on the duties which were being done by the Board then they are going to decrease or the agreement was that we are going to reduce the fifteen percent to a lower percentage to be paid over.

COURT: So the fifteen percent was provisional for the coming year on the basis that you would not be fully staffed but should you become fully staffed the fifteen percent would fall away? -- That is true. (10)

MR BIZOS: Mr Mahlatsi let me see whether you have given the Learned Assessor the complete picture. You say that you were paying, that the Council was being debited, the Community Council was being debited fifteen percent before it became a Town Council? -- Yes according to the report they were debited.

No, no the question is when it was still a Community Council and not a Town Council were they then debited by fifteen percent? -- During the time of the Community Council an amount equivalent to fifteen percent was being paid over (20) to the Development Board.

But now the employees that were being paid to do the administration were during that period paid by the Board? Not so? -- I believe so, yes.

Yes. Well when you say you believe so did you not know? -- Because I do not want to bind myself and say they were being paid from that side.

Yes. But as from the beginning of 1984 you had taken over fifteen hundred of the employees of the Board which you were going to pay, whose salaries you were going to pay? (30) -- That is true.

That is true. And you in fact went on public record to that effect on 10 July 1984 as appears in AAQ(21)?

COURT: AAQ(21)?

MR BIZOS: Yes would you read that to yourself. It has already been read into the record. Would you read that to yourself and tell us whether that is a report which appeared on 10/7/84 and it quotes you? -- Yes I see what is written on this piece of paper.

Well it is a cutting from The Star of 10 July 1984. Did you see it published shortly after that date? -- Yes I did (10) see it after some time.

You did see it? -- Yes I did.

Well, and you are there on record as having said that you took over one thousand five hundred employees from the Board and that you had to pay them?-- Though it is not in this report when I was talking to this reporter about this article I said the people referred to as one thousand five hundred who are being transferred to the Council are the people who are in fact doing the work for the Council already while being under the Board. All that is happening is they are (20) being transferred as being employed by the Council.

Yes. Included in that one thousand five hundred must have been a number who were doing the administrative work that the Learned Assessor referred to when he was asking you questions?

C186 -- No they are not included.

They are not included. Well did not Mr Louw help with the administration before he became Your Town Clerk and you agreed to pay his salary?

COURT: Just a moment Mr Bizos. When Mr Louw became Town Clerk he acquired a different function from what he had (30) had previously and he was not previously employed only for

the Lekoa area but for the whole area of the Board. I do not think it is on a par.

MR BIZOS: Well My Lord I will amend the question. Did not Mr Louw do some work for the Community Council before he, you changed to a Town Council and appointed him your Town Clerk? -- I cannot recall him doing some work.

Did not the officials at Houtkop do work for the Community Council before you became a Town Council? -- That is why I said in my explanation earlier that the decisions taken by the Community Council were being referred to the Administration(10) Board for to be carried out. As to who was doing that within the Board I am not in a position to tell.

When you were considering this budget Mr Mahlatsi you knew that fifteen percent of Lekoa's income was being credited to the Board for administration, that is your evidence? -- I have already answered that question.

Yes. When you came to pass this budget which you knew to contain a further debit to your Council of fifteen percent of its income to the Board did you not realise that some of the people who were doing administration work for the (20) Community Council before had now become seconded to your Town Council and you were paying their salaries? -- I understand the question quite clear but now I would like to get clarity here. Which are the people that are being referred to as those that we have been paying them now at this stage?

COURT: Are you referring to the White officials seconded?

MR BIZOS: Well I would like to think that there must have been some Black people involved in administration as well.

COURT: Because you must, no the evidence is that the Black workers were taken over holus bolus immediately that the (30) Town Council started and their salaries were paid by the Town

Council. For pension purposes and so on the White workers were not taken over holus bolus immediately, that was deferred pending arrangements and in the meantime they were seconded and they had to be paid and money was to be paid to the Development Board to do that.

MR BIZOS: My Lord could I get some clarification from the witness on this? Who paid Mr Louw's salary in July 1984? -- In explaining that I would say the Town Council was paying him.

