

SAAKNOMMER: CC 482/85

DELMAS

1986-06-09

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRÜGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

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HOF HERVAT OP 9 JUNIE 1986.

MR BIZOS : My Lord, before we ask any questions of Mr Jenkins, there are two matters that I want to draw to Your Lordship's attention. The first is that accused no. 10, Mr Vilakazi, is temporarily absent. He is going to undergo a minor operation and we apply to Your Lordship to proceed with the trial in his absence. He has already gone. He left a short while ago.

COURT : That is granted.

MR BIZOS : The other is that in relation to EXHIBIT 30 - Your Lordship will recall that that is the video tape of the (10) funeral in Soweto, which was produced by Sergeant Munk(?). We admit that the tape that was produced in court is the tape which was seized by Mr Munk and that it is in the same condition as it was when he seized it.

COURT : Actually Mr Munk did not seize it.

MR BIZOS : Then My Learned Friends and I are wrong about that.

COURT : It seems to me that he merely saw these people at the police station and the next link in the chain is this actual seizure, but it was not done by him.

MR BIZOS : Well, could we say the seizure described by (20) Sergeant Munk.

COURT : As when seized by the police?

MR BIZOS : As when seized by the police.

COURT : Is it then correct to record that it is admitted that the video tape, EXHIBIT 30, which was produced in court, was seized by the police and is in the same condition as it was when it was seized by the police?

MR BIZOS : Seized by the police.

COURT : And that it was seized from the overseas television group? (30)

MR BIZOS : That is correct. The other matter is that I would

... / like

like to confirm that an admission is forthcoming in relation to the correctness with a slight reservation of the transcripts of the tapes that have been held admissible by Your Lordship, but I have asked Mr Fick to formulate an admission in writing in that regard and we will hand it to Your Lordship at an appropriate time.

COURT : When you are formulating that admission, just include this admission as well on EXHIBIT 30. It makes it much easier to have it all on paper.

CORNELIUS JOHANNES JENKINS, v.o.e. (10)

KRUISONDERVRAGING DEUR MNR. BIZOS : Mnr. Jenkins, ek het net 'n paar vrae vir u. U het vir ons gesê dat daar ongeveer vyfhonderd jeugdiges was ongeveer 09h00 die oggend van 15 Julie 1984 in 'n optog wat u daar opgemerk het in Tumahole?-- Dit is reg.

Hoe laat die oggend het u na Tumahole gekom? -- Ons het die optog omtrent so 09h15 opgemerk. Ek kan nou nie sê presies hoe laat het ons in die Swartwoonbuurt ingekom nie.

Het u per voertuig soontoe gegaan? -- Ja, ons het met 'n Ford Escort gery. (20)

En is dit reg dat vroeg die oggend daar geen padversperrings of enigiets anders was om u te belet om rond te beweeg nie? -- Dit is reg.

En dat die padversperrings het later die dag na traanrook gebruik was deur die polisie om die jongmense uiteen te jaag voorgekom? -- Dit is korrek.

U het gesê dat kort na 09h00 die getal jongmense vergroot was en daar was ongeveer 'n duisend mense daarna? -- Dit is korrek. Daar was natuurlik volwassenes wat ook aangesluit het. (30)

'n Deel van die ander mense wat aangesluit het, was

... / volwassenes

volwassenes? -- Dit is reg.

Is die optog deur die polisie gestop toe dit by die deel wat as New Location bekend staan in die oostelike deel van die woonbuurt gekom het? -- Ja, dit was by die nuwe gedeelte gewees wat die optog tot stilstand gedwing is.

Kan u vir ons sê min of meer hoe laat die groep jongmense by die biersaal saamgekom het? -- Ek sal sê dit was ongeveer so hier in die omgewing van 10h00.

Is u seker daarvan? Was dit nie miskien 'n bietjie later nie? Tussen 11h00 en 12h00? -- Ek sal definitief nie sê (10) dit was tussen 11h00 en 12h00 gewees nie. Tussen 10h00 en 11h00.

Maar dit mag later as 10h00 gewees het? -- Ja.

So 10h30 se kant miskien? -- Dit kon moontlik daardie tyd gewees het.

Kan u vir ons sê hoe laat die groep wat by mnr. Hlalele se supermark en slaghuis was - hoe laat dit was? -- Toe hulle die winkel gebrand het?

Ja? -- Ek sou sê dit was net na 11h00 gewees.

