

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

Ass. 2

SAAKNOMMER: CC 482/55

DELMAS

1986-04-29

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRÜGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 73

IN CAMERA

(Bladsye 3861 - 3924)

HOF HERVAT OP 29 APRIL 1986.

MNR. FICK : Die Staat wil 'n getuie roep. Die Staat wil vra dat hierdie getuie se getuienis in camera gehoor word. Ek vra dat die Hof vir die doel ontruim word.

HOF : Om te besluit of hierdie getuie se getuienis in camera aangehoor sal word, word die hofsaal ontruim deur die publiek en dit geld vir die pers ook.

HOFSAAL WORD ONTRUIM.

HOF VERSOEK GETUIE OM SY NAAM OP 'N PAPIER TE SKRYF.

HOF : Wat is die rede vir u aansoek? (10)

MNR. FICK : Die getuie het versoek om in camera te getuig. Sy is minderjarig. Sy is 17 jaar oud. Sy is 'n lid van 'n organisasie in Tumahole, bekend as Tumahole Students' Organisation wat later Tumahole Youth Congress geword het. Sy het aktief deelgeneem aan die gebeure daar in die Vaal. Sy gaan as sy hier klaar getuig het terug na daardie gemeenskap toe. Sy het aangedui dat sy vrees vir haar lewe as sy geïdentifiseer word.

MR BIZOS : We object to this evidence being given in camera.

COURT : Your reasons?

MR BIZOS : The general reasons, which I do not want to (20) repeat at length, that it is important for us to investigate the allegations that are to be made by the witness and that we would not be able to do this properly if her identity not made public. People come forward, as has been indicated often in this trial with vital information as a result of what witnesses are saying. She herself has apparently taken part in these activities, and presumably is known as one of the persons that took part in these activities and I submit with the greatest respect that on the say so that she fears, Your Lordship will not allow that. She has taken part in the public(30) life openly presumably, attended meetings on what we have

... / understood

understood and there is no reason for extending this protection that she is asking for. We can only investigate what she says if - what I have been given to understand is that she will speak in the main what has happened where a great number of people were present. We can only investigate that by going to the other people who were present in order to find out whether she has told us the truth or not and I do not know, with the greatest respect, what protection the order will in effect afford to the witness.

HOF : Ek wil u 'n paar vrae vra. Hoe oud is u? (10)

IC.10 : 17.

HOF : Nog op skool?

IC.10 : Ja.

HOF : Die advokaat vir die Staat het my meegedeel dat u in camera wil getuig?

IC.10 : Ja.

HOF : Wat is die rede daarvoor?

IC.10 : Ek is bang, want ek is betrokke in die organisasie van hierdie mense, dat as ek hier getuig, sal hulle my doodmaak. (20)

HOF : Wie is hierdie mense?

IC.10 : Van die mense wat gaan luister na die getuienis.

HOF : Wat is die naam van die organisasie?

IC.10 : Tumahole Youth Congress.

HOF : Waar is dit vandaan? Is dit van Vryburg?

IC.10 : Parys.

HOF : Hoekom is jy bang dat hulle jou sal doodmaak?

IC.10 : As ek getuig sal hulle my doodmaak.

HOF : Was daar al dreigemente in jou omgewing gewees?

IC.10 : Watter omgewing? (30)

HOF : Daar waar jy is, was daar al sprake gewees van doodmaak

... / van

van mense of hoekom sê jy dat jy dink dat hulle jou sal dood-
maak?

IC.10 : Ja, hulle praat daarvan dat sekere mense gedood sal
word as hulle getuig en in die algemeen.

... / UITSpraak

UITSpraak

UITSpraak Gestuur vir Nasien

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

DELMAS

1986-04-29

DIE STAAT

teen

PATRICK MABUYA BALEKA EN 21 ANDER

U I T S P R A A K

K228.06

VAN DIJKHORST, R.: My reëling is dat hierdie getuie in camera sal getuig. My redes is dat eerstens sy 'n minderjarige (10) is en tweedens is daar gronde om te dink dat sy 'n vrees het dat sy aangerand of beseer sal word as sy getuig en dalk doodgemaak sal word en dat daardie vrees, as die saak in die openbaar verhoor sal word, haar getuienis mag beïnvloed.

Die getuie sal in die vervolg bekendstaan as In camera getuie nr. 10

- - - - -

MNR. FICK : Hierdie getuie sal getuig oor paragraaf 66 van die akte van beskuldiging. Dit is bladsy 267 en verder asook paragraaf 79 van die besonderhede, ekskuus pagina 79 van die besonderhede.

HOF : Die pers kan toegelaat word om teenwoordig te wees op die bestaande voorwaardes.

MNR. FICK : Die Staat wil dan ook die hof vra om hierdie getuie te waarsku in terme van artikel 204 op die aanklagte soos in die akte van beskuldiging vervat.

HOF : Al die aanklagte? (10)

MNR. FICK : Al die aanklagte.

IN CAMERA GETUIE NR. 10, v.o.e. (Deur tolk)

HOF : U sal nou in hierdie saak bekendstaan as getuie nr. 10. U naam sal nie bekendgemaak word nie. Die beskuldigdes staan tereg op verskillende aanklagte. Dit is hoogverraad en terrorisme en op ander aanklagte. Die Staat beweer dat die getuie-nis wat u sal gee u moontlik mag inkrimineer op een of meer van die aanklagte. U is verplig om die vrae wat aan u gestel word eerlik en volledig te beantwoord, ten spyte van die feit dat die antwoord u mag inkrimineer. Indien u getuie-nis (20) bevredigend is in hierdie saak. het ek die bevoegdheid om u kwyd te skeld van vervolging op die aanklagte. Ek sal ook daardie bevoegdheid in u guns uitoefen. U word gevolglik gewaarsku dat u die waarheid moet praat en dat u verplig is om die vrae te beantwoord.

ONDERVRAGING DEUR MNR. FICK : U is woonagtig te Tumahole?

-- Ja.

U is 'n skolier by een van die skole in Tumahole? -- Ja.

Gedurende Januarie ... (Hof kom tussenbei)

HOF : Ons sal nie die naam van die skool openbaar nie. (30)

MNR. FICK : Gedurende Januarie 1984 was u by die skool gewees ... / en

en dit was kort pouse gewees? -- Ja.

U is genader deur persone? -- Ja.

Ean u die name van die persone gee? -- Ja.

Noem hulle? -- Mofolo, Metsi en Benji.

Wat wou hulle by u gehad het? -- Hulle wou gehad het dat ek by hierdie organisasie moet aansluit.

Wat was die naam van hierdie organisasie? -- TSO.

Dit was u TSO noem, is dit die afkorting vir die naam? -- Tumahole Students' Organisation.

Julle noem hom TSO, T-S-O? -- Ja. (10)

Wat het hulle gesê hoekom moet u aansluit?

MR BIZOS : Are these persons alleged to be co-conspirators in the indictment?

COURT : We do not know where the evidence is leading to. You can ask that eventually. This may be background evidence.

MR BIZOS : It may be background and I withdraw the objection it if is merely background, but if they are not mentioned as co-conspirators any statements made by them to this witness extra-judicially is not admissible.

COURT : The objection is disallowed. Continue. (20)

MNR. FICK : Wat het hulle gesê waarom moet jy aansluit? -- Hulle het gesê sodat ek behulpsaam kan wees in hierdie organisasie aangaande die huurgelde en skooldinge wat betrokke is.

Het u toe aangesluit by hierdie organisasie? -- Ja.

'n Ruk daarna is u genader deur ander persone en genooi na 'n vergadering? -- Ja.

Die vergadering, wat se vergadering was dit? Van die organisasie of van 'n ander organisasie? -- Watter vergadering?

Die vergadering waarheen u uitgenooi was net nadat u lid geword het? -- Dit was van die organisasie. (30)

Waar was die vergadering gehou? -- In die motorhuis van

... / ene

ene Max Moleko.

Die vergadering was op 'n Saterdag? -- Ja.

Wat het op die vergadering plaasgevind? Wat was bespreek?
-- Die spreker daar was ene Barnard.

Was hy 'n lid van die organisasie TSO? -- Ja.

Gaan aan? -- In sy toespraak het hy vir ons gesê aan-
gaande die arrestasie van Mandela. Hy het die volgende gesê
vir Mandela om vrygelaat te word van die tronk, moet ons baklei.
Hy het verder gesê ons moet baklei byvoorbeeld oor die huur-
gelde om met die polisie te kan baklei en die raadslede. (10)

HOF : Moet hulle byvoorbeeld oor die huurgelde baklei? -- En
om met die polisie ook te kan baklei en met die raadslede.

MNR. FICK : U het daarna, die volgende dag, die Sondag, weer
'n vergadering bygewoon van hierdie organisasie? -- Ja.

Was dit by dieselfde plek? -- Ja.

Wat het julle daar gedoen hierdie Sondag? -- Daar het hulle
ons liedere geleer.

Wat is die naam van die liedere? Kan jy onthou? -- Ja,
ek onthou die name van die liedere.

Laat ons hoor? -- Senzenina is een van hulle. Die (20)
tweede een is Mandela, Mandela. Die derde een is Oliver Thambo.
Die vierde een is Nkululeku. Die vyfde een is Sizophinda
Sinyode. Dit is al liedere wat ek kan onthou.

Het julle op hierdie vergadering net hierdie liedere
geleer? -- Ja.

En julle het daarna gereeld vergader by dieselfde plek
en hierdie liedere geoefen? -- Ja.

Voor 7 Julie 1984 toe het julle nog eens 'n vergadering
gehou by Max Moleko se huis? -- Ja.

Wat was daar besluit op hierdie vergadering? (30)

HOF : Is dit by die huis of in die garage? -- In die garage.

... / MNR. FICK

MNR. FICK : Wat het julle besluit op hierdie vergadering? --
Om teen die huurgelde te baklei.

Laat ons dit net duidelik kry, was dit weer 'n vergadering van TSO, soos julle sê, Tumahole Students' Organisation of was dit 'n ander organisasie wat vergader het? -- Ja, dit was TSO.

Hoe het julle besluit hoe gaan julle baklei oor die huurgelde? -- Ons sal met die polisie en met die raadslede baklei.

HOF : As u nou praat van baklei, bedoel u fisies? -- Fisies, in die sin dat ons hulle huise met klippe moet bestook en dit aan die brand steek. (10)

MNR. FICK : Het julle enige besluite geneem oor hoe julle die huise aan die brand gaan steek, die huise? -- Ja, ons het.

Hoe het julle besluit gaan julle dit aan die brand steek? -- Ons sal petrolbomme maak.

Het julle op daardie stadium enige bespreking gevoer van hoe julle die petrolbomme moet maak? -- Ja.

Hoe het julle bespreek, hoe gaan julle dit maak? -- Dat ons nip bottels gaan gebruik as die houters.

HOF : Is dit hierdie klein botteltjies? -- Ja. Ons sou die volgende vloeistowwe daarin gooi: so, paraffien, petrol, (20) en dan 'n stukkie materiaal ook daarby sit. Die stukke materiaal sou ons aan die brand gestek het en dan hierdie houer daar ingooi.

MNR. FICK : Na die ding wat julle aan die brand wil hê? -- Ja.

HOF : Waarom is die Brasso daarby? -- Ons skud die inhoud van die bottel sodat dit goed kan meng en dan gooi ons dit na die plek toe wat aan die brand gestek moet word.

Meng die Brasso dit goed? -- Wat gebeur is dit, ons het vloeistowwe in die bottel en hierdie stuk lap in die bottel. Dan steek ons eers die stuk lap aan die brand en dan skud (30) ons die bottel met die inhoud sodat die inhoud kan meng. As

... / ons

ons dit gooi met die brandende lap, sal dit die brand veroorsaak waar dit gaan land.