Who was paying the other White employees that were (10) doing the work of the Town Council? If we must put it that way how many cheques were signed for White employees of the Lekoa Town Council from the funds of the Town Council? -- That I will not know.

Well we do not want the precise number. More or less? -- I would not know that.

Well let me confine myself to this. If you did not know did any of the councillors who voted for this budget on the recommendation of your Executive Committee consider that you were paying the salaries of the White employees but you (20) were, you continued paying the fifteen percent administration fee to the Board?

COURT: But that is not correct on the evidence we have. If they did consider that then they had an entirely wrong impression.

MR BIZOS: My Lord but the witness has told us that, taking Mr Louw as an example he says that he was being paid by the Council.

COURT: Well we had the accountant here and he was asked these questions and I think he was in a better position. If this (30) witness is mistaken he is mistaken. You can ask him these

questions but where will it take us?

MR BIZOS: His understanding of this budget and the councillors understanding of this budget, the State has put this evidence before Your Lordship and one assumes for a purpose and that the purpose was that this was a carefully thought out budget by the Council for the benefit of the people of Lekoa as a whole. If it appears from the evidence of the Mayor that this was not the perception, or questions were not asked, then the inference that the State is asking Your Lordship to draw then is not to be drawn. This is the purpose of the questions. (10)

COURT: Will you repeat your last question?

MR BIZOS: I have difficulty in remembering its precise terms.

COURT: I had an objection against your last question because that question pertained to the perception of other councillors and I have no knowledge that this witness knows what these other councillors thought if it was not discussed at all.

MR BIZOS: As Your Lordship pleases. My Lord may I amend that question?

COURT: Yes.

MR BIZOS: Did you, either at the Executive meeting or (20) at the Council meeting, apply your mind to the question that there may be a hidden percentage in favour of the Board in view of the fact that your Council was going to pay the salaries of the employees anyway? -- It did not occur in my mind to think about that, as to whether the Board was having a hidden percentage which was being used in the benefit of the Board.

Did you question the percentage, as to whether it was a fair percentage or not? -- Not in this particular meeting of the budget. (30)

COURT: Was it considered previously? -- Yes it was.

MR BIZOS: By who? -- I questioned that.

Yes, where? -- In a meeting, that is the meeting which was held in reference to the document I referred to here saying it was explaining in detail as to what the fifteen percent was paid to the Board for, for what services.

Yes, please accept that that document does not speak about fifteen percent.

COURT: Just a moment Mr Bizos. The document you placed before the Court, AAT(3), is a budget report for the financial year placed before I think the whole Council by the Town (10) Treasurer. This witness is now speaking of a different document placed before him or the Executive Committee, or both, at a previous occasion. So you have not clarified with the witness that this is the document he is speaking of.

MR BIZOS: Right. You have seen AAT(3). Is that the document that you have previously told us contained the reference to the fifteen percent? Or was it another document which had the fifteen percent expressly stated therein? -- It was a document wherein a clear discussion was made pertaining to the fifteen percent, only the fifteen percent and nothing more. (20)

Oh and nothing more. Was that at the Executive Committee meeting? -- It was not in an executive meeting, it was in a meeting where we had a meeting with the Development Board.

Well did you argue with the Development Board that the fifteen percent was too much? -- That is true.

Because did you think that it was too much? -- That is true.

Were you accompanied by other councillors when you said that it was too much? -- Yes I was in the company of other councillors. (30)

Which councillors were you accompanied by when you

argued that the fifteen percent was too much? -- If I remember well Modijwa, Councillor Modijwa.

COURT: How do you spell it? -- M-d-i-t-s-h-w-a.

Yes thank you.

MR BIZOS: Anyone else? -- Councillor Nzunga.

Anyone else? -- Councillor Ramagula.

Yes? -- If I remember well only the four of us attended this meeting.

Please tell us the reasons that you advanced for thinking that the fifteen percent administration fee was too much? (10) -- What I said to them is I cannot understand, nor do I understand really what kind of services are being paid for with the fifteen percent.