Sou 11h00 en 12h00 reg wees? -- Ja, dit kan reg wees. (20)

U het gesê daar was vyf winkels wat beskadig was. Is dit reg, omdat die getuienis sover anders is, naamlik dat daar net twee winkels, naamlik mnr. Hlalele se supermark en slaghuis beskadig was? Is u in staat om definitief te kan sê dat daar wel vyf winkels beskadig was? -- Ek is positief in die verband en die beskadiging was vensterruite wat stukkend gegooi was.

En was die vyf winkels by verskillende plekke? -- Dit is korrek.

Was almal van hulle 'n afstand van mnr. Hlalele se twee winkels af? (30)

HOF : Was hulle almal bymekaar by Hlalele se twee winkels

... / of

of was hulle versprei deur die dorp? -- Hulle was versprei deur die dorp gewees.

MNR. BIZOS : En die biersaal, is dit langs mnr. Hlalele se winkels of is dit apart van die winkels? -- Ek sal skat dit is omtrent so twee- na driehonderd meter vanaf raadslid Hlalele se winkels wat die biersaal is.

HOF : Hoe ver is sy winkel en sy slaghuis uitmekaar uit? -- Dit is nie ver uitmekaar uit nie. Ek sal skat omtrent so tussen vyftig en honderd meter.

MNR. BIZOS : Kan u vir ons sê of dit een groep jeugdiges (10) was wat van winkel tot winkel gegaan het om die biersaal en die winkels te beskadig of was hulle verskeie groepies? -- Soos ek reeds in my hoofgetuienis gesê het, hulle het in kleiner groepies opgebreek. Dit is al wat ek op hierdie stadium kan sê.

So, dit was 'n paar groepies wat rondbeweeg het? -- Dit is korrek.

Hoe groot was elkeen van die groepies? -- Dit sal moeilik wees om dit te skat, want sodra die polisievoertuie nader gekom het, het hulle uitmekaar uit gespat, hulle was tussen die huise gewees. So, dit sal vir my baie moeilik wees om (20) te sê.

Min of meer? -- Dit sal vir my moeilik wees om te sê hoeveel dit was.

Kan u onthou dat die rede waarom mnr. Lekota, beskuldigde nr. 20, u gevra het om na die polisiestasie te gaan om die inventaris op te stel, was omdat dit donker en koud was? -- Ja, dit was baie koud die aand gewees. Die beligting was ook nie na wense gewees nie. Byvoorbeeld, ek moes die inventaris op die voertuig se enjinkap uitskryf. So, die omstandighede was baie moeilik gewees. (30)

My Lord, practically everything that was said by the

... / witness

witness is common cause between the witness and Mr Lekota and I have no questions in relation to that, but may I indicate that it is no part of the State's case, or indeed Mr Lekota's evidence, that he was in Parys during the course of that day. He was in fact in Bloemfontein and Kroonstad.

COURT : Let me just get clarity. It is common cause that he was in Tumahole on that day, but it is not on the papers part of the State case. Is that what you are telling me?

MR BIZOS : No, I am saying that he was coming back from Bloemfontein and Kroonstad and went in late that evening to find(10) out what was going on. I have been informed that the State does not intend to allege that he was there during the course of the day that the troubles took place.

COURT : Well, the witness has not said so.

MR BIZOS : He has not said so, but because Your Lordship asked a question whether he was coming in or going out, which may have ... (Court intervenes)

COURT : It would seem according to the evidence that at the moment when he was apprehended, he was going out?

MR BIZOS : Well, this is correct, because ... (Court inter-(20)venes)

COURT : When he came in, there is no evidence of?

MR BIZOS : There is no evidence. He did go in in order to find out what had happened when he was coming back that evening from Bloemfontein and Kroonstad and I have asked My Learned Friend and he said it is no part of the State case that Mr Lekota was there during the course of that day.

Kan ek dit net op rekord plaas. As u van die suide kom, dit wil sê van Bloemfontein en Kroonstad en u Tumahole nader, moet u verby die polisiestasie gaan? -- Nie noodwendig nie.(30)  
Dit is gewoonlik die pad wat hulle gebruik.

... / Die

Die polisiestasie is op pad? -- Nee, daar is verskillende afdraaipaaie na die polisiestasie toe. Een van die paaie is ... (Mnr. Bizos kom tussenbei)

Was daar 'n aantal polisievoertuie en baie aktiwiteit in die nabyheid van die polisiestasie wat kon waargeneem wees deur 'n persoon wat deurgery het? -- Ja, dit kon moontlik so wees, want daar was onluste gewees.