Is daar 'n prop op die bottel of nie? -- Ja, daar is 'n prop op.

Wat se prop? -- Die gewone prop vir 'n bottel wat gebruik word.

Die gewone drukbierbottelproppie? -- Dit is die prop vir hierdie bottel, die skroeftipe.

Dit is dus nie 'n bierbottel nie, dit is 'n koeldrankbottel? -- Nee, dit is 'n kwart brandewynbottel. (10)

MNR. FICK : U sê die lap gaan in die bottel in. Hang daar 'n stuk van die lap buite die bottel of gaan die hele lap in die bottel in? -- Ons boor 'n gat in die deksel van die bottel om daardeur die stukkie lap in te druk in die bottel in wat reeds inhoud het. 'n Klein stukkie steek uit bo by hierdie deksel se gaatjie. Dit is die stukkie lap wat aan die brand gestek word. Dan word die inhoud van die bottel geskud.

Het julle toe besluit op hierdie vergadering voor 17 Julie wanneer julle hierdie petrolbomme gaan gebruik? -- Ja, die dag wat ons gaan baklei. (20)

Kan jy die datum onthou? -- Dit is die 17de.

HOF : Van watter maand? -- Julie.

19? -- Julie 1984.

MNR. FICK : Op hierdie dag, 17 Julie 1984, het julle weer bymekaar gekom? -- Ja.

Waar het julle bymekaar gekom? -- By Max.

Weer in sy motorhuis of waar? -- In die motorhuis.

Was daar enige petrolbomme? -- Ja.

Weet u hoe het hulle daar gekom? -- Ene Chefoa het dit daar aangebring. (30)

Was hy ook 'n lid van TSO? -- Ja, hy is 'n lid van TSO.

... / Het

Het hy al die vorige vergaderings bygewoon? -- Ja.

Weet u hoeveel petrolbomme was daar gewees? -- Ek kan nie onthou nie.

Was dit meer as tien? -- Ek skat dit so, ja, maar ek is nie seker nie.

Het julle enige besluit geneem met betrekking tot hierdie petrolbomme wat daar was? -- Ek volg nie die vraag nie.

Het julle besluit wat gaan julle maak met hierdie petrolbomme wat nou hier by julle is? -- Ja, dat ons gaan brand.

Hoe het julle besluit waar gaan julle brand en wanneer?(10) -- Ons het besluit dat die huise van die polisie en raadslede aan die brand gesteeek gaan word die dag wat ons met hulle gaan baklei, naamlik 17 Julie.

Dit is die dag wat ons van praat toe die man met die goed daar aangekom het? -- Ja.

Het julle almal - laat ek eers so vra. Het julle toe hierdie dag iewers heen gegaan met hierdie petrolbomme? -- Ja, ons het.

Het julle almal saam geloop of het julle in groepe opgedeel? -- Ons is in groepe daar weg. (20)

Hoeveel groepe? Weet u? -- Dit was drie groepe gewees. Ek kan net nie sê hoeveel getal mense was in 'n groep nie.

Het elke groep petrolbomme gehad of net een groep? -- Almal het gehad.

Jy sê daar was drie groepe. Die eerste groep, weet u wat hulle taak was, waar moes hulle heengaan met die petrolbomme? -- Hulle moes na die kantoor toe gegaan het.

Watter kantoor? -- Die Munisipale kantoor.

In Tumahole? -- Ja.

Is dit nou die Raad se kantore of die Munisipaliteit (30) s'n? -- Dit is die Raad se kantore.

... / ASSESSOR

ASSESSOR (MNR. KRÜGEL) : Watter Raad praat ons nou van?

MNR. FICK : Kan jy vir die Hof net aandui wat se raad is dit. Is dit die raad wat in beheer is van die administrasie van Tumahole of is dit 'n ander raad? -- Ek praat van die raad in beheer van Tumahole.

HOF : Nou weet ek nog nie. Daar is 'n ding wat bekend staan as die Town Council of die City Council waarop die raadslede dien en dan is daar 'n ander ding wat bekend gestaan het as die Administration Board. Watter een van die twee bedoel u? -- Herhaal dit? Laat die tolk dit vir my herhaal? (Vraag(10) word herhaal) -- Die kantoor wat ek van praat is die kantoor waar ons huurgelde betaal.

MNR. FICK : En die volgende groep, waar moes hulle heengaan met hulle petrolbomme? -- Na die raadslede toe.

Waar by die raadslede? Is dit by hulle huise of op strate? -- Na die raadslede se huise.

En die derde groep? -- Hulle moes na die busse toe gegaan het, asook die polisiemanne se huise.

In watter groep was u? -- Ek was in die groep wat na die raadslede se huise toe gegaan het. (20)

Toe julle nou so stap, jou groep en die ander groepe, toe julle vertrek, het julle gelyk vertrek in die verskillende rigtings waarin julle moes gaan of het julle apart vertrek? -- Die groepe het gelyktydig daardie plek verlaat.

HOF : Was dit nog nag of was dit al dag? --Dit was in die dag gewees.

Hoe laat? -- In die middag.

MNR. FICK : Toe julle nou daar vertrek het en julle begin stap, hoe het julle gestap? Rustig stil of het julle iets gedoen terwyl julle gestap het? -- Ons het gesing. (30)

Wat het julle gesing? -- Die liedere wat ek alreeds genoem

... / het

het.

Dié wat jy gesê het julle geleer het in Max se motorhuis?

-- Ja.

Soos julle gestap het met die pad langs was die pad skoon, het hy skoon gebly of het iets gebeur? -- Ons het klippe in die pad gepak, dromme en die vullis in die pad versprei.

Hoekom het julle dit nou gedoen?-- Sodat die polisie-voertuie nie daar verby kon kom nie.

HOF : Het julle dit vantevore afgespreek gehad? -- Ja.

MNR. FICK : Julle stap toe daar op pad na 'n polisieman met(10) die naam van Motsoneng se huis toe? -- Ja.

HOF : Maar was u nie op pad na die raadslede se huise nie? -- Die mense wat na die raadslede se huise gegaan het, moes ook na die polisie se huise gegaan het.

MNR. FICK : Wat gebeur toe julle op pad is na hierdie polisie-man Motsoneng se huis toe? -- Ons kon nie daarin slaag om daardie plek aan te val nie, want die polisie was daar teenwoordig. Met die gevolg is, ons het weggehardloop.

Waar is julle heen toe julle weggehardloop het?-- Ek het huis toe weggehardloop. (20)

Het u reguit huis toe gehardloop of het u ander plekke by aangegaan op pad huis toe? -- Ek het reguit huis toe gegaan.

Soos u gehardloop het, het u gesien of daar enigiets gebeur in die omgewing? Of daar enige probleme was? -- Ja. Hlalele se winkel was aan die brand gewees. Hlalele is 'n onderwyser.

Net 'n onderwyser of het hy 'n ander beroep ook gehad? -- Hy was ook 'n raadslid.

Was hy op daardie stadium nog 'n raadslid of nie? -- Ja, hy was 'n raadslid.

U is toe huis toe? -- Nee. Wat gebeur het is, op pad (30) huis toe terwyl ek weggehardloop het van die polisie af, het

... / ek

ek gesien dat hierdie winkel aan die brand was. Dit is Hlalele se winkel, as gevolg waarvan ek toe besluit het om na hierdie winkel toe te gaan en goedere weg te neem.

Het u die winkel geplunder? -- Ja.

Was u die enigste een wat dit gedoen het of was daar nog ander ook? -- Daar was ander mense ook. Ons was baie.

Die persone wat vroeër saam met u begin het met die optog en met die petrolbomme, was van hulle ook nog daar by hierdie winkel of het u nie een van hulle daar gesien? -- Ek het nie rondgekyk om te sien wie almal daar was nie. Al wat (10) ek in belang gestel het op daardie stadium was om goedere uit die winkel uit te neem.

Is u toe huis toe? -- Nee, nie onmiddellik nie. Die polisie het op 'n stadium daar opgedaag en ons weggejaag van die winkel af waar ons goedere weggeneem het. Toe die polisie nog daar was, het ons weer gehardloop na Hlalele se slaghuis toe, waar ons nog goedere geneem het.

Die slaghuis en die winkel van Hlalele, hoe ver is hulle uit mekaar uit? -- (Getuie dui distansie aan)

HOF : 10 Meter. Behoort dit aan dieselfde man? -- Ja. (20)

MNR. FICK : Kan ons net duidelikheid kry, die winkel en die slaghuis is dit alles een blok geboue of staan die geboue apart van mekaar, so ver soos wat u van my af is? -- Dit is twee aparte geboue.

U is toe daar na die slaghuis toe en u het u self gehelp? -- Ja.

Wat gebeur toe? -- Die volgende het toe gebeur. Die polisie het weer na die slaghuis toe gekom waar hulle ons weggejaag het. Terwyl hulle nog daar gekyk het na die slaghuis, wat ook aan die brand was, het ons toe weggehardloop na die (30) bottelstoor toe wat ons met klippe bestook het en toegang

... / verkry

verkry het en ons self ook daar gehelp het met die voorraad wat in die bottelstoor was.

Wie se bottelstoor is dit hierdie? -- Ek weet nie wie die eienaar van die bottelstoor is nie.

Hoe ver is hy van die slaghuis af van Hlalele? -- Dit is moeilik om te skat.

Is dit in dieselfde straat die plekke? -- Ja, in dieselfde straat.

U is nou soontoe en u het u self daar gehelp. En toe? -- Die polisie het toe ook daar gekom en geskiet en ons het (10) toe gevlug.

Waarmee het hulle geskiet? -- Traangas.

U is toe daar weg en waarheen is u toe? -- Ek is toe huis toe.

Die volgende dag na hierdie voorval, waar was u toe gewees? -- Ek was by die huis.

Is u êrens heen gedurende die dag? -- Ja, ek is na 'n vergadering.

Waar was die vergadering gewees? -- By Max.

HOF : Van TSO? -- Ja. (20)

MNR. FICK : Wat het julle daar bespreek? -- Oor die huurgeld.

Het julle enige verdere optrede bespreek in die vergadering? -- Ja, daar het ons gepraat dat ons met mnr. Ganz wou gaan praat het.

Oor? -- Oor die huurgelde.

Gedurende Augustus 1984 ... (Hof kom tussenbei)

HOF : Hierdie is nou die middel van Julie? -- Ja.

Was daar nou al verhoogde huurgeld van krag? -- Ja.

MNR. FICK : Wat was die huurgeld wat julle op daardie stadium betaal het? Weet u? -- R37,00. (30)

Was dit nou na die verhoging of voor die verhoging? --

... / Die

Die geld was altyd maar R37,00 gewees. Dit was eintlik nie verhoog nie. Ons het net gevoel daardie R37,00 is te veel.

HOF: So, daar was nie eintlik 'n verhoging op daardie stadium nie? -- Nee.

MNR. FICK : Gedurende Augustus 1984 was u by die skool gewees en u is toe genader deur persone? -- Ja.

Daar is toe gepraat in verband met die prinsipaal van die skool en omstandighede by die skool self? -- Ja.

Die persone wat met u kom praat het, kan u onthou wie hulle was? --Ja. (10)

Wie was hulle? -- Mofolo, Metsi en Benji.

HOF : Dit is drie persone? -- Ja.

MNR. FICK : Dit is nou dieselfde drie waarvan u gepraat het wat u gewerf het vir TSO? -- Ja.

Wat is daar bespreek? -- Oor die skoolaangeleenthede.

Wat van die skoolaangeleenthede? Was daar ontevredenheid? -- Ons wou nie daardie prinsipaal gehad het nie. Eintlik is dit nie net die prinsipaal alleen wat ons nie wou gehad het nie, maar twee onderwysers, naamlik Sekonyela en Makwala.

Wat was die griewe teen die drie here? -- Hulle het ons (20) te veel geslaan, meer as wat die ander dit gedoen het.