Yes, and did you have the support of your fellow councillors in this? -- Yes I did.

And was an explanation given to you? -- Yes there was. They did give an explanation to that and even added by saying "I you are not satisfied" - meaning that if we as a Council are not satisfied we can do that work ourselves, which is take over the services ourselves. (20)

Take over the administrative, administration? -- Yes.

But now was this discussion referred to a Council meeting so that the Councillors as a whole....

COURT: No before we get to that were you satisfied with the explanation of how the fifteen percent had been arrived at? -- Yes I was.

And your fellow councillors? -- They were also satisfied.

MR BIZOS: What was the explanation? -- I would not remember exactly all the details which were given but what I can remember is this for instance the Department of the Town (30) Treasurer, the work that is being done by them, and all the

other departments administratively are the services referred to which are being paid for by the fifteen percent.

But did you not ask the question but why cannot this work, or some of this work, be done by the people who are going to be seconded to us and whose salaries we are going to be paying anyway?

COURT: Mr Bizos you have got it wrong again. The people who were going to be seconded were still going to be paid out of the fifteen percent.

MR BIZOS: That is not the witness's evidence My Lord. (10)

COURT: That is the previous witness's evidence.

MR BIZOS: No My Lord I am dealing

COURT: The expert.

MR BIZOS: My Lord I am dealing with this witness's evidence.

COURT: Yes go ahead Mr Bizos.

MR BIZOS: Did you not, if that was your understanding did you not raise the question "But why must we pay an administration fee and the salaries of the people that are going to be seconded to us"? -- The reason is that at that stage we did not have anybody seconded to us to do the work, that is why (20) I earlier said it was going to be reduced until we get finished with the fifteen percent in due course, that is when we get enough people to do the work in our Council.

But if that was so by June when people had been seconded it was no longer necessary to budget for fifteen percent administration fee? -- The Town Treasurer drew my attention to that when he said to me he is still working out the figure as to how much money will that now work out after these people had been seconded to us.

You have now read EXHIBIT AAQ(21). (30)

COURT: That is the article in The Star?

MR BIZOS: Yes. Now you, did you tell the reporter what appears in this report? -- No.

No? -- Some are not what it is, in fact it is not a correct version.

It is not a correct version? -- That is true.

Yes. And did you shortly after you saw the report write a letter to the paper or telephone to put the record straight? That you were mis-quoted by this reporter? -- I did phone The Star offices trying to trace the very reporter whose name appears on this report. (10)

And did he correct the report that appears on this newspaper? -- Unfortunately I could not find him.

Oh. Well did you speak to the Editor or the Sub-Editor, anybody? -- No I did not.

You left it? -- Yes because I wanted to speak to the person who reported about this.

The public perception, the public perception as a result of this report as to the reason why the rentals were being raised appears in the last four paragraphs of AAQ(21).

COURT: I do not see any public perception in these paragraphs. That is a statement of what he said. (20)

MR BIZOS: Yes. No the public perception created as a result of what he has said.

COURT: It does not appear from the paragraphs.

MR BIZOS: I was trying to take a short cut without reading it out but I will obviously have to.

COURT: What counsel is putting to you is that the last four paragraphs of AAQ(21) would have created a certain picture in the minds of those who read it. Agree or disagree? -- No I do not agree because nobody ever approached me pertaining (30) to the statement which was made in this report.

MR BIZOS: Do you say that a public statement in a newspaper with a large circulation that the reason why R6 increase in the rent was necessary in order to pay the employees taken over by the Board, sorry from the Board, would not have created the public perception that the increase was needed in order to pay wages for people taken over? -- As I have already said nobody ever confronted me about this, even at the meetings that I held after the statement referred to here, nobody ever confronted me about this report.

COURT: Mr Bizos is this a convenient time for the adjourn- (10)
ment?

MR BIZOS: If Your Lordship pleases.

COURT: We may do well after the adjournment to determine first of all with which parts of this report the witness agrees and with which he does not agree before we start on the perception.

COURT ADJOURNS UNTIL 14h00. COURT RESUMES.