HERONDERVRAGING DEUR MNR. HANEKOM : Die vyf winkels wat u sê in Tumahole beskadig was, behalwe mnr. Hlalele se winkel, weet u aan wie die ander winkels behoort het? -- Nee, ek (10) weet nie.

HOF : As u nou praat van vyf, tel u mnr. Hlalele se slaghuis en sy supermark as twee winkels of as een? -- Die ander vyf winkels sluit ek nie in hierby nie.

O, behalwe sy twee? -- Dit was behalwe sy twee gewees.

GEEN VERDERE VRAE.

- - - - -

MNR. HANEKOM : U Edele, die volgende getuie is Richard Letsoenyo. Die getuie gaan getuig oor Tumahole.

RICHARD LETSOENYO, v.o.e. (Deur tolk)

ONDERVRAGING DEUR MNR. HANEKOM : Is u verkies tot die (20) gemeenskapsraad van Tumahole gedurende November 1983? -- Dit is korrek.

Was u bewus van 'n organisasie gedurende 1984 met die naam van Tumahole Students Organisation? -- Ja.

Weet u wat die hoofogmerke van die organisasie was in u gebied? -- Nee, ek het nie geweet nie.

Het die organisasie vergaderings gehou in die gebied, massavergaderings? -- Ja.

Het u enige van die massavergaderings bygewoon? -- Nee, ek het nie. (30)

... / Het

Het u gehoor waaroor die vergaderings van die organisasie gegaan het? Waaroor hulle geaggiteer het? -- Nee.

Gedurende Junie 1984 was daar 'n vergadering tussen u Raad en afgevaardigdes van die Tumahole Students Organisation? -- Dit is so.

Het u die vergadering bygewoon? -- Ja, ek het.

Kan u onthou wie die Students Organisation verteenwoordig het? -- Ek onthou drie van hulle.

Wie was dit? -- Skosana, Tom Letsoenyo en Gibson.

HOF : Is Tom Letsoenyo familie van u? -- Ja, hy is my neef.(10)

MNR. HANEKOM : Saam met hierdie organisasie het daar ook 'n organisasie bekend as Prohumanism ook afgevaardigdes gehad by die vergadering? -- Ja, daar was.

Kan u onthou wie die organisasie verteenwoordig het? -- Ja, Gibson.

Wat u reeds genoem het. Het hy Prohumanism verteenwoordig? -- Ja.

Wat was bespreek tussen u Raad en hierdie afvaardiging? -- Hulle hoofklagte was dat daar betaal word vir "sewerage" wat nie bestaan nie. (20)

Wat was u Raad se antwoord daarop? -- Gedurende die tydperk wat ons die vergadering gehad het, was die damme omtrent al klaar, met die gevolg dat ons vir hulle gesê het die "sewerage" se projek is aan die gang.

Het hulle nog klagtes gehad? -- Wat ek nog kan onthou is dat hulle wou geweet het van die ou pale wat gebruik was vir die elektrisiteit, dat hulle hoor die pale was verkoop.

Wat daarvan? Wat was hulle probleem? -- Wat hulle wou geweet het, was indien die pale verkoop was, wat het van die geld geword. (30)

Wat was u Raad se antwoord? -- Ons het aan hulle gesê die

... / pale

pale is nog daar by die Administrasiekantore.

Is daar nog probleme geopper of was dit net hierdie twee aspekte? -- Daar was nog probleme.

Wat was die ander? -- Dit het gegaan oor die kennisgewing dat huurgeld verhoog kan word met 'n bedrag van R5,00. Die klagte daaromtrent was, die kennisgewings was in 'n Blanketaal geskryf en die bejaarde mense kan nie lees wat daarop staan nie.

Wanneer souldie huurverhoging in werking tree? -- 1 Julie.

HOF : Was die huurverhoging £5 of R5,00? -- R5,00. (10)

MNR. HANEKOM : Wat was u Raad se antwoord daarop? -- Die antwoord van die Raad daaromtrent was dat die Raad gaan toesien dat dit in al die tale geskryf word, Sotho, Khoza ensovoorts.

Is daar nog punte geopper? -- Nee, daar is nie ander punte geopper nie.

Was die afvaardiging tevrede met die Raad se verduideliking oor die probleme?-- Hulle was nie tevrede nie.

Hoekom sê u so? -- Omdat ons daar uiteen gegaan het sonder enige beslissing waarop ons besluit het as 'n ooreenkoms tussen ons. (20)

Was daar voordat die twee partye uiteen is, besluit om 'n tweede vergadering te hou later? -- Ja, dit is so.