Het julle enige ander klagtes by die skool nog gehad? -- Nee.

Het julle besluit wat gaan julle maak in verband met hierdie griewe van julle? -- Ja.

Wat het u besluit? -- Ons het besluit dat ons 'n brief gaan skryf aan die hoof van die skool en hom versoek dat hy en die twee assistente die skool moet verlaat. Dit wil sê die een onderwyser en die ander een was 'n onderwyseres.

Het julle besluit wat gaan julle doen as daar nie reaksie (30) die kom van die skool nie? -- Ja, die besluit was - ons het

... / besluit

besluit dat as daar nie reaksie kom van die skool nie, die hele skool met klippe bestook sal word tesame met al die onderwysers in daardie skool.

Het die skoolhoof gereageer op julle - laat ek so vra, het julle 'n brief geskryf? -- Ja, Mofolo Mohape het die brief geskryf.

HOF : Die Mofolo is sy van Mohape? -- Ja.

Dit is dieselfde Mofolo wat saam met Metsi en Benji met jou gepraat het? -- Ja.

MNR. FICK : U sê hy het die brief geskryf? -- Ja. (10)

Het die skoolhoof gereageer op die brief van Mofolo? -- Nee, hy het nie geantwoord op die brief nie.

Het u toe u besluit uitgevoer om die skool aan te val met klippe? -- Ja.

Was dit in 'n weeksdag, in skooltyd? -- Ja.

HOF : Wat het toe gebeur met die skool. Is die skool beskadig? -- Ja, die skool was beskadig omdat ons die skool met klippe bestook het.

MNR. FICK : Was die vensters stukkend van die plek of die dak of die mure? -- Die vensters was stukkend. (20)

Van die klaskamers of van die skoolsaal of van die hoofse kantoor of hoe werk die ding? -- Alles.

HOF : Het al die kinders van die skool deelgeneem of net julle vier? -- Al die skoolkinders het deelgeneem.

MNR. FICK : Kan u vir die Hof sê, as u nie kan nie, kan u nie, hoe het dit gebeur dat die ander skoolkinders ook betrek is by hierdie plan van u? -- Ek kan nie sê nie.

Weet u of daar nadat u hierdie besluit geneem het dat die skool aangeval sal word as die skoolhoof nie reageer nie, enige vergaderings van skoliere was op die skoolterrein? -- Wat (30) van die vergadering?

... / Nee

Nee, ek vra vir u, nadat u die besluit geneem het as die skoolhoof nie gaan reageer op die brief nie, gaan die skool aangeval word, van daardie datum tot die datum wat die skool wel aangeval is, weet u of daar enige vergaderings van skoliere gehou was op die skoolgronde? -- Ek weet nie.

Nou wil ek u neem na 'n later datum. U was op 'n stadium by 'n huis in Ramailanestraat in Tumahole by 'n vergadering? -- Ja.

HOF : Wanneer was dit?

MNR. FICE : Kan u aandui wanneer dit was? Was dit na (10) Augustus of weet u nie wat die presiese datum is nie? -- Dit was op 'n Vrydag.

U kan dit nie nader beskryf nie? -- Nee.

HOF : Was dit 'n dag later nadat die skool bestook is met klippe of 'n week of 'n maand of wat? -- Ek kan nie onthou nie.

MNR. FICK : Die huis waar u by was by die vergadering, wie se vergadering was dit gewees? Was dit 'n private bymekaarkomplek, was dit 'n TSO vergadering of was dit een of ander organisasie se vergadering? Wat was dit? -- Dit was 'n TSO vergadering. (20)

Was daar enige ander persone behalwe TSO wat u opgemerk het daar? -- Ja, daar was ander kinders van Sebokeng en Sharpeville.

Kan u enige aanduiding gee hoeveel kinders van Sharpeville en Sebokeng was daar gewees? -- Hulle was nie meer as vyf in getal nie.

Op die vergadering daar in Ramailanestraat, is die vergadering toegesprek? -- Ja.

Wie het u toegesprek? -- Tera.

HOF : T-E-R-A? -- U kan dit spel op enige manier. Dit (30) is net Tera.

... / MNR. FICK

MNR. FICK : Tera se van is? -- Lekota.

Is hy aan die vergadering voorgestel? -- Ja.

Wie het hom voorgestel? -- Lister.

Is Lister 'n lid van TSO? -- Ja.

Hoe is Tera voorgestel? -- Hy is voorgestel as Tera Lekota, die sekretaris van UDF.

Sien u hom hier in die hof vandag? -- Ek kan nie die persoon nou so goed onthou nie.

HOF : Laat die agterste ry heel eerste opstaan. Die voorste ry kan bly sit. Kyk goed, vat jou tyd. -- Nommer drie van(10) hierdie kant af.

Beskuldigde nr. 20.

MNR. FICK : U sê hy het toe die vergadering toegespreek? -- Ja.

Wat het hy aan die vergadering gesê daar by Ramailanestraat? -- In sy toespraak het hy gesê dat hy daar teenwoordig was om ons te leer hoe om petrolbomme te vervaardig.

Het hy op die vergadering vir u geleer hoe om dit te maak? -- Ja.

Hoe het hy u geleer? -- Hy het die nip gevat, soos ek (20) dit vroeër beskryf het, dit ook so gemeng, net presies soos my vorige beskrywing met 'n stukkie lap.

Het hy gesê hoe dit gemeng moet word of het hy dit fisies voor die vergadering gemeng? -- Hy het dit fisies daar gemaak.

HOF : Het hy vir julle ook vertel van verhoudings, hoeveel van elk? -- Nee, hy het nie gesê nie, maar ons het gekyk toe hy dit gemaak het, hoe word dit gemaak. Ons het nie gekyk wat die afmetings was nie.

MNR. FICK : Was daar enige ander voorwerpe behalwe die nip wat van gepraat is vir petrolbomme daar? -- Nee. (30)

Hoe het hy vir u aangedui, wat moet ingegooi word in die

... / nip

nip soos u sê? -- Petrol, paraffien en brasso moet in die nip ingegooi word. Die stukkie lap wat ook ingedruk moet word.

En n prop op? Het hy enigiets gesê van n prop? -- Jy maak n gat in die prop en dan druk jy die lap deur die gaatjie wat jy gemaak het in die prop om daardie lap in die bottel in te kry.

Het jy op die vergadering enigiets verneem van plakkate? -- Ja, dat ons plakkate moet skryf.

Wie het vir u gesê dat u plakkate moet skryf? -- n Ander persoon wat ook n "speaker" daar was, nie die een (Ver- (10) skoon tog, U Edele, die getuie het so onduidelik gepraat met die hand in die mond dat ek verkeerd verstaan het wat sy sê. Wat sy bedoel is, dieselfde persoon wat die toespraak gemaak het en ons geleer het hoe om petrolbomme te maak, is die persoon wat daarvan gepraat het en gesê het van die plakkate.)

Praat jy van beskuldigde nr. 20 of van n ander persoon?

HOF : Sy praat van Tera? -- Ja.

MNR. FICK : Is aan u enigsins leiding gegee hoe om die plakkate te maak? -- Hy het gesê ons moet enige ding daarop skryf wat ons daarop geskryf wil hê op die plakkat. (20)

Is dit aan u fisies gedemonstreer soos in die geval van die petrolbom of is daaroor net gepraat? -- Hy het net daarvan gepraat.

Hierdie vergadering was op die Vrydag gewees, het u gesê?

HOF : Gaan u weg van die vergadering af?

MNR. FICK : Ek gaan weg van die vergadering af.

HOF : Ek wil net n vraag vra. U weet wanneer die opstande, die "riots" plaasgevind het in die Vaal Driehoek? -- Nee.

Ek wil eintlik meer van u weet wanneer het hierdie vergadering plaasgevind waarvan u nou net gepraat het? -- Dit (30) was op n Vrydag gewees. Ek kan nie onthou wat die datum was

... / nie

nie.

ASSESSOR (MNR. KRÜGEL) : U het netnou maar gesê dat op 'n dag, 17 Julie, het u met petrolbomme wat op hierdie manier gemaak is in drie groepe vertrek en u het sekere plekke gaan aanval?
-- Ja.

Was hierdie demonstrasie deur Tera Lekota deur hoe om die petrolbomme te maak voor of na 17 Julie? -- Dit was na die datum van die 17de, want op die 17de het Chefoa die petrolbomme daar gebring. Hoe hy dit reggekry het om dit so te maak, kan ek nie sê nie. (10)

MNR. FICK : Op hierdie vergadering is daar gepraat oor waar julle hierdie petrolbomme kan gebruik? -- Ja, dit was gesê ons kan dit gebruik as ons plekke aan die brand wil gaan steek, soos die huise van die raadslede, polisiemanne se huise en by enige ander plek wat ons gekies het en besluit het om dit aan die brand te steek.

HOF : Wie het dit gesê? -- Tera.

MNR. FICK : Is dit nou die persoon wat vir u gewys het om die goed te maak? -- Ja.

U sê dit was op 'n Vrydag. Nou die Maandag, was u skool(20) toe? -- Ja.

Wat het die Maandag daar by die skool gebeur? -- Ons het gewag vir die onderwysers om by die parade te kom. Ons het hulle toe met klippe begin bestook omrede die prinsipaal nie geantwoord het op die brief wat aan hom gerig was nie.

Hierdie parade, is dit nou die oggendparade voor die skool begin, dan tree al die kinders aan of is dit 'n ander parade? -- Ja, dit is die oggend parade.

U sê u het gewag tot die onderwysers daar gekom het en hulle met klippe gegooi? -- Ja. (30)

Was dit vooraf bespreek gewees dat dit gedoen gaan word? --

... / Ja

Ja, dit was vantevore bespreek.

HOF : Waar was dit bespreek? -- By Ramailanestraat.

By die vorige vergadering wat die vorige Vrydag plaasgevind het? -- Ja.

Wie het u aangeraai om dit te doen? -- Mofolo is die persoon wat die brief geskryf het wat gerig was aan die prinsipaal, wie toe nie daarop geantwoord het nie. Ons het toe die Maandag besluit dat ons die skool gaan aanval.

Het u die klipgooiery die Vrydag by die vergadering bespreek of eers die Maandag toe die klipgooiery plaasgevind(10) het? -- Dit was bespreek die Vrydag in die vergadering.

MNR. FICK : Was die persoon wat u noem Tera Lekota, was hy nog op die vergadering toe dit bespreek was of was hy nog nie daar nie? -- Ja.

Was hy nog daar of was hy nie daar nie? -- Hy was daar gewees.

U sê u gooi toe nou klippe. Het u alleen gegooi of het die hele skool se kinders gegooi of het lede van TSO gegooi? -- Al die skoolkinders het klippe gegooi.

Kan u aandui hoe dit gebeur het dat al die kinders (20) saam gegooi het? -- Ek weet nie.

Is enigiets beskadig in hierdie klipgooiery? -- Ja, die onderwysers het weggehardloop na die stafkamer toe. Ons het hulle gevolg en hulle daar met klippe bestook in die stafkamer.

Is vensters stukkend gegooi? -- Ja.

Weet u of die skoolinspekteur die dag daar was? -- Ja, hy was daar.

Weet u of hy 'n voertuig daar gehad het? -- Ja.

Het die voertuig enigiets oorgekom daardie dag? -- (30)
Ja, dit het.

Wat het gebeur met hom? -- Dit het gebrand.

Is dit aan die brand gesteeek? -- Ja.

HOF : Het die kinders dit ook aan die brand gesteeek? -- Ja.

MNR. FICK : U het op 'n stadium weggehardloop huis toe? --
Ja, ek het.

Waarom het u weggehardloop? Was daar polisie of hoekom
het u besluit om te hardloop? -- Die polisie het ons weggejaag.