C187

COURT: Mr Bizos I must apologise for starting late. I was approached by Mr Baslian, counsel who is appearing in the case of The State versus Tsietsi Mokele in front of (20) Regional Magistrate Mr Polman and he approached me with the view of lifting the embargo on the in camera evidence of in camera witness no. 6. I place on record that I granted him leave to see the evidence at Volume 5 page 278 and 279, Volume 8 page 428, 429 and 433, Volume 10 page 506, 507, 508 and 509 on the basis that the name of the witness is blotted out in the document he sees and that any copies that he makes of that evidence will only be made available to himself and to the Court.

MR BIZOS: As Your Lordship pleases. There is a code and (30)
I will see to it that Your Lordship's order is carried out.

ESAU/.....

ESAU CHAKE MAHLATSI: d.s.s. (Through Interpreter)

FURTHER CROSS-EXAMINATION BY MR BIZOS: May I indicate to Your Lordship that Mr Molefe, accused no. 19, has been taken to hospital. There is nothing untoward about it, this morning's visit ought not to have taken place, it was a mistake about the time.

COURT: What does one call this case, the hospital run?

MR BIZOS: As Your Lordship pleases. Mr Mahlatsi His Lordship suggested that I should ask you what portions of AAQ(21) are true and what portion is partly true or untrue or what (10) you confirm and what you do not. Now can we just go through it quickly. I will read it paragraph by paragraph and you can please tell me whether you said this to the reporter or not.

"The Lekoa Town Council near Vereeniging has accepted the transfer of about 1500 Black and White employees from the Orange-Vaal Development Board." Is that correct, did you say it? -- Yes I did.

"The Council has also agreed to carry the financial responsibility with the result from the transfer of the (20) workers said the mayor of Lekoa Mr Esau Mahlatsi." Is that correct? -- No that is not correct.

Yes, what is wrong with it? -- We did not discuss the question of money or finance involved in the whole thing.

Not at all? -- No.

So you say that that paragraph, nothing contained in that paragraph was said by you? -- As I have already earlier explained to the Court what it is that I discussed with this reporter, this is not what I said.

Is everything contained in that paragraph something (30) that you did not say? -- That is true.

The next paragraph, "The Orange-Vaal Development Board last week announced that a total of 17 000 employees who had been on the Board's payroll would be transferred to the different councils falling under its jurisdiction." Well that is not attributed to you so you do not have to comment. "These include councils in the Vaal Triangle, Kroonstad and Bethlehem", well we do not have to ask you about that. The next paragraph "Announcing the Lekoa Town Council's acceptance of the transfer of the workers Mr Mahlatsi said that the new employees would not be a financial burden on the (10) Council which he said was on a sound monetary footing." Did you say that or any portion of it or did you not say any of it? -- That is what I have said. But I have not said the Council is on a sound monetary footing.

Oh I see. So that part of it you did not say. Right, thank you. "Referring to a recent Council decision to increase house rents by an average of R6 Mr Mahlatsi said that this was necessary because of the need to engage new staff since the change over from the Community Council to a Town Council." Did you say that or any portion of it? -- When this reporter(20) came to me he had information about the increased rent, that it was going to be increased with R6. Therefore I did not in fact disagree with him on that. But I did not say that this R6 was meant for the payment of the staff which was going to be transferred.

Well you say that up to R6 is correct, but thereafter it is incorrect, you did not say that? -- On the face of it let us accept that he is the man who came and spoke about the R6 to me, it did not come from me voluntarily starting to mention the R6 but it came with him. (30)

We understand that qualification and we thank you for it

but/.....

but is, except for the fact that he asked you about the rent increase do you say that everything else in that paragraph was not said by you? -- No.

Right. "He said the Council had to employ senior staff members, such as Town Clerk, engineers, technicians and professional people in the treasury department." Did you say that? -- Yes that I did say, that of the people that were going to be transferred we will include the senior officials as set down there who will belong to us.

Did, does the paragraph as it stands correctly reflect (10) what you told Mr Mtula? -- Yes that is what I told him.