Voor die tweede vergadering plaasgevind het, gedurende Julie 1984, kan u onthou die dag toe mnr. Hlalele se slaghuis en winkel aangeval was? -- Ja, ek onthou dit.

Kan u die datum onthou? -- As ek nie fouteer nie, was dit die 15de.

15 Julie 1984? -- Ja.

Wat het u daardie oggend gedoen? -- Ek was besig met my werk, want ek is 'n huurmotoreienaar. Dus vervoer ek mense.(30)

Was u gedurende daardie oggend voor 10h00 by die

... / huurmotorstaanplaas

huurmotorstaanplaas? -- Ja.

Wat het u daar opgemerk? -- Ons het eintlik nie 'n huurmotorstaanplek nie. Wat gebeur is, ons ry in die strate en dan kry ons mense staan wat ons dan oplaai as passasiers. Op hierdie betrokke dag het ek gery soos met 'n normale rit van ons en by drie strate verby waar mense gestaan het, in plaas dat hulle opgeklim het, het hulle in 'n sekere rigting gekyk. Hulle het gestaan en kyk na die westelike rigting. Ek het met die hoofstraat gery waar ek altyd passasiers oplaai tot op die einde van die straat, waar ek 'n U-draai gemaak het. (10) Terwyl ek die U-draai gemaak het, het ek opgemerk dat daar 'n groot skare mense bymekaar was (tolk korrigeer westelike rigting na oostelike rigting.) Ek sien hulle toe beweeg in 'n oostelike rigting.

HOF : Hoe laat was dit? -- Ek is nie seker van die tyd nie. Ek skat dit om en by tussen 09h00 en 10h00.

MNR. HANEKOM : Wat sien u verder? -- Ek het teruggereis dorp toe.

HOF : As u sê u ry terug dorp toe, bedoel u - u was mos in Tumahole? -- Ja. (20)

Het u net weer met dieselfde pad teruggery soos u gekom het? -- Ja.

ASSESSOR (MNR. JOUBERT) : Was dit toe in 'n oostelike rigting? -- In 'n noordelike rigting.

MNR. HANEKOM : Wat merk u toe op? -- Ek is dorp toe. Op pad terug van die dorp af, het ek hierdie groot skare waarna ek vroeër verwys het opgemerk heel bo in die nabyheid van die kafees.

Is dit by 'n winkelkompleks?

HOF : Laat ek net duidelikheid kry. Met ander woorde, u (30) het eers met die hoofstraat afgery en toe u die U-draai maak,

... / toe

toe sien u die mense? -- Dit is reg.

Toe ry u terug met die hoofstraat en toe u by die dorp kom, toe sien u hulle weer? -- Op pad terug van die dorp af eers het ek hierdie mense weer opgemerk by die kafees.

MNR. HANEKOM : Is dit 'n winkelkompleks? Is daar meer as een besigheid? -- Dit is een winkel.

Aan wie behoort diewinkel? -- Dit is Mosiya se winkel.

Wat sien u daar? Wat doen die mense daar? -- Ek het opgemerk dat daar 'n deurmekaarspul was. Die polisievoertuie, dit wil sê die bakkies was ook daar gewees. (10)

Was daar enige klipgooiery? -- Ek was te ver om dit te kan sien of die slag te hoor van 'n klip wat iets tref.

Kon u sien of die polisie daar optree, of daar traangas geskiet is of met enige ander ammunisie geskiet is? -- Ek het nie opgelet nie.

Wat doen u toe? -- Ek is weer terug dorp toe.

Wat het u daar gaan maak? -- Ek het mense vervoer dorp toe. Met my terugkoms hierdie keer van die dorp af, het ek opgemerk dat die mense afkom met Tladistraat. Dit is op hierdie stadium dat ek gehoor het dat klippe iets tref. (20)

Het u gesien wie die klippe gooi? -- Ek kon nie sien nie.

Het die klippe van hierdie skare mense af gekom of is dit nou ander mense wat die klippe gegooi het? -- Van dieselfde klomp mense waarvan ek gepraat het.

Waarna het hulle gegooi? -- Daar het ek opgemerk dat hulle besig was om die polisie se bakkies met klippe te bestook.

Wat het die polisie daarna gedoen? -- Ek het nie die geklap van 'n vuurwapen gehoor nie.

Wat doen u toe? -- Daarna het ek teruggekeer na die dorp toe waar ek my voertuig gelaat het. (30)

Waarom het u dit gedoen? -- Ek was bang vir daardie skare

... / mense

mense, dat as hierdie gebeurtenisse nou orals in die lokasie gaan plaasvind, sal ek myself later in die moeilikheid bevind. Dus het ek besluit om die voertuig van my in die dorp te laat.