Terwyl jy op pad was om weg te hardloop, het u die skool-
hoof se huis gesien? -- Ja.

Het u gesien wat daar aangaan by sy huis? -- Ja. (10)

Wat het daar aangegaan? -- Dit was aan die brand gewees.

Het u gesien hoe hy aan die brand geraak het? -- Nee, ek
het nie.

Dan wil ek met u gaan na Januarie 1985. Toe was u weer
by 'n vergadering wat in 'n kerk gehou was wat oorkant die
Rooms)katolieke kerk is in Tumahole? -- Ja.

HOF : Weet u wat daardie kerk se naam is? -- Nee, ek weet nie.

MNR. FICK : Wat se vergadering was hierdie gewees? Was dit
'n privaat vergadering of 'n vergadering van een of ander orga-
nisasie? -- Dit was die TSO vergadering wat gehou was daar(20)
met die oog daarop om die naam van die organisasie te ver-
ander. In plaas van TSO, dat dit bekend moet staan as Tumahole
Youth Congress.

Het julle op hierdie vergadering ook 'n spreker gehad wat
julle toegesprek het? -- Ja.

Wie was dit? -- Tera.

Dieselfde een as wat u vroeër van gepraat het? -- Ja.

HOF: Dieselfde persoon wat hier in die hof sit? -- Ja.

MNR. FICK : Waaroor het hy met u kom praat? -- In sy toespraak
het hy gesê TSO is net vir die skoolkinders. Die naam (30)
moet nou verander word sodat dit kan toelaat dat selfs mense

... / wat

wat nie op skool is nie, kan aansluit by hierdie organisasie.

Is dit nou enige mense of jeugdiges wat nie in die skool is nie? -- Ja.

Het hy verder met u gepraat oor die werksaamhede van hierdie TSO wat nou die Tumahole Youth Congress word? -- Ja, hy het gesê die verandering van die naam na hierdie nuwe naam van die organisasie sal UDF versterk sodat as UDF versterk is deur hierdie organisasie sal die ANC dan kan vorder.

Het hy uitgebrei op daardie bewering van hom? -- Hy het toe vir ons gevra wat is ons besluit, wat sê ons omtrent (10) die huurgelde, waarop ons toe gesê het ons wil hê die huurgelde moet verminder word na R18,50, selfs na R4,00.

Wat was sy reaksie daarop? -- Ons het ooreengekom na aanleiding waarvan hy toe gesê het as dit die geval is, moet ons dit op die plakkate skryf R18,50 of R4,50. Dat huurgelde R18,50 moet wees of selfs R4,50.

Laat ons net duidelikheid kry. U sê julle het ooreengekom. Waaroor het julle ooreengekom? -- Oor die huurgelde.

HOF : Laat ek net duidelikheid kry. Hy het vir u gevra wat sê u oor die huurgelde? -- Ja. (20)

Het die een toe geskreeu dit moet minder wees, dit moet R18,00 wees en die ander een dit moet R4,00 wees, was dit 'n deurmekaar skreeuery of wat het toe daar gebeur? -- Ons het gesê die R37,00 is te veel. Die huurgelde moet verminder word na R18,50 of selfs na R4,50 toe.

Ja, maar dit laat nou twee moontlikhede oop. Het julle besluit op R18,50 of het julle besluit op R4,50 of het julle nie besluit oor iets nie? -- Ons het ooreengekom dat die twee bedrae na mnr. Ganz toe geneem sal word, dat hy nou 'n keuse moet uitoefen tussen die twee, watter een van die twee wil(30) hy aanvaar, R18,50 of R4,50.

... / MNR. FICK

MNR. FICK : Die vergadering het in elk geval ooreengekom dat die huur is te hoog en julle wil 'n verlaging hê? -- Ja.

Het julle toe 'n afvaardiging gekies om oor die bedrae met mnr. Ganz te gaan praat of hoe het julle besluit wat maak julle nou? -- Ons het 'n afvaardiging gekies.

Kan u aandui wie was hierdie afvaardiging? Was hulle lede van TYC, Tumahole Youth Congress of was dit ander mense? -- Vujo, Jomo, Ace, Mantsopa is 'n vroumens en Siloane.

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Na julle nou hierdie mense gekies het om julle te verteenwoordig, om samesprekings met mnr. Ganz te gaan voer, (10) wat hierdie afvaardiging gemaak daar op die vergadering? -- Wat het hulle gedoen? Ek verstaan nie die vraag nie.

Na die afvaardiging gekies is ... (Hof kom tussenbei)

HOF : Bedoel u op die vergadering of na die vergadering?

MNR. FICK : Op die vergadering.

HOF : Hierdie afvaardiging, die mense wat u nou genoem het, het hulle nog iets gedoen op die vergadering? -- Nee.

MNR. FICK : Is daar op die vergadering besluit wat gaan gebeur as hierdie afvaardiging nou nie slaag nie? -- Dat daar baklei moet word. (20)

Het julle besluit hoe julle gaan baklei? -- Ja.

Hoe het julle besluit wat gaan julle doen? -- Dat ons die raadslede se huise aan die brand gaan steek asook die polisie se huise.

Toe hierdie besluit was op die vergadering, was Tera Lekoa nog daar of was hy al weg? -- Ek kan nie meer so goed onthou nie.

Daar is na hierdie vergadering toe uiteindelik besluit dat op 24 Maart 1985 sal daar ... (Hof kom tussenbei)

HOF : Wag net so 'n bietjie. Is daar op die vergadering (30) dit besluit?

... / MNR. FICK

MNR. FICK : Na hierdie vergadering. Kan ons dit so kry. Na hierdie vergadering het dit bekend geword dat daar samesprekings met mnr. Ganz sal wees op 24 Maart 1985? -- Ja.

Voor daardie datum, 19 Maart 1985, die middag toe het die Tumahole Youth Congress weer 'n vergadering gehou daar in Tumahole? -- Ja.

HOF : Waar is vergader? -- Met Max.

In die motorhuis? -- Ja.

MNR. FICK : Daar is toe gerapporteer dat hierdie vergadering sal wees op 24 Maart 08h00 by mnr. Ganz of saam met mnr. (10) Ganz en almal sal saamkom op 'n sekere plek? -- Ja.

Eerstens, waar sou die samesprekings met mnr. Ganz gewees het? -- Ja, ek weet.

Waar? -- By die stadion.

In Tumahole? -- Ja.

Was daar op hierdie vergadering van julle op die 19de besluit oor wie almal by hierdie samesprekings sal wees afgesien van die afvaardiging? -- Nee, net hulle sou daar gewees het.

HOF : Wie? Die afvaardiging? -- Ja. (20)

MNR. FICK : Het julle op die vergadering besluit wat gaan nou gebeur, wat gaan julle maak en hoe gaan julle nou optree as mnr. Ganz òf nie opdaag nie òf hy stem nie in tot die verlagings nie? -- Dat ons moes baklei. Dit was die besluit gewees.

Hoe het julle besluit om te baklei? -- Dat ons die raadslede mee moet baklei asook met die polisie.

HOF : Sou dit weer beteken 'n aanval op hulle huise? -- Ja.

MNR. FICK : Julle het daarna 'n verdere vergadering gehou by Max se huis? (30)

HOF : Voor die datum van mnr. Ganz se vergadering?

MNR. FICK : Voor die datum van mnr. Ganz se vergadering. --
Ja.

Wat het julle op hierdie vergadering gedoen of besluit?
-- In hierdie vergadering het ons bespreek wat gedoen gaan word
as mnr. Ganz nie antwoord nie en tweedens, ons het mense daar
gekies, indien ons gaan baklei, soos besluit, wie die mense is
wat die petrolbomme moet gaan maak.

Wie was nou almal betrokke by die maak van hierdie petrol-
bomme, is daar besluit? -- Ek self.

Wie nog? -- Vujo, Oupa, Mkonzi, Chefoa. Dit is al (10)
mense.

Die petrol, waar het julle dit gekry? -- Ek het die petrol
by my huis gesteel.

Het julle toe hierdie petrolbomme gemaak? -- Ja.

Waar? -- By Chefoa se huis.

Hoe lank was dit nou voor die vergadering van 24 Maart
sou plaasvind? -- Dit was net 'n dag voor hierdie dag van die
vergadering.

Hoeveel petrolbomme het julle gemaak? -- Vyf-en-dertig.

Het julle dit op dieselfde manier gemaak as die voriges(20)
of het julle dit op 'n ander manier gemaak? -- Ons het hulle
gemaak soos ek al vroeër beskryf het. Dit is die gewone manier.

Dit is nou die dag voor die vergadering van die 24ste sou
plaasvind. Wat maak julle toe met hierdie petrolbomme nadat
julle dit gemaak het? -- Ons het dit verdeel.

Is julle weer in groepe opgedeel? -- Ons het dit tussen
ons verdeel, die vervaardigers daar, hoeveel ons elkeen by hom
of haar sou gehou het.

Julle is toe uiteen. -- Ja.

Die volgende dag, dit is nou die 24ste Maart 1985, (30)
wat gebeur toe die oggend? -- Ons het bymekaar gekom by die

... / gemeenskapsaal

gemeenskapsaal. Nie binnekant nie, maar in die omgewing.

As jy sê ons het bymekaar gekom, is dit net die mense wat petrolbomme gemaak het of is dit die hele lot van hulle of wie is dit? -- Al die lede van TYCO het daar bymekaar gekom.

HOF : TYCO is nou die Tumahole Youth Congress? -- Ja.

MNR. FICK : Was die petrolbomme by julle? -- Ja.

Wat gebeur toe? -- Ons is eers na Max se huis toe, waar ons toe gerapporteer het dat daar petrolbomme beskikbaar was. Daarna het ons toe gaan baklei.

Toe u die eerste keer by die gemeenskapsaal bymekaar (10) kom, watter tyd van die dag was dit gewees? -- Dit was 08h00.

Het die vergadering op 24 Maart 1985 om 08h00 met mnr. Ganz wel plaasgevind? -- Nee, hy het nie opgedaag nie.

ASSESSOR (MNR. JCUBERT) : Watter dag van die week was dit? -- As ek reg onthou was dit 'n Saterdag. Ek is nie seker nie. Ek kan nie meer so goed onthou watter dag nie.

MNR. FICK : U sê mnr. Ganz het nie opgedaag nie en u is na Max se huis toe en daar het u gerapporteer daar is petrolbomme beskikbaar. Wat gebeur toe?

HOF : Ek gaan nou eers die verdaging neem. Ek wil aan (20) die hand doen dat u die getuie eers uit die hofsaal verwyder, voordat daar 'n toestroming is van 'n hele aantal lede van die publiek kan veroorsaak met haar identiteit.

GETUIE STAAN AF.

MR BIZOS : My Lord, I did not want to raise this whilst she was present in case it added to some of her discomfort. I assume that we are entitled to this witness's name.

COURT : I will discuss this with my assessors and let you know.

MR BIZOS : I may say that My Learned Friend did give me the name before and I assumed that it would be coming. (30)

COURT : Then you have it.

... / MR BIZOS

MR BIZOS : I have it. I did not want it debated in her presence.

HOF VERDAAG.

HOF HERVAT.

IN CAMERA GETUIE NR. 10, nog onder eed

MNR. BIZOS VRA VERLOF VIR BESKULDIGDES NRS. 16 EN 3 OM DIE HOF-SAAL TE VERLAAT TEN EINDE 'N OOGARTS TE SPREEK.

BESKULDIGDES NRS. 1 EN 10 MOET OOK DIE DOKTER GAAN SPREEK.

SAAK GAAN VOORT IN DIE AFWESIGHEID VAN BESKULDIGDES NRS. 16, 3, 10 en 1.

ONDERVRAGING DEUR MNR. FICK (vervolg) : Ons het laas met (10) u getuienis gestop waar u gesê het dat u is toe na Max Moleko se huis daardie oggend van 24 Maart 1985. -- Ja.