And the final paragraph, "This is the only reason for increasing rents on Council rented houses said Mr Mahlatsi"? Now did you say that or not? -- No that one is not from me, I did not say that.

Now let me understand what you are saying Mr Mahlatsi, are you saying that you had no questions put to you about the financial position of the Lekoa Town Council? -- I believe I have answered that question.

No. No you have answered the question that you did not (20) say what appears in here. The question is do you say that you were not asked any questions at all by this newspaper man about the finances of the Lekoa Town Council? -- What I said here was the discussion which took place between me and the reporter is what I explained pertaining to this paragraph which I take the Court must have noted down.

You know Mr Mahlatsi, with due respect, try and come to terms with the question. Are you saying that no questions were asked of you at all by this reporter in relation to the finances of the Lekoa Town Council? Forget about the (30) report, whether he reported it correctly not. The question

is did he not ask you any questions about the financial affairs of the Lekoa Town Council? -- No he did not.

And he did not ask you for what purpose the increase in rental was going to be used? -- No he did not.

And without asking you any questions about these matters he must have thought up the words that he attributed to you in his report? -- Yes that is what I think happened here.

Very well. Because I am going to put to you that this is a correct report of your words. -- I am happy to learn about that. (10)

Well, good. If it is a correct report you are now realising, are you not, that if this is accepted as a correct report much of your evidence is incorrect? Certainly in relation to the reason for the increase and your perception of it? -- Pertaining to the increase on rentals he is the man who came and told me about a figure with which the rentals are going to be increased and in fact what he came to me for was pertaining to the transfer of the 1500 workers.

You have a vivid recollection of this interview? -- I do remember some of the things though it is long back (20) that this happened.

Well are you saying that he asked you no questions whatsoever in order to try and find out how the Lekoa Town Council was going to pay for these 1500 people? -- It is explained here, what is contained in this paragraph explains that, that is the paragraph beginning with "Announcing the Leko Town Council's acceptance of the transfer". That is where I said this paragraph is correct, it is correctly reported here except for this portion where it is alleged that I said the Council was on a sound monetary footing. (30)

I will ask for the last time, have you a distinct

recollection/.....

recollection that he did not ask you any questions whatsoever as to where the money was going to come from to pay for these 1500 employees' wages? -- Now I understand your question. I have already said that I did explain that to him.

What did you explain to him, how would the money come in in order to pay these 1500 employees? -- What I said to him was with reference to the people who are going to be transferred who were already being paid either by the Community Council or the Town Council, there is no additional burden about their being transferred because they are on the pay- (10) roll of the Council.

I see. Let us ask you this, did he not bother to ask you as to what the R6 was going to be used for? -- No he did not. He was in a hurry.

He was in a hurry? -- Yes immediately after confirming about the increase of R6 then he was in a hurry.

COURT: Where was this interview, in the passage or in your office? -- In the office, if I remember well it was in the office.

MR BIZOS: Oh you do not remember precisely where the (20) interview was? -- I remember that we were in the office.

In your mayoral office? -- The office I am using as the Mayor.

Yes. Now you see during July 1984 did you want to give the people of Lekoa the impression that a new dawn had broken for them since the Town Council was no longer tied to the Development Board? -- Not unless you remind me where in July was that.

Yes. Were you giving interviews to various newspapermen trying to tell them, persuade them and hope that they (30) would publish information which would show to the people in

Lekoa that they would be better off under the Town Council than they were under the Development Board? -- No I never had any press conference with the newspaper people.

No I am not talking about a newspaper conference, I am talking about giving individual interviews to newspapermen and women? -- I would like to refresh my memory in order to understand exactly what is it that is being put to me.

Yes. Please have a look at an article which appeared in The Sowetan on 31 July 1984. Do you recall giving an interview to Mr Stan Mhlongo? You do not have to read it at the(10) moment, just answer that question. -- I met that person on many occasions.

Many occasions. Did you tell him to correct his report, the one of 31 July 1984? -- I do not know because I have not read this report.