HOF : Kan ek net duidelikheid kry. As u nou praat van die dorp, het Tumahole dan 'n sentrum of praat u van 'n ander plek? -- Ek praat van die dorp Parys waar die Blankes woon.

MNR. HANEKOM : Het u na u u voertuig in Parys gelos het, te voet teruggegaan na u huis toe in Tumahole? -- Ja, dit is so.

Het u die res van die dag by u huis gebly? -- Ja, die res van die dag het ek by die huis gebly. (10)

Het u die volgende dag na mnr. Hlalele se besighede toe gegaan? -- Nee, ek het nie spesifiek soontoe gegaan nie, maar gedurende ons werk daar gaan ons verby die besighede.

Wat merk u toe daar op? -- Ek het opgemerk dat sy winkel uitgebrand is en dat dit geval het as gevolg daarvan.

Het u daardie dag ook by ene suster Malope se huis verby gery? -- Ja.

Wat het u daar gesien? -- Die vensterruite van haar huis was stukkend gewees.

Na hierdie voorval op 15 Julie 1984, het u Raad weer 'n (20) afvaardiging van die Tumahole Students Organisation en die Prohumanism te woord gestaan?

HOF : Is dit nou op die 15de of na die 15de?

MNR. HANEKOM : Na die 15de. -- Ja, dit is so.

Kan u onthou watter datum dit was? -- Ek kan nie die presiese datum onthou nie.

Was dit nog in Julie of weet u nie? -- As ek reg onthou was dit nog in Juliemaand.

Wat is by die byeenkoms bespreek? -- By hierdie vergadering was daar sprake gewees dat die huurgelde verminder moet word. (30)

Wie het dit gesê? -- Een van die mense wat daar was, die

... / afvaardiging

afvaardiging, het so gesê.

Het die huurverhoging wel op 1 Julie 1984 in werking getree?  
-- Ja.

Het die afvaardiging gesê die ou huur moet betaal word of wou hulle ook minder betaal as wat die huur voor Julie 1984 was? -- Die huurgeld was verhoog gewees, die bedrag was R34,00. Toe hulle daar gepraat het, het hulle gepraat daarvan dat die huurgeld verminder moet word na R26,00.

Wat was u Raad se antwoord daarop? -- Die antwoord daarop was, as die huurgelde verminder word, wat van die projekte(10) wat aangepak moet word, of wat aan die gang is.

Het die afvaardiging nog ander probleme geopper? -- Ja, dat die raadslede moet bedank.

Het hulle gesê hoekom? -- Ja, hulle het gesê die raadslede doen nie hulle werk ordentlik nie.

Het hulle nog ander punte geopper? -- Ja. By 'n ander vergadering na hierdie een het hulle gesê die huurgelde moet verminder word na R18,50.

Ons praat nou maar eers van hierdie tweede vergadering. Was daar enige ander aspekte geopper? -- Nee, ek dink dit (20) is al.

Het die afvaardiging en julle raadslede tot 'n vergelyk gekom by hierdie vergadering? -- Nee.

Is daar na hierdie byeenkoms pamflette in Tumahole versprei?  
-- Ja.

Het u van die pamflette gesien? -- Ja, ek het een gesien.

Het daar op die pamflet gestaan wie hom uitgee? -- As ek reg onthou was daar geskryf Civic Association.

Waaroor het die pamflet gehandel? -- "Away with council-lors."  
(30)

Het u self gedurende Julie 1984 enige dreigemente ontvang?

... / Ja

-- Ja, dit is so.

Wat se dreigemente was dit? -- Die dreigement was, as ek nie bedank nie, gaan my voertuig brand of my huis.

Van wie het die dreigement gekom? -- Van Skosana en Molo-kwana.

Was hulle verbonde aan enige organisasie? -- Ja, Tumahole Students Organisation.

Het hulle persoonlik hierdie dreigement tot u gerig of hoe het dit tot u gekom? -- My dogter het vir my daarvan gesê.

Is u dogter se naam Salamina? -- Ja. (10)

Is u besigheid gedurende Julie 1984 enigsins geboikot? -- Ja, dit is so.

Het u geweet hoekom dit gebeur of nie? -- Die rede was omdat ek nie bedank het soos hulle wou gehad het nie.

Het u as raadslid bedank? -- Ja, dit is so.

Wanneer? -- Om en by Novembermaand 1984.