Waar u gesê het daar is petrolbomme beskikbaar? -- Ja.

Wat het van daar af gebeur? -- Daar was weer drie groepe verdeel daar wat toe die plek verlaat het. Ons is toe in die rigting van die kantore.

Die drie groepe, het hulle saam weggeloop daar? -- Ja.

Was u ook een van die drie groepe? -- Ja.

Die petrolbomme, het al drie groepe van die petrolbomme by hulle gehad of het een groep nie gehad nie? -- Elke (20) groep het petrolbomme gehad.

Toe u nou wegstap daar van Moleko se huis af, hoe 'n groot groep was julle wat daar weg is? -- Ons was nie meer as vyftig nie.

In een groep? -- Ja. Die mense, die getal mense was nie meer as vyftig nie waaruit die drie groepe bestaan het.

Toe julle drie groepe daar wegbeweeg van die huis af, het julle in stilte beweeg of hoe het julle gemaak? -- Ons het gesing.

Wat het julle gesing? -- Freedom songs liedere. (30)

Op 'n stadium het julle drie groepe uitmekaar gegaan of

... / het

het julle saam beweeg? -- Die groepe is uitmekaar.

Waar is u groep heen? -- Na die polisiehuise toe.

En die tweede groep, weet u waar hulle heen is?-- Hulle is na die kantoor toe.

Is dit nou die kantoor van die Administrasie waar julle huur betaal? -- Ja.

En die ander groep? -- Na die raadslede se huise toe.

U gaan toe nou daar na die polisie se huise toe. Wat gebeur met u groep? -- Ons is na ene Boesman se huis toe. Hy is 'n polisieman. Ons kon nie daarin slaag om sy huis (10) aan te val nie.

Wat was julle probleem? -- Met ons aankoms by hierdie huis was die polisie reeds daar.

En wat gebeur toe? -- Ons het weggehardloop.

Waarheen is julle toe? -- Ons is toe na die huis van ene Pule.

Is hy 'n polisieman of 'n privaat persoon? -- Hy is 'n raads-lid.

Wat het daar gebeur? -- Ons het die huis met klippe bestook. Die polisie het daar opgedaag en ons weggejaag. Ons het (20) weggehardloop. Dit was toe stil gewees daarna. Die nag het die drie groepe weer bymekaar gekom.

Daardie betrokke dag, behalwe die klippe wat julle gegooi het, het julle van die petrolbomme gebruik in julle groep? -- Nee, ons het dit nie gebruik nie.

Tweedens, waar julle bymekaar gekom het die dag, waar was dit? -- By die begraafplaas.

In Tumahole? -- Ja.

Watter tyd van die nag was dit? -- Dit was laat in die nag om en by 24h00 middernag. (30)

Hoe het dit gebeur dat die groepe daar bymekaar gekom het?

... / Is

Is dit afgespreek, is dit toevallig of hoe het die gebeur dat die drie groepe weer bymekaar uitgekóm het? -- Vujo het vir ons gesê dat ons weer daar bymekaar gaan kom.

Wanneer het Vujo vir u gesê dat julle weer daar bymekaar moet kom? -- Soos ek alreeds gesê het, later daardie dag het dit toe stil geword. Ons het toe weer bymekaar gekom na dit stil geword het, dit is die drie groepe waar Vujo toe vir ons gesê het dat ons later die nag bymekaar moet kom by hierdie plek.

Dit is nou die begraafplaas? -- Ja. (10)

Wat het intussen van die petrolbomme geword wat u gehad het? -- Dit was nog in die groep gewees, want hulle was nie gebruik nie.

Het u toe bymekaar gekom middernag by die begraafplaas? -- Ja.

Wat het julle toe gemaak? -- Ons het daardie nag toe baklei.

Die nag toe julle nou daar bymekaar kom, was dit nog net julle drie klein groepe of was daar meer mense of minder? -- Ons was baie. (20)

Baie meer as die vyftig wat die oggend begin het? -- Ja.

Uit u eie, weet u waar kom hierdie ander klomp mense nou vandaan? -- Hulle het gehoor toe ons gesing het en toe by ons kom aansluit.

Was dit gedurende die loop van die dag wat hulle aangesluit het by u of het u gesing in die nag? -- Die nag.

Waar het u gesing? By die begraafplaas of op pad na die begraafplaas toe? -- Toe ons nou die begraafplaas verlaat het, het ons gesing. Daarop het die mense by ons kom aansluit.

By die begraafplaas waar julle bymekaar gekom het, (30) soos Vujo gesê het, is enigiets daar bespreek oor wat julle

... / nou

nou gaan maak? -- Ja, ons het besluit dat ons die slaghuis van die onderwyser Hlalele aan die brand gaan steek.

Is dit nou net julle groep of is dit die hele lot saam? -- Die hele klomp mense saam.

En julle stap toe nou na Hlalele se slaghuis toe? -- Ja.

En julle sing. Wat het julle gesing? -- Die Freedom songs.

Dié wat u reeds opgenoem het? -- Ja.

Het u enigiets by u gehad in die lyn van wapens? -- Nee.

HOF : En die petrolbomme? -- Nee.

MNR. FICK : Waar was die petrolbomme op daardie stadium. (10)
Weet u? -- Ek kan nie meer onthou nie.

Julle gaan nou na die slaghuis van Hlalele toe. Wat gebeur? -- Ons het die slaghuis aan die brand gestee.

HOF : Kan ek net hier onderbreek, as u moeg voel kan u gaan sit te eniger tyd.

MNR. FICK : Het u gesien hoe die slaghuis aan die brand gestee word, op watter wyse? -- Ek kon nie sien nie.

Nou brand die slaghuis. Wat gebeur? -- Die polisie het toe gekom. Hulle het ons wegejaag daar.

Met wat het hulle julle weggejaag? -- Hulle het traan-(20) gas daar geskiet. Ek het toe weggehardloop.

Gaan voort? -- Toe ons gevlug het vanaf die slaghuis het ons na die polisie se huise toe gehardloop.

Was dit nog steeds in Tumahole? -- Ja. Ons het gehardloop na die polisie se huise toe. Ons het die huise daar aangeval. Na ons die huise aangeval het, het ek weggehardloop. Terwyl ek weggehardloop was ek gesien deur die polisie. Ek is toe daar gevang.

Die polisie se huise wat u sê wat u aangeval het, hoeveel huise is aangeval? -- Drie polisiemanne se huise is aangeval.(30)

Hoe is die huise aangeval? Met wat? -- Ons het die huise

... / met

met klippe bestook.

Kan u aan die Hof dan ook aandui, u het paar keer getuig dat die polisie op die tonele gekom het waar u besig was om skade aan te rig. Wat was die groep waarin u was se houding elke keer teenoor die polisie as hulle nou so opdaag en hulle jaag julle uitmekaar uit? Wat maak die groep? -- Hulle het net weggehardloop.

U is toe gearresteer daardie dag nadat u daar by die polisiemanne se huise betrokke was? -- Ja.

CROSS-EXAMINATION BY MR BIZOS : On what day were you arrested? -- On the same day, which was a Saturday.

What day, what month, what year? -- 24 March 1985.

For how long did you remain in custody then? -- Three days.

Did you make a statement then? -- No.

Were you taken to court? -- Yes.

You did not make any statement to the police during that arrest? -- No.

Can you please tell us if you were arrested again after you were released? -- Yes, I was arrested on many occasions.

Could you please tell us the date more or less, the (20) month and the year of the many occasions on which you were arrested? -- On 8 August 1985, if I remember well, I was arrested.

For how long did you remain in custody then? -- Three days.

Did you make a statement to the police on that occasion? -- Yes, I did.

In August 1985? -- Yes.

Was the first statement you have ever made to a police? -- Yes.

How long was that statement that you made in August (30) 1985? -- I am not quite certain, but it could have been eight

pages.

Is it the statement that you have been led from by the prosecutor? -- Yes.

You say you were arrested many times. Please tell us on what many occasions you were arrested? -- I cannot remember the other dates on which I was arrested.

On how many other occasions were you arrested? It is of some importance. You see, because I am going to put to you that you were right, you were arrested many times. Taken into custody for a very short while and then released. I (10) want to know on how many occasions did that happen? -- Seven.
COURT : Including the two you have already mentioned or excluding them? -- Including the two.

MR BIZOS : Let us start from the last one, the most recent one. Was the most recent one in February 1986? -- Yes, it was in February.

And are you a free person at the moment? -- No, I am in custody.

I would have thought that His Lordship would have been informed about that. You see, I am going to put to you, (20) it is very easy to put a young girl like you up here to give this evidence that you gave, but a lot of it is completely false. Just before we go any further. Is Ace Magashule your boyfriend? -- No.

For how long have you known him? -- Quite long.

Was he a close friend of yours? -- Yes.

Were you very good friends? -- Yes.

Intimate friends?

COURT : What does that mean? That can mean a couple of things. She said they were very good friends. What does (30) your question mean? Bearing in mind that answer.

... / MR BIZOS

MR BIZOS : Intimate friends, very close to each other.

COURT : Well, that she has already said. Next question?

MR BIZOS : Why do you not want to admit that he is your boyfriend? -- He is not.

I suppose he was not when he was in detention as well, but before he was detained, was he your boyfriend? -- Yes, he was before.

So, up to the time of his detention he was your boyfriend? -- Just before his detention he was no longer my boyfriend.

When was he detained? -- I do not know. (10)

Well, you told us that he was your boyfriend just before his detention. When did he cease being your boyfriend? -- Before his arrest. What I am trying to say is this, while we were still in the township, before his arrest, he was no longer my boyfriend.

We will come back to this. Precisely when were you detained in 1986, February? Precisely what date? -- The 17th. Of February? -- Yes.

And this was the seventh time on which you were taken into custody? -- Yes. (20)

You told us on the two occasions that you spent three days. On this occasion you are still in custody?-- Yes.

Why are you in custody in February 1986? Were you told why you were taken into custody in February 1986? -- Yes, I was told.

What were you told in February 1986 why were you taken into custody? -- What was told to me was, I was being taken into custody because they are scared that anything can happen to me, because I am going to be a witness.

Who told you that? -- A certain White man. I do not know what his name is. (30)

... / Was

Was he the person who took your statement? -- No. It is a certain White man who is working with those Whites there.

Did you see him here this morning? -- Yes, I did see him.

Was he in court before the adjournment? -- No, he was not in this court today.

You saw him in the vicinity of the court-room? -- Yes.

You have told us now of three occasions on which you were in detention, in custody. Will you please tell us about the other four? When and for how long? -- I do not understand (10) that question.

COURT : We have heard of three, let us call it, arrests of yourself. Now counsel wants to know about the other four? -- Let me put it this way. The six occasions that I was arrested I was being detained for about three days on each occasion. The seventh one, which is the present one, is the only period which is longer than the three days.

MR BIZOS : Let us come back to August 1985. You told us you made this long statement. Did you admit in that statement that you yourself were guilty of very serious crimes? -- (20) Do you mean that I admit that I am guilty of the crimes?

Yes. Remember when you made that statement in August you admitted to committing serious crimes, taking part in petrol bombings and stone throwing, and agreeing to do away with policemen and councillors. Do you remember that? -- Yes, if that is the case I admitted being guilty.

Did anyone explain to you why you were let free after three days? Why were you let free? -- No, what happened is, each time I was being arrested and on the third day or after the third day I would be taken to court where I would be (30) released may be on bail or whatever.

... / From

From August 1985 when you admitted - after you have admitted this in your long statement, were you admitted to bail and on what charge? -- Yes.

On what charge? -- Public violence.

How much bail? -- R100,00.

And did nothing happen to that case? -- No.

When were you told for the first time that you would be a witness? -- On the 17th.