Oh I see. But do you recall ever having to take matters up with Mr Mhlongo for misquoting you? -- Yes on many occasions.

On many occasions. Before 31 July? -- Before the 31st and even after the 31st.

And even after the 31st. Right. Let us have a look (20) whether he got it right this time or not.

COURT: Before we do that what exhibit number do you want to, do you want to hand it in first of all?

MR BIZOS: As your Lordship pleases, I was just looking

COURT: AAQ(27).

MR BIZOS: Now let me just read this to you. "More than 130 000 Vaal families are to pay R50 deposit for an electrification scheme to bring power to their homes, it was announced in a meeting called by the Lekoa Town Council in Sebokeng at the weekend. The R50 demanded for bringing (30) electricity to the entire Vaal community, including areas

like/.....

like Sharpeville, Boiphatong, Bophelong and Sebokeng comes in the wake of R5,50 increases in rentals which are expected to become effective on September the 1st pending an application made by the Council to the Department of Co-Operation and Development for rentals to be increased. The Mayor of Lekoa Council Mr Esau Mahlatsi said 'the eviction of residents who are in arrears with rental is now answered with a shortage of housing. We cannot enhance the suffering of pensioners by evicting them from their houses as happened in the past (10) when the elderly Black people were frustrated and oppressed(10) under White Administration Boards. Pensioners found themselves, often found themselves in the streets after preference had been given to their young lodgers who are able to pay rental' said Mr Mahlatsi." Now let us deal with the last three paragraphs of this report. Did you say the things contained in those three paragraphs directly attributed to you?

COURT: Those two paragraphs. Under the heading suffering?

MR BIZOS: The eviction of residents My Lord, the one above the suffering. (20)

COURT: Well let us number the paragraphs. The one paragraph starting with "More" is no. 1, the one starting with the "R50" is no. 2, the one starting "The Mayor" is 3, under the heading suffering "We cannot" is 4 and "Pensioners" is 5. Now you are referring to paragraphs 3, 4 and 5. Have you numbered your paragraphs on that exhibit please?

MR BIZOS: Yes paragraphs 3, 4 and 5, the last three paragraphs. Are you correctly recorded

COURT: Just a moment, it seems to me the numbering is wrong. Do you have five paragraphs now? -- It is five. (30)

Yes right.

MR BIZOS: Paragraphs 3, 4 and 5, are you correctly reported there Mr Mahlatsi? -- The sense in the wording is what I said, though of course it is not complete.

But insofar as it says what is it says, do you agree that that is what you said? -- Yes I agree, these are the words which were uttered by me.

Do you agree that these words tend to suggest that you intended to administer Lekoa, the Lekoa area, better than it had been administered by the Administration and/or Development Boards? -- I do not think that was the aim in my making (10) this report to the interviewer.

Was it your belief that people were frustrated and oppressed under White Administration Boards? -- At the time of making this report we had long left the Administration Board because you will remember that after the Board it was a Community Council, then a Community Council after that was the Council which is now presently in existence.

Was it your view when you made this statement that the people were frustrated and oppressed under the White Administration Board? (20)

COURT: Add the words "in the past" then the translation will come through better.

MR BIZOS: Yes, in the past. That they had in the past been frustrated and oppressed? -- Yes that is true, during that time the treatment was not a pleasant one to the aged.

Yes. You see the reason why I dealt with this report at this stage Mr Mahlatsi is that I want to suggest to you that during July 1984 you were giving out to the public through newspaper interviews, among other things, that all was well with the Lekoa Town Council. -- No that was not my per- (30) ception.

Not your perception. And that you, as the mayor, if what is contained on AAQ(21), The Star report, is correctly reported gave a clear impression, gave a clear impression that the rent increase was because of the transfer of these employees and more particularly the Whites? -- I believe I have already denied that.

Yes. Tell me have you ever worked out, if we leave out the engineers, if we leave out the technical people, have you either as Mayor or as Chairman of the Executive Committee, or as the Chairman of the Council as a whole, how many people (10) are involved in administration? That is not with technical services, just doing office work so to speak? -- I will not remember exactly in a number as to what the number is now but in the organic gram of the Town Council it is shown there how many clerks are there, how many township managers etcetera.