Wat was die rede vir die bedanking? -- Dit was as gevolg van hierdie dreigemente en die boikot van my werk.

Het die boikot aangehou van Julie af tot November 1984? -- Ja, dit het aangegaan, maar dit was nie so sterk gewees (20) nie. Dit het meer sterker geword om en by Oktober en Novembermaand.

Het u enigiets gedoen? Het u na die polisie toe gegaan daaroor? -- Ja, ek het dit gaan rapporteer.

Het daar enigiets gespruit uit die feit dat u dit gerapporteer het by die polisie? Was daar enige saak? -- Ja, daar was 'n saak gewees.

Teen wie was die saak? -- Teen Skosana en Molokwana.

Wat was die klagte teen hulle? Kan u onthou? -- Die klagte teen hulle het gegaan oor die dreigemente wat hulle teenoor (30) my gemaak het.

... / Wat

Wat was die uitslag van die verhoor? -- Die uitslag was dat hulle onskuldig bevind was deur die voorsittende beampte omdat hulle dit nie direk aan my persoonlik kom sê het nie.

Nadat u in November 1984 as raadslid bedank het, het die boikot van u besigheid aangehou of nie? -- Nee.

Weet u of die Tumahole Students Organisation by enige ander organisasie geaffilieer was? -- Nee, dit weet ek nie.

MR BIZOS ASKS FOR A SHORT ADJOURNMENT.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

(10)

RICHARD LETSOENYO, still under oath

CROSS-EXAMINATION BY MR BIZOS : Because you had a nephew in TSO, perhaps you are the most appropriate person to tell us about this organisation. Do you agree that TSO was formed way back in June 1980? -- Yes, I do agree.

And did the impetus, the leading light in this organisation - was it a Fezile Dabi who had been educated at the Fort Hare University? -- I do know this person Fezile, but I am not in a position to tell as to who the leader of this organisation was. (20)

And from the outside, was your nephew Tom Letsoenyo on the executive right from the beginning? -- I would not tell that.

Are you aware of the fact that Tom Letsoenyo was involved in the executive of this organisation? -- I do not know whether he was in the executive. All I know is that he is a member of the organisation.

And an active member at all times since 1980? -- That is correct.

This was not really the first young people's or commu-(30)  
nity organisation. Were there organisations before them, like

... / PASO

PASO? -- No, that one I do not know.

Do you agree that TSO from 1980 onwards became very active in the community affairs? -- No, I do not know.

You do not know? Well, let me give you some of the things. Were you a councillor before 1983 by the way? -- That is so.

For how long have you been a councillor? -- Since 1977.

You must have come across some of the activities of TSO from 1980 onwards? -- No.

Did they not make use of the community hall? -- They (10) did.

For cultural and entertainment functions? -- That is so.

And also not only for the cultural and entertainment functions, but they also raised funds? -- That is so.

And they used this money for the benefit for the poor and disabled in your community?-- I have no idea of that.

Let me ask you whether you recall that there was a problem in your community that pensioners had to queue up the night before so that they could be in the queue to get their pensions the next day? -- That is so, but they slept in the hall. (20)

Were they originally sleeping outside and did the members of TSO come to your council and say that this was unacceptable for old people and that the hall should be made available so that they can sleep there overnight? -- I do not have any knowledge about that.

Are you able to deny that it was as a result of TSO's intervention that this happened? -- I have no idea about that. I cannot dispute that.

Let me ask you also about one other unfortunate fact in your community. Would you agree that most of the people (30) in TSO in executive capacity had either passed their matriculation

... / or

or had had some university education, but could not get jobs?  
-- I cannot dispute that.

Was there from about 1981 to 1984 a serious unemployment problem in your area and more particularly in this age group, young people who had matriculated or had had some university education? -- That is so.

These young people had time on their hands and they started to be of service to your community? -- That I do not know.

Well, let me put it to you that TSO as a result of (10) putting on plays and other entertainments, not only presented these in Tumahole, but went around and collected substantial sums of money? -- That I do not know.

Do you agree that - or are you able to agree or disagree that they started helping people in the community with school books, with money to pay their rent if they were in arrears in order to avoid eviction? -- That is new to me.

And that they provided money for churches, the kindergarten and the creche? -- That is new to me. I hear about that for the first time. (20)

And let me also say to you, lest understood to have given the idea that they had no interest in politics, that they were also a, what we call, politicised group of young people? That they questioned why they were unemployed, why there was poverty and why they could not get jobs and why things were not being done in your community and they had meetings about that sort of thing? -- About employment, Parys is a very small place and there is just no employment up to now.