So, you were only told for the first time on 17 February 1986 that you were expected to be a witness? -- Yes. (10)

The arrests that took place between August 1985 and February 1986, were they also when you were caught at places where stones were thrown and public violence was taking place? -- Yes.

Let me see if I understand you correctly. That after you made the statement in August 1985 and you were released on R100,00 bail, you continued taking part in public violence. Is that correct? -- Yes.

I would like to get the dates more or less. How long after you made the statement in August 1985 were you first(20) arrested again? -- Do you mean for how long I was free?

No, well, yes, if you would like to put it that way? -- I doubt finishing two weeks being free. I was then again arrested.

On the spot, so to speak, committing acts of public violence? -- No, not on the spot. They fetched me from home at night.

Who fetched you? -- The police from Parys.

The ones that had taken your statement? -- Yes.

Who was the person from Parys that had taken the (30) statement from you and who came about two weeks later to fetch

... / you

you from home? -- Van der Merwe.

And what was the charge then? -- Public violence.

When were you supposed to have committed that violence?

--The day on which there was fighting. I cannot remember the exact date.

Was it just before Van der Merwe came to pick you up two weeks after you made your statement? -- Yes.

Did he accuse you of having committed further public violence after you had made your statement? -- Do you mean after the statement I made? (10)

Yes? -- Yes, he used to come and fetch me on different days if there was any fighting in which I was involved.

And you would tell him about the fighting in which you were involved and then he would release you again? -- The statement I am referring to now is the only statement I made. On other occasions, each time I was being accused, I would just deny any knowledge and say that I did not take part in that.

Was your denial true or false? -- At times I was telling the truth. At times I was lying. (20)

Let us see. Out of the seven occasions on which you were arrested, on how many occasions did you admit that you had taken part in public violence? -- Only on one occasion. Otherwise, the rest, I just denied having been involved in that.

Let us see whether we can get it out clearly, that of the seven occasions on which you were arrested, you only admitted to being guilty of anything on one occasion and all other occasions you denied? -- Yes.

On each of the occasions that you denied, was a short (30) statement taken from you denying it? -- Yes.

... / Did

Did you sign on oath that you deny it? -- Yes.

And how many such denials on oath did you make that you did not take part in public violence? -- Six times.

And out of the six times when you denied it, on how many occasions did you in fact take part but falsely denied it? -- On five occasions that I was present I denied any knowledge of that. The sixth one I was not at all there. I believe that case has been disposed of now.

What do you believe has been disposed of? -- That is the sixth case I am referring to in which statement I denied (10) any knowledge.

The statement that you made you say in August 1985, did you make it here in Delmas or did you make it elsewhere? -- I was in Parys.

At the police station? -- Yes.

For how long have you been in custody before you made it? -- I think three days.

On how many occasions have you been asked whether you were involved in anything on that occasion in August before you came to admit that you were involved? -- Could you (20) just repeat that?

I will try and explain it so that it can become plainer. You told us that on six other occasions you signed statements saying that you were not involved? -- Yes.

And from that are we entitled to assume that telling untruths to a policeman comes easily to you? -- No.

Well, it came easily the five out of six times, did it not? -- That is what happened.

On this occasion on which you made the long statement, on the third day of your arrest, what was your attitude (30) when you were first confronted by Mr Van der Merwe as to

... / wheter

whether you had taken part or not? -- I first denied.

Did you deny on the first day? -- Yes.

How many times did you deny it on the first day? -- On many times.

And for how long were you in interrogation on the first day? -- It was quite long. I am not quite able to tell how long it was.

The whole day or a part of the day or the whole night or part of the night? -- I think it was about half a night.

Half a night? -- Yes. (10)

What time were you arrested? -- I think it was about 02h00.

And did you - were you interrogated from the time that you were arrested until the next morning? -- Yes.

Just by Mr Van der Merwe or also by people helping him? -- There were other people with him.

How many people were with him? -- Six or seven.

Could you tell us the names of some of those six or seven people? -- The only person who was known to me was Van der Merwe. The others I only know by sight. I do not know (20) what their names were.

Black or White? -- White.

So, there was Van der Merwe and six other Whites. -- Yes.

What did they accuse you of? -- That I was present there. I must tell the truth. If I do not tell the truth they are going to hit me.

Where were you supposed to be present? -- That I was present in the confusion which was taking place in the township.

From the time that it started right up to the time (30) in August when you were taken in? -- Yes.

... / And

And did you deny it? -- Yes.

Did they believe you? -- They did not believe me. They continued forcing me to tell the truth.

How were they forcing you to tell the truth? -- They were asking me questions. When I say I do not know in answer to that question, then they would tell me they are going to hit me. Because of my being scared of being hit, I then told them.

We have not reached there, because you told us that you made the statement on the third day. During this session (10) on the first night, was it only Mr Van der Merwe who was asking you questions or were any others asking you questions? --- The others as well.

Whilst they were asking you questions, was anybody making notes of what you were saying? -- Yes.

Who was making notes of what you were saying? -- Mr Van der Merwe.

Was Mr Van der Merwe making notes of the things that you denied? -- Yes.

Did you sign anything, those things that you had denied? (20)
Did you sign those things on that day? -- They said I must sign.

So, you signed something early in the morning? -- Yes.

Was that the first thing that you signed? -- Yes.

So, we will call that the first statement.

COURT : How many pages was that? -- It was only one page.

MR BIZOS : Did you sign that? -- Yes.

Did they ask you to sign that under oath? -- Yes.

And did you sign it on oath? -- Yes.

During the day - you were at about 02h00, what hap- (30)
pened during the first daylight hours? What happened during

... / that

that period? -- I was locked up.

COURT : When did you tell them for the first time that you were involved? -- It was on the third day, the day on which I made a statement.

MR BIZOS : Let us remain with the first day. You were locked up presumably early in the morning. Were you taken out during the first day? -- Yes, I was again fetched the night.

What time during the night so that we will call this the second night? What time were you fetched during the second night? -- I cannot remember what time it was. (10)

Was it just as it got dark or was it in the early evening or in the middle of the night or the early hours of the morning? -- It was already in the night.

Had you already gone to sleep? -- Yes.

And you were woken up in the night? -- Yes.

Where were you taken to from your cell? -- I was taken to their offices.

Whose offices? -- CID offices.

Did you see Van der Merwe again? -- Yes.

Was he alone or was he in the company of others? -- (20)
He was with others.

The same group as they have been with you in the early hours of the morning? -- Yes, the others were present in the morning plus two Blacks.

So, there were now in all nine people? -- Yes.

Was this in the morning or at night? -- At night.

How much time did you spend there? Did you spend the rest of the night there? Can you tell us how long you spent with Mr Van der Merwe in the office with these nine people? -- We took quite a long time in that office, until we left (30) together at about 02h00.

... / How

How many hours would you say more or less, how many hours did you spend in that office? -- I think about three hours.

Was anyone of these nine gentlemen making any notes when you were in their company in the middle of the night? -- No, nobody was taking notes there. All they wanted was that I must go and point out the people with whom I was involved in the fighting.

Did you continue denying that you were in any way involved? -- Yes.

Throughout that period? -- Yes. (10)

Were you protesting your innocence? -- Yes.

And did they believe you? -- They did not believe that because in fact they later had to hit me to go and point out the people.

You say later. Who hit you? -- The Black policeman Mbali.

When did he hit you? -- The same night.

This is the second night of your detention? -- Yes.

Who else was present when this policeman hit you? -- Those policemen were present.

Including Mr Van der Merwe? -- Yes. (20)

And why did this policeman hit you? -- That I must make known the names of the people with whom I was involved.

And you continued denying being involved, even after you were hit? -- I admitted.

You admitted after being hit? -- Yes.

How were you hit? -- He was hitting me with a sjambok.

I do not want you to exaggerate. Do you know what a sjambok is? -- Yes, I do.

Would you describe it to His Lordship, please? -- It is a long thing made of a plastic material. (Witness indicates length) (30)

... / COURT

COURT : About 30cm.

MR BIZOS : No, I think she stretched her hands right across like that. It is about a metre.

COURT : Nearly a metre.

MR BIZOS : You also clench - half clench your fist and you indicate that it goes one way. Is it the same thickness or does it taper off? -- From the handle where one holds it, it is big and then as it goes along it becomes smaller and smaller.

How many times were you hit with the sjambok? -- I cannot count really. (10)

On what part of your body were you hit? -- All over the body. He did not choose a specific part of the body.

Whilst you were being hit, did you say "Very well, I will point out people." -- Yes.

Did anyone try to stop this policeman from hitting you with the sjambok? -- No, he stopped at his own.

And at about 02h00 you were taken to your cell? -- No, I was not taken into a cell. We left together to fetch the others.

Oh, I see. So, you were hit with the sjambok you (20) pointed out various people? -- Yes.

And after you were hit with the sjambok, would you please tell us whom you pointed out? -- I pointed all the people out whose names I am not able to mention now.

People of your group - we will come later to what you were doing and whether you told the truth about what you were doing, but you mentioned the names practically of all your friends? -- Yes.

Then you - what time did you finish pointing people out? -- I think it was at about 03h00. (30)

Once you pointed them out, were the nine people and you
... / together

together again at the police station? Did you return to the police station? -- What happened is, after pointing out these people who were later arrested at the same time by the police, I was not taken into custody or in the same cell with them. I was taken to a different part, a different cell altogether from where they were kept.

You were put in a cell? -- In fact what I mean is, after these people were arrested, those that I pointed out, I was then taken out of Parys to be kept at a different place altogether. (10)

Where were you taken to? -- I do not know the name of that place.

Far away from Parys? -- Yes.

How far? -- I am not in a position to give an estimation as to how far that is, except to say it is far.

I want to ask you this. During these two interrogation sessions that you had in the middle of the night, was there perhaps a woman present to comfort you in some way, among these nine men? -- No.

You were taken to this police station far away from (20) Parys and were you locked up in a cell? -- Yes.

Did the whole group of policemen, all nine of them, accompany you to this new place or just a few of them? -- I left with two White policemen.

Van der Merwe, was he one of them? -- Yes.

Do you know who the other one was? -- No.

You were taken to this place and were you kept in custody? -- Yes.

Where you in pain? -- Yes.

You were not taken to a doctor by any chance? -- No. (30)

For how long did you remain in your cell before you were

... / visited

visited by Mr Van der Merwe or any of his colleagues? -- I think I was there for the whole day and then I was again fetched at night. I cannot tell what time it was. It was already in the night, because I was already asleep.

You were woken up again? -- Yes.

By whom were you woken up? -- A Black policeman whose name is not known to me.

And where were you taken to? -- To Parys again.

And in Parys, what did you do there? -- I was again questioned about these incidents, on which then I told them. (10)

How long did you remain there? -- Do you mean while being questioned?

Yes, this is the third night? -- I think I finished in the morning at about dawn or at about 03h00.

And how many hours would you say did you spend there that night? -- Four plus. I am not certain.

By how many policemen were you interrogated at this place? -- By Van der Merwe. He was the man who was questioning me.

And how many others were present? -- I think they were four. (20)

Were they also asking you questions? -- Yes.

And how were you getting on with them? -- (No reply)

May I ask you a question. The gentleman who has just come into court, Captain Botes, did he ever have anything to do with you before you came into the witness-box? -- No.

Are you sure about that? -- Yes.

During these four or five hours, were any statement taken from you on the third night or not? -- Yes. Not only by Van der Merwe, but another one Nel also came and questioned me and I answered his questions. (30)

And who was busy writing? -- Nel was writing.

... / And

And Mr Van der Merwe was asking the questions? -- What happened is this. The same night after finishing with Van der Merwe and the others who were present while Van der Merwe was questioning me and writing, Nel came and called me to another place where he, Nel, also started questioning me and writing.