Right. Did anyone at the meeting of the 29th, the budget meeting, say we do not need so many seconded or even non-seconded administrators, we are going to cut the wage bill of the administration people by ten percent or fifteen percent or seven percent, did anybody suggest that?(20) -- No nobody ever said that.

Well let me ask you why did you not raise it at the budget meeting of the 29th and say instead of raising the rent let us try and see if we cannot get rid of a percentage of these administrative people? -- It never occurred in my mind but as I will put it now according to the planning there we did not want to interfere with the work which was being carried out, that is the services which were being carried out.

COURT: Were you under the impression that you were over-staffed? -- No.

(30)

MR BIZOS: Well did you conduct any investigation to find

out/.....

out whether you were? -- Without it being an investigation but we became aware of the fact that there are certain vacancies which have up to now not filled up.

COURT: Sorry what was the last answer? -- Without saying this was an investigation it happened that we discovered that there were certain vacancies which up to now has not been filled up.

MR BIZOS: You mean vacancies which occurred after this budget meeting, or before? -- Those are vacancies which are there on the structure of the Town Council, that is vacan- (10)
cies for people who are to be found to fill the vacancies for the Town Council to function properly.

Would you agree that the 300 000 people living in Lekoa do most of their shopping in Vereeniging and Vanderbijlpark? -- Well they go to town daily.

Have you no idea as to whether most of their shopping is done in the two towns I mentioned? -- I do know that they buy from the two towns, but because of my having not had any investigation about that I do not know whether they do most of their shopping in these towns. (20)

Would you agree that the rateable value of the properties in those towns is substantially increased as a result of the buying power of the people in your area? -- No that I do not know.

Did it not occur to you to ask either those towns, well to ask those towns for any form of subsidy as a result of the people under your jurisdiction doing their shopping in the towns? -- No I have not done that. And I have already told the Court that I did not do any investigations to verify that, whether my people buy mostly from the two towns. (30)

Now do you agree that the selling of liquor, generally

speaking/.....

speaking, is a particularly profitable business? -- What kind of liquor?

Intoxicating liquor if you want its legalistic, you know what liquor means when we use it?

COURT: Well hard liquor or soft liquor?

MR BIZOS: Hard liquor. What is your problem with the question? Do you not understand what I am talking about? -- Well it is because I am trying to understand the question before answering the question.

I see. Or is it perhaps that the question of the (10) bottlestores is so embarrassing that you think I might ...

COURT: Mr Bizos let us stick to the question now. You can have your argument later on.

MR BIZOS: Right. Tell me do you agree that the selling of hard liquor is a particular profitable business? -- Well I have not yet worked it out but I know that there is a lot of money in profit involved where there is liquor selling.

Yes. Would you please have a look at document AAQ(25). That is an extract My Lord. Your Lordship has been given the, it is on page 338 and page 455 the last page. Page 338(20) for a start.

COURT: These are the Minutes of the 9th Ordinary meeting of the Town Council of Lekoa held on 23 October 1984.

MR BIZOS: Thank you My Lord. You see that a motion was moved there which was ruled out of order as having no bearing on the Town Council of Lekoa. Do you see that, on page 338? -- Yes I can see that motion there.

Did you rule it out of order? -- That is so.

The Town Clerk told us that you ruled it out of order because if you have a look at page 455 it is addressed to the(30) Lekwa Town Council and not as it should have been, according

to/.....

to you, to the Town Council of Lekoa? Do you remember that?
-- Well I do not know what the evidence was by the Town Clerk pertaining to this but what I can tell the Court is my ruling out of this motion was not because of the wording as it is being put to me now here.

Why did you rule it out of order? -- In terms of Section 34 34 of the Standing Orders it entitles me to rule out the motion whenever I deemed fit that the motion has got no bearing to the agenda or to what is being discussed at the time. In this case the phasing out of the liquor outlets it was something(10) outside the ambit of the Lekoa Town Council. On those grounds then I said this motion is being ruled out, it had no bearing in this that we could not discuss it.