And because we have had some evidence, perhaps this is a convenient stage for me to ask you. Very recently, about (30) two weeks ago, did members of TSO clean up the whole township

... / and

and did they create a park in your area? -- They did not clean the whole township. They cleaned a certain piece of land there on which they made the park.

COURT : With what? -- They had some stones or rocks there using tyres and some lawn. They even planted some trees in the park.

How many tyres were there? -- I am not in a position to say how many exactly, but there were quite a good number.

Is it usual that parks are made of tyres? -- It was for the first time that a park was made there. There was no (10) park in Parys before this one.

MR BIZOS : Were the tyres used in order to support the soil as they are used in the park outside this court as you are driving out of Delmas? You also see a lot of tyres used to support the soil? Perhaps during the adjournment you can look. -- The way in which they were put there, they would not stop the soil.

COURT : Did you see the tyres? -- Yes, I did.

What else did you notice there? -- There was an old scrap of a motor-car and an old horse-drawn cart. (20)

Part of the park? -- Yes.

MR BIZOS : Have you seen old cars and old carts being used as play things at nursery schools and creches? -- Yes, I saw an old car which was used for school children at a creche.

COURT : Was this a car that you could use for school children? -- It was just the bodywork, old bodywork of a car which was put there as a toy for children at the creche.

MR BIZOS : So, children go there and they pretend that they are driving the car? -- That is so.

COURT : I am not asking you about the bodywork at this (30) creche. I am asking you about the wreck in the park. -- This

... / wreck

wreck - I do not know what the idea was why it was put there.

MR BIZOS : Any way, they planted grass and trees? -- That is correct.

And what happened to that park? -- The Wednesday of that other week when we left from here, I heard that this park had been damaged.

By who? -- I heard that that was done by the police. I do not know whether that was the Municipality police or the police of the town.

Do you recall that this organisation before the (10) troubles of 1984 was seen by the councillors as some sort of organisation in competition with the councillors? -- We never ever had any problems with TSO until in 1984 when we held a meeting.

Do you recall whether any attempt was made by those connected with the council to form a rival organisation of young people called the Tumahole Students Welfare Organisation, known as TSOWO?

COURT : Is it put that somebody started it? That the council started it? (20)

MR BIZOS : No, that it was a council orientated organisation not that the council started it, but it was an organisation supporting the council.

COURT : When was that? 1984?

MR BIZOS : I have not got a date. -- There was no organisation which was in support of the council.

COURT : Have you heard of TSOWO, Tumahole Students Welfare Organisation? -- No, I never heard about that.

MR BIZOS : Well, I am going to suggest to you that in an attempt was made - there was such an organisation, but it did not (30) last very long? -- I hear for the first time about that

... / organisation

organisation. I do not even know that it ever existed.

Did you hear of when Prohumanism was or came into being?

-- No, I did not.

Would you agree that it was a small splinter organisation of TSO and consisted of very few members? -- I would not dispute that.

But that TSO was really the dominant community organisation from 1980 till today, other than possibly your council? -- It is true that TSO is long there, but I did not know exactly what it had to do. (10)

Would you agree that the Civic Association in your community was only formed in October 1984? -- I can agree with that because I came to know about these names during that period.

And other than the organisation that I have mentioned to you, did you know of any other community or political organisation operating in your community prior to July 1984? -- No.

And will it be correct that in accordance with your evidence the only two organisations that were represented at the meeting in relation to the rent increases in June 1984 (20) were TSO and Prohumanism? -- That is so.

It would be quite incorrect for anyone to have suggested that the Civic Association which only came into existence in October 1984 was represented at this meeting? -- That is so.

It will also be wrong for anyone to suggest that anyone represented the UDF at any meeting in relation to the rent increases in June 1984? -- That is so.

Do you recall that at this meeting in June 1984 the representatives of TSO came well prepared to discuss with you the reasons why the rent was going to be increased? -- Yes. (30)

Did they have documents with them which showed the

... / reasons

reasons why previous increases in rent were being made? -- That is so.

Although you may not be able to remember the precise nature of the document, would you agree that they were the sort of documents such as I am putting before you now, AAQ(37), AAQ(38) and AAQ(39)? Were these the sort of documents that they had? -- Yes, they were similar to these.

Do you recall that the young people, the representatives of TSO, were able to point out that previous rent increases were apparent earmarked for specific projects? -- That is (10) so, but all the projects which were promised were done.