When were you first asked questions about Mr Tera Lekota? -- Meaning time or the date or the occasion?

No, the occasion, the time when, the date when. How long after you were taken into custody were you first asked (10)
K230 anything about Mr Lekota? -- Two days after my arrest was the first time that I was asked about him. I cannot remember what time it was when I was questioned.

Was it before or after you had been hit with the sjambok? -- After having been hit with the sjambok.

By whom were you asked about Mr Lekota? -- The two policemen I have just mentioned, Nel and Van der Merwe.

What did they say about Mr Lekota? -- They asked me if I knew him. I said no, I do not know him. Nel then said to me they are going to hit me, I must tell the truth. (20) Because of my being scared to be hit, I then said yes, I know him.

I want you to please take it from, for what it is worth from me, that whilst you are in this court you have the Court's protection and your continued freedom depends on His Lordship and not on the police? I wanted to ask you to tell the Court honestly did you in fact know Mr Lekota before you were hit with the sjambok? -- Yes.

You do not have to look at the police officers. Look at His Lordship. (30)

COURT : She was not looking at the police officers.

... / MNR. JACOBS

MNR. JACOBS : Ek maak beswaar.

COURT : The police officers are sitting on that side and she was looking in that direction. Do not put things on record that are not correct. Please continue.

MR BIZOS : With the greatest respect, I may see things whilst I am looking at the witness whilst Your Lordship is writing and Your Lordship can only say that Your Lordship did not see it, with the greatest respect.

COURT : Where did you expect the police officers to be? These police officers are on your right-hand side. (10)

MR BIZOS : I want to assure Your Lordship that the witness looked at the police officers. If Your Lordship did not see it whilst Your Lordship was making a note, then it may well be that Your Lordship did not see it, but the suggestion that she was not looking at the police officers, with the greatest respect is just not correct, to my personal experience.

COURT : I have an objection by the State. Put on record what you saw, Mr Fick?

MNR. FICK : Die een polisiebeampte sit spesifiek so dat (20) hy nie na die getuie kan kyk nie, omdat dit in die verlede al beweer is dat van die ander polisiemanne kyk na die getuies. Hy sit spesifiek so dat hy haar nie kan sien nie. Die ander beampte hier langs my is besig om die getuienis neer te skryf. Sy het nie gekyk nie. Ek maak beswaar daarteen.

HOF : My one assessor did not look up, the other assessor did not notice the witness looking at the police officers.

MR BIZOS : The suggestion that I make was not that the police officers were doing anything. I suggest that the witness, before giving the answer, looked in the direction of the (30) police officers.

... / COURT

COURT : Go ahead, Mr Bizos.

MR BIZOS : You told us that you were asked about Mr Lekota after you were hit with the sjambok and was it during the session during the third night? -- Yes.

When you were still afraid? -- Yes.

Did they tell you what their interest in Mr Lekota was? Did they tell you why they were interested in Mr Lekota? -- I do not understand the question.

Why did Mr Lekota's name come up? What did they say about him? -- They asked me if I did not know him. (10)

Did they say why they were interested in him? -- No.

Did you know that Mr Lekota was in custody at the time? -- No.

You know, I am going to suggest to you that you are a very aware person. As you are smiling now, you know that you are a very aware person and that you were hit with a sjambok to give evidence in this case? Is that not so? -- When I was hit by the police for the first time, is when they said to me I must reveal everything about this that I know. On the 17th when they took me into custody, they said if I (20) do not want to give evidence about this, I will go to jail for a long time. Now, because I did not want to go to jail for a long time, they were talking about, I then decided to reveal everything.

Who told you - when you talk about the 17th, do you talk about 17 February 1986? -- Yes.

Who told you that you would go to jail for a long time? -- A certain White policeman whose name is not known to me, but I would be in a position to identify him should I see him again. (30)

Where did you see this policeman? -- Here in Delmas.

... / In

In one of the rooms nearby here? -- Yes.

So, that the fear of sjamboking and the fear of going to prison, is it still with you here in court? -- No, it is no longer with me, because what they said to me, if I were to give evidence, I would not have to go to jail.

Let us just come back to the third night. Was a written statement signed by you on the third night? -- Yes.

Was that statement the one that you signed or did you sign it after that third night? -- The same night.

Did you sign it? -- Yes. (10)

A handwritten statement? -- Yes.

How many pages was that? -- Eight.

Did you sign any other statement during that detention? -- No, I did not make any other statement. This was the only one.

And this was in August 1986? 1985, I beg your pardon? -- Yes.

There is no mistake about that in any way? That it was during August that you were hit with the sjambok? -- Yes.

And was the oath administered at the time that you (20) finished the statement? -- Yes. No, they did not say to me I must take the oath. All they said to me was I must sign.

And you signed? -- Yes.

Did you read over that statement or was the statement read over to you or not? -- It was read over to me.

What did you think would have happened to you if you did not sign the statement that was read over to you? -- What they said to me was "If you do not sign this statement, it means to us that you are scared of something, which makes you not to sign the statement." (30)

Were they speaking the truth when they said that you were

... / scared

scared of something? -- No.

Well, you put your head down and you looked at the ground and you said no, but did you not think that if you did not do according to what Mr Van der Merwe wanted, that you may be sjamboked again? -- I said here that I made the statement because I was scared of being sjamboked, being hit and going to jail and therefore, anything that I was asked to do, I was bound to do that because of my being scared of the two that I have just mentioned.

WITNESS STANDS DOWN.

(10)

COURT ADJOURNS.

COURT RESUMES

IN CAMERA WITNESS NUMBER 10, still under oath

E231

CROSS-EXAMINATION BY MR BIZOS (continued) : Before the adjournment you mentioned Mr Nel's name. -- Yes.

And if I understood your evidence correctly you mentioned his name for the first time because he asked you questions and he threatened you on the third occasion when you were with the police, the third night. -- Yes.

Was it the first time that you saw Mr Nel? Had he not been there the previous two nights? -- That was the first (20) time to see him. He was not present the previous nights.

Do you remember that you told us that he asked you whether you knew Mr Lekota and you said "No, I do not know him"? -- Yes.

When you told him that you do not know him, he told you that he was going to hit you? -- Yes.

And you then decided, because you were afraid and because you remembered the sjamboking that you had had before, you said "Yes, I know him"? -- Yes.

And you told us that you really had the sjamboking the (30) night before. That is in your second encounter with the police.

... / Yes

-- Yes.

And you told us as a result of that sjamboking during the second night, you decided to tell the police the truth?

-- Yes.

So, by the time you first met Mr Nel on the third night, you had already decided as a result of the hiding that you had got, not to hide anything from the police? -- Yes.

Why was your first answer to Mr Nel that you do not know Mr Lekota? -- Do you mean why I said I do not know him?

Yes? -- It is because I did not want to tell about (10) what I know. When they asked me about things, I was reluctant to tell them.

Yes, but you told us you had already been beaten up, you told them what they wanted to know, you co-operated with them by going to point out your friends. Why, having been forced into that situation of speaking against your will and telling them what you say is the truth, why did you tell them another lie according to you now when they asked you the third night? Any explanation? If you have any, please say so? -- I do not have an explanation. (20)

Just by the way, how old are you? I mean really, not what you have told His Lordship up to know, how old are you really?-- I am 17.

What is your date of birth? -- 15 June.

What year? -- 1968.

COURT : This information is not to be published.

MR BIZOS : Are you sure you are not older than 17? -- No.

You see, I am going to ask you something. His Lordship here and the learned assessors and Mr Lekota and we did not hear in the documents about what you say Mr Lekota did and (30) said until after your February 1986 detention. Accept that

... /from

from me and tell us honestly, did you not for the first time speak about Mr Lekota after your detention in February 1986?

-- What? That I did not talk about him?

No, what I am asking you is, listen carefully and try and follow, please. After you were detained in February, on 17 February 1986, who detained you? Let us start with that? -- A certain White policeman and who is not in the court-room here is the person who instructed others to go and lock me up.

Who actually detained you in February? (10)

COURT : What do you mean? Who locked her up in the prison or who came to arrest her?

MR BIZOS : Who came to fetch her? -- Nel fetched me.

Was Mr Nel alone when he came to fetch you? -- No.

With how many others did he come? -- Two.

Black or White? -- One White and one Black.

Do you know the names of the others? -- I only know the Black one by the name of Jeff. I do not know what the White one's name is.

Who spoke to your first and what did he say? -- Do you (20) mean when they came to my home?

Yes? -- All they said was that they came there to fetch me. I asked them why, what wrong have I done, on which they said you will hear from the people to which we are taking you.

What time did Mr Nel come there? -- It was in the morning at about 04h00.

At night. In the hours of darkness? -- Yes, it was still dark.

Were your parents given any further explanation? -- (30)
My parents did enquire from the Black policeman on which in

... / reply

reply he said he does not know a thing as to what is happening. The Whites did not say anything to them.

This was the same Mr Nel that had had threatened to hit you? -- Yes.

Did the four of you get into a car and where did you go? -- We went to SASOL.

What happened there?-- We were there for some time, not very long. The one White man remained there at Sasolburg, when we left for Delmas, namely myself, Jeff and Nel.

Did you speak along the way on the road? -- No, they (10) were quiet.

Nobody gave you any explanation as to why you were taken away from your home at 04h00 in the morning? -- No.

And you were brought to Delmas? -- Yes.

By Mr Nel? -- Yes.

To whom were you taken? -- I was taken to a certain White man here in Delmas. I do not know whether he was a policeman or not but he is White.

COURT : In the court building here? -- Yes.

MR BIZOS : Were you questioned? -- No. I accept that I (20) asked whether I was prepared to come and give evidence as a witness here.

Did this White man ask you whether you were prepared to come and give evidence? -- Yes.

What was your answer? -- I said I was scared.

Did you say whether you were prepared to give evidence or not? -- I said I was scared, I do not want to.

You do not want to give evidence.

COURT : Do we place on record then that accused nos. 16 and accused no. 3 are back. (30)

MR BIZOS : As Your Lordship pleases. Was a statement taken
... / from

from you? -- The statement is the one I have made before.

Was no further statement made before? -- No.

Were you not asked any questions? -- No.

COURT : Was reference made to your statement? -- I was asked whether I still remember the contents of the statement, on which I said I do not remember anything.

MR BIZOS : You said you could not remember anything? -- That is right.

What happened? Were you given a copy of was any effort made to refresh your memory? -- They then read from it and (10) asked me whether those were the things that I have made mention of in my statement.

Your statement was read to you? -- Yes.

The statement that they read from, was that a handwritten statement or a typed statement? -- It was typed.

Did you ever sign a typed statement? -- No.

Are you sure that the statement that was read out to you in the room in the vicinity of the Court was typed? -- Yes.

And the only statement that you signed was a handwritten statement? -- Yes. (20)

Were you telling the truth to the person that you spoke to in the vicinity of the court, when you said you did not remember what was in this statement? -- Yes.

If this typewritten statement had not been read out to you, you would still not have remembered anything? -- No.

You would not have remembered? -- No.

Did they not suggest that whilst you have got nothing to do in detention perhaps it may be well served by having a copy of the statement with you? -- Do you mean the place where I was kept in custody? (30)

Yes? -- No, they did not give me anything.

... / How

How many times has this typewritten statement been read over to you? -- Once only.

And was that enough to refresh your memory of everything? -- No, on the 17th is the day when this statement was read to me. That is the day of my detention. Again yesterday, it was given to me to read through this statement.

Who gave it to you yesterday? -- That White man there.

COURT : She is pointing to Mr Fick, the prosecutor.

MR BIZOS : Was it the man with the black robe or the detective?

-- The man with the black robe. (10)

For how long did you have a copy of your statement in your possession yesterday? -- I read it through for a long time.

How many times did you read it over? -- Many times.

What time did you arrive here yesterday? -- At about 10h00.