Tell me are you serious in that answer? -- Yes I am.

Will you please turn to page 266 of the Minutes and have a look at item 7.11

COURT: Just a minute Mr Bizos, of these Minutes or other Minutes?

MR BIZOS: It is a different set of Minutes from 17 July My Lord. (20)

COURT: Well let us then get the correct exhibit number and the date.

MR BIZOS: I beg Your Lordship's pardon, AAQ(24).

COURT: Has the witness got it? -- Yes we have got it.

These are the minutes of the 7th Ordinary Meeting of the Town Council of Lekoa on 17 July 1984.

MR BIZOS: Please have a look at page 266, "Resolved that subject to the approval of the Department of Co-Operation and Development the tender Contract no. 15/102/83 for the selling of the following liquor outlets be accepted." Is this not (30) a resolution of your Council? -- Just look at 7.10 first

before/.....

before asking that question.

No, is this a resolution of your Council or not? -- We only resolved on a principle to sell.

Is 7.11 a resolution of your Council, as is 7.10 that you have referred me to, are they resolutions of your Council? Are they resolutions of your Council? Yes or no Mr Mahlatsi? -- Yes I can see these are the resolutions of the Council if I remember.

If they are

MNR JACOBS: Edele kan hy hom 'n geleentheid gee, ek sien (10) hy wil iets sê en dan val mnr Bizos him in die rede.

COURT: Yes Mr Bizos let us get the explanation and then you can tackle him on the explanation.

MR BIZOS: As Your Lordship pleases. -- The wording is in fact what is creating the problem but otherwise it is a resolution by the Council. In addition to that when this report came it was a report from the Development Board wherein they requested that the tender contracts must be accepted on which we said we cannot resolve on the tender contracts pertaining to bottlestores on which we had no power. Hence (20) the resolution by the Council then that it is whether we resolve about them being sold or not.

COURT: That is 7.10. But then why did you include 7.11? -- This one was included by mistake.

MR BIZOS: Right.

COURT: Will you conclude this part of the cross-examination within the next minute?

MR BIZOS: No My Lord but there is just one question that I want, one or two questions.

COURT: Yes.

(30)

MR BIZOS: You ratified these minutes on 21, it looks like

August, it is not very clear, on page 269. Is that the mayor's signature on page 269? -- Yes that is my signature.

Yes. Was it a mistake to ratify them as well? -- No.

I see. You see what I am going to put to you Mr Mahlatsi is this that you and your fellow councillors resolved on 17 July 1984 to accept a scheme which would benefit particularly the Mahlatsi family. -- Well if that be what you are putting to me then I would like to draw your attention to the fact that you are sort of swearing at me because there is no such a resolution which was taken. (10)

Well I am going by the Minutes from page 266 to 269, that is your own Minutes that are swearing at you if it is any swearing. Before we adjourn could you please tell us of the bottlestores scheduled at the bottom of 266 to the middle of 267, how many or in how many of those bottlestores have the Mahlatsi family either a direct or indirect interest? -- Those mentioned in zones, plus the one Vuka.

Is that six?

COURT: Well now just a moment. The witness mentioned 3, 7, 12, 13 and 14. (20)

MR BIZOS: Yes and Vuka.

COURT: He skipped 11, so it is not in all the zones? -- Yes I skipped 11.

So it is 3, 7, 12, 13 and 14 and then we have Vuka at the end? -- Yes.

MR BIZOS: So six liquor outlets were to be acquired by the Mahlatsi family? -- I do not know whether they were to be acquired by the Mahlatsis.

Well you have told us that those six ... -- Well I was asked to count the bottlestores which had a bearing to the (30) Mahlatsi family.

Yes./.....

Yes. Well perhaps with His Lordship's permission ...

COURT: Mr Bizos you are over your time.

MR BIZOS: Yes My Lord.

COURT: I am going to adjourn now.

COURT ADJOURNS UNTIL 11 APRIL 1986.