Well, that is not quite right, is it? Were they not able to show that they had been promised high mast lighting, and that there would be rent increases in relation to that, but no high mast lighting had been installed? Except the one that was put up by SA Breweries on its own - at its own expense? -- The high mast light referred to as that of the SA Breweries was in fact installed there by the Administration Board, that is in the vicinity of the beergarden or beerhall.

One of your erstwhile colleagues on the council told (20) us that it was in fact put up by the Breweries, but in any way. Were they able to show that clinics had been promised and did they contend that no clinics have been provided? -- There is a clinic.

When was that clinic built? -- It was an old clinic which was there which was extended.

When did the extensions take place? -- It was some time during 1980. Somewhere there.

Was there a promise that there would be an additional new clinic for the increase of rental in the past? -- A clinic (30) was in fact being discussed by the council, that is that a

... / clinic

clinic must be put up there, but no increase was made and then justified by putting up a new clinic.

Let me put it in a generalised manner. Were they able to point of specific projects in these documents which were not provided or which were not built? -- That is so.

And without wanting to go into too much detail before His Lordship in this trial, would you agree that some of the unsatisfactory features that they had pointed to were in fact well-founded? -- I do not believe so.

You told us that the proposed increase was going to be R5,00? -- Yes. (10)

Are you sure about that? -- Yes, I am.

Because His Lordship wanted to make sure about it and he asked you whether it was £5 or R5,00 and you said that it was R5,00? -- Yes, I do recall that.

What do you say the increase was the previous year? -- R5,00.

R5,00 the previous year as well? -- Yes.

Are you sure about that? -- Yes.

You see, I am going to suggest to you that you are completely wrong about these figures and that the fact that you are completely wrong, is evidence of the lack of knowledge on the part of councillors that the young people found in June 1984? -- I do not agree with that. (20)

Do you recall whether the representatives of TSO at the meeting in June 1984 said to you, the councillors "Councillors, the increase to R37,00 from 1 July 1984 is a 100% increase in less than two years"? Do you remember them saying that? -- No, I do not agree with that. It was not said.

Do you yourself pay rent? -- Yes, I do. (30)

What was the rent in the beginning of 1983? Do you recall?

-- I think it was about R17,00.

And what was it going to be on 1 July? -- R37,00.

In 1984? -- Yes.

Did you ever realise that there was a 100% increase in less than two years? -- That is so, because of some reasons.

Let me ask you this. When did it jump from R17,00 to what figure? -- I cannot quite recall when it was, but from R17,00 it jumped to R26,00.

That was a R10,00 increase more or less.

COURT : R9,00 is more precise. (10)

MR BIZOS : Almost R10,00. -- Yes.

And when was the jump from R26,00 to R37,00? -- It was going to be with effect from 1 July 1984.

It could not have been only a R5,00 increase. It was a R10,00 increase? -- Because of the other projects, which were to be started, for instance for the lighting system.

You see, without wishing to say anything disrespectful to you or your council, it would appear that the complaint of the representatives of TSO that you did not really have any grasp on the situation, is corroborated by your lack of (20) clarity in relation to this issue even now when you are in the witness-box? -- I do not believe they were correct in doing that, because we were just doing our work.

You told us in your evidence-in-chief that their suggestion was that the rent should be left at R26,00 and not increased to R37,00? -- Yes.

Do you recall whether the young people from TSO made any comparison between the rent that they had to pay and the rents in adjoining areas? Do you remember whether they made any comparison? -- No, that I do not know. (30)

Do you say that it did not happen or do you not remember

it happening? -- Not at all. It was not mentioned. It never happened that they compared their grievances about rent with other areas.

Do you not recall that they compared it with other areas but that they drew an important distinction, that in other areas the houses had been built by the Board, whereas in Tumahole in the main the people had built their own houses at their own cost? -- That is so.

COURT : Is it factually correct or did they mention this?

-- When I say that is so, I mean the most of the houses (10)  
there are built by the occupants.

K328 MR BIZOS : I think His Lordship wants to know - we know that to be a fact from you now and from the other evidence, do you recall that the TSO representatives drew your attention to this difference, to this fact? -- No, I do not recall that.

Would you agree that they made it quite clear that they thought that the community should pay the R26,00, but not the R37,00? -- Yes, that is so, but there were conditions to that that the money will remain, that is the rental, R26,00 (20)  
until the sewerage system was completed.

Nobody suggested that the rent should only be R18,00 at this meeting in June? -- This was suggested at the last meeting which we held with them.

That was in November? Or even later? -- It is after June or after July.

After June or after July, but certainly not