Are you sure about that? -- Yes.

Then what time was your statement given to you?-- I cannot remember what time it was.

Was it as soon as you arrived here? -- I was here for (20) some time. After a while they gave me a statement.

In the morning? -- Yes.

You see, I am sorry to doubt your word, but His Lordship was assured yesterday that there were no witnesses in the vicinity of the court. You must be terribly mistaken? You are not suggesting that the prosecution misled His Lordship yesterday that you were here studying the statement ... (Court intervenes)

COURT : Just give the witness a chance to answer your first statement that she was terribly mistaken and that she was (30) not here Yesterday morning? -- I was here yesterday.

... / Morning

Morning? -- Yes.

MR BIZOS : I withdraw the other question. Did you take the statement back to your cell with you? -- No, I did not take it along with me to the cell. What happened is, after reading it, they took it back and then returned me back to Sasol.

What time did you leave for Sasol? -- I cannot remember the time exactly as to what time it was, but I think it was at about 14h45.

Were you given a typewritten or a handwritten statement yesterday whilst you were in the vicinity of the court? --(10)
The typewritten one.

Have you ever seen the handwritten one, the one that you signed? -- No, I have not.

Are you able to give His Lordship any sort of assurance that the original statement that you signed is the same as the typewritten one that you were given yesterday to study? -- Yes.

Do you say that it was? -- Yes.

I thought you could not remember anything? Why was April better than February? -- It is true that I did not (20)
remember in that statement.

My Lord, I would, however, like to place on record that we were given an assurance by Mr Jacobs yesterday in the presence I think of My Learned Friend Mr Fick that we would have witnesses from Vryburg today.

MNR. FICK : Ek kan dit net op rekord plaas . Dit mag seker so wees. Die getuies van Vryburg is hierso, maar hulle word gekonsulter vanoggend. Vryburg is nie agter die bult nie en hierdie getuie was nader. Daarom is die getuie intussen geroep. (30)

MR BIZOS : I want to ask you, do you remember that there was

... / an

an attack on your principal? -- Yes.

Do you remember that day well? -- Yes.

Never mind what the date was. Can you please tell us whether you had seen Mr Lekota in a race before that date or after that date or both before that date and after that date? -- Before the attack on the school, you mean?

COURT : Let us just get clarity. There may have been more than one attack. The occasion counsel is speaking of is where the principal and the teachers were attacked at the parade and where they fled to the staff-room and where the inspector was also there and his car was burnt outside? (10)

MR BIZOS : The question is, did you see Mr Lekota just before or just after or both before and after that date?

COURT : It is placed on record that accused nos. 1 and 10 have also returned. -- Before the incidents.

You saw accused no. 20, that is Mr Lekota, before the attack on the principal and the inspector's car? -- Yes.

MR BIZOS : Did you see him after the incident? -- No.

How long before that incident did you see Mr Lekota? -- Long. (20)

How long before? -- I am not able to tell as to how long after that.

You have just said after that. Was that a mistake or do you stand by that answer?

COURT : After what? -- I did not say after. I said before the incidents I saw him.

MR BIZOS : You have just said after that. You cannot remember how long after that. -- The first question put to me was had I seen him before the incidents. I said yes and the next question was, how long after I had seen him, before these incidents or what the period was between my seeing

... / him

him before the incidents. Then I said it was long after I had seen him that these incidents occurred.

Are you being kept in social isolation? -- Yes, I am kept alone.

Completely alone? -- I am completely alone.

What effect is that having on you? -- It is not nice to stay by yourself.

Do you find yourself that you are confused? -- Yes.

And do you find yourself wanting to please those persons who have the right -for you to have food, comforts or (10) reading matter? -- That one I do not understand. What do you mean?

You are dependent for everything that you need from the investigating officers in this case? -- I did not get anything from them. All I used to get there was food.

Did you get any reading matter? -- They had given me a Bible.

Is that all? -- Yes.

COURT : Let us just get some clarity. Are you held at the police station or are you held in a jail? --Police station.(20)

MR BIZOS : Has Mr Nel been visiting you since February when you are in detention? -- No.

When you made the statement in which you implicate yourself and your friends in such serious matters, did anybody tell you why you were being released on the third day? -- No.

Were you not shocked that here you admit to doing some terrible things and then they say "Very well, go home"? -- No, I was not shocked.

Or surprised? -- No, I was not shocked.

When you signed this handwritten statement, did any- (30) one suggest that you could possibly repeat this before a

... / magistrate

magistrate?-- No.

Who actually told you after you had signed this handwritten statement, that you are now free to go, you are not going to be charged? -- That is him, Van der Merwe.

COURT : Were you told you are free to go or were you told you are not going to be charged? -- All he said was that I am free, I can go.

MR BIZOS : Who told you for the first time that you would go to prison for a long time? -- This White man whose name is not known to me, is the first person who told me about (10) that.

He told you that in the vicinity of the court? -- Yes, it was in the vicinity of the court.

Did he explain to you how you could avoid going to prison for a long time? -- No, he did not tell me that, except because he said to me if I was a State witness, then I would not go to jail.

Did he have the typed statement with him when he told you about that?-- Yes.

Did he tell you whether you could say to the Judge (20) what you wanted to say or did he tell you that you would have to stick to that statement? -- He said I must speak about what I have made mention of which was written down and nothing else.

Have you seen this gentleman around the court today or yesterday who told you to speak about nothing else? -- I saw him yesterday.

And not today? -- No, I have not seen him.

Perhaps you could describe to us who told you not to speak about anything else, except what was in the state- (30) ment? -- Do you mean describe him as a person?

... / Yes

Yes? -- It is a White man with white hair and he is taller than me.

Any other distinctive feature that you can give us? -- No.

Was Mr Nel present when he told you that? -- No.

Were the two of you alone? -- No, there was a Black person present there, who was the third person.

As an interpreter? -- Yes.

In what language was the statement that you signed, the handwritten one? -- Afrikaans. (10)

And I suppose, coming from Parys, your Afrikaans is quite good? -- Yes.

Were you conversing with this person in Afrikaans or were you making use of the interpreter? -- We were conversing in Afrikaans.

Did this person by any chance ask you whether you had been assaulted before you made the statement, that is the typed statement that is before you? -- Yes, he did.

COURT : Are you not mixing up something? The witness says "We were conversing in Afrikaans." When the statement (20) was taken originally or now when the man with the white hair spoke to her?

MR BIZOS : I am referring to the February conversation, the man with the white hair.

COURT : The man with the white hair was yesterday.

MR BIZOS : That is the incident that I am referring to.

COURT : We must start all over again. The language spoken when the statement was taken was Afrikaans. Is that correct? -- I spoke Sotho and it was taken down in Afrikaans.

Was there an interpreter? -- Yes. (30)

So, the statement you signed was taken down in Afrikaans

... / but

but you spoke Sotho? -- Yes.

MR BIZOS : The question that I asked you is, this person with the white hair that asked you whether you had been assaulted or not, was that yesterday or before? -- It was on the 17th.

What did you tell him? -- What was the question again?

When the person asked you whether you had been assaulted before making the statement, what was your answer? -- I said yes.

And the person that interviewed you in February knew that your statement had been taken after you had been (10) sjamboked? -- I do not know whether he knew about the sjamboking or not.

But you told him?

COURT : No, that is the question, whether he asked a further question after he had been told she had been assaulted, whether he asked her "How have you been assaulted?" You are skipping a couple of questions.

MR BIZOS : Did he ask you how you had been assaulted? -- No, he did not go further in asking me whether I was assaulted or not. (20)

He asked you whether you had been assaulted and what you probably mean is, he did not ask you how you were assaulted? -- No, he did not ask as to how I was assaulted.

Was it then that he said you must just say what is in your statement and nothing else? -- Yes.

And did you take that as a very clear message that you must not mention the fact that you were assaulted? -- Yes.

COURT : What do you mean by yes? -- By that I mean he did not tell me to tell the Court that I was assaulted or not, except that he said to me I must tell the Court about (30) what is contained in my statement.

... / MR BIZOS

MR BIZOS : And nothing else? -- Yes and added by saying "and nothing else."

Was it a clear message you were not to speak about your assault in court? -- The message I got from what he was saying was. I was bound to come and give the evidence which I am about to give in court and therefore accepted it that in order to avoid being kept in jail for a long time or in custody for a long time as mentioned by him, I will have to give evidence and that is all.

Only of what was contained in your statement? -- Yes. (10)

Did you understand it that you must not mention to the court that you had been assaulted? -- I did not understand him to mean that.

Is that why you felt free to talk to His Lordship about the assault? -- Yes.

But the message was made very clear to you that you were not to deviate from your statement in any way? -- I am mentioning all these because I am being asked as to whether I was assaulted or not.

I can understand your discomfort. Who was the interpreter who helped Mr Van der Merwe and Mr Nel to take your statement? The Black man? -- I cannot remember what his name is. He is a Black policeman. (20)

Had he been there the previous two nights? -- Yes.

Was he perhaps one of the persons who sjamboked you? -- They were not assaulting me. The only person who was hitting me there was Mbali.

Was the person who was acting as an interpreter the third night present whilst Mbali was hitting you? -- Yes.

Did anyone of the persons present whilst Mbali was hitting you, tried to prevent Mbali from hitting you? -- No, (30)

... / nobody

nobody tried to stop him, instead they were laughing.

Was Mr Van der Merwe laughing? -- All of them present in there were laughing.

When Mr Nel came onto the scene on the 3rd when you were interrogated, did you have any injuries? -- I had injuries on my body which were not visible. So, he did not see those injuries.

Was Mbali the only person who hit you? Or did the others without necessarily sjambok, did any other slap you or do anything to you? -- No, not physically. They did not (10) assault me, except to threaten me about assault.

What were the threats? -- For instance saying "We are going to hit you. Tell the truth."

When you were being interrogated, if I have counted up the number of hours correctly for over ten hours before you made your statement ... (Court intervenes)

COURT : Is that correct? Was the statement not taken as part of the last four hours plus?

MR BIZOS : The first night I understood about four hours, and five hours on the second night and then the statement (20) on the last night. I think it is a fair estimate. For the ten hours or so that you were interrogated before your statement was taken, surely the persons who were interrogating you must have tried to give you the impression that they knew what was the truth and what was lies. -- What do you mean?

The interrogation lasted approximately ten hours. They must have told you things like this "We know that you are the girlfriend of a person that is involved in the Youth Organisation." Did they say that? -- Yes, they said that.

"We know that you hold meetings in the garage"? -- (30) Yes.

... / "We

"We know that you discussed there who to attack"? -- Yes.

"We know that you are just a lot of youngsters who are being abused by other older people?" -- Yes.

"We know that you attack policemen's houses?"-- Yes.

"We know that you attack councillors' houses"? -- Yes.

"We know that it is not spontaneous that children attack their teachers. They are put up to it by others"? -- Yes.

"We know that the UDF is behind all this"? -- Yes.

And every time you said no, these gentlemen became very upset with you?--Yes. (10)

And you realised sooner or later that in order to stop the assaults and the hostility that has been shown to you, you had better agree to what they were suggesting? -- What made me to agree was I wanted them to leave me alone and not to be aggressive towards me in the manner in which they were.

And I am going to suggest to you that never mind a girl of 17 as you say you are, an even stronger person if he had been treated the way you were treated, you would have agreed to anything that was suggested to you? -- Yes, I understand that. (20)

And did you agree to that? -- Yes.

Are you prepared when you leave this witness-box to please show My Learned Friend, the prosecutor and Mr Sutherland, the young man sitting behind the other attorney, the person who spoke to you in February if he is around here or if you see him tomorrow morning, tell these two gentlemen at the same time and point him out to them. -- Yes, I can point him out.

WITNESS STANDS DOWN.

(30)

COURT ADJOURNS TILL 30 APRIL 1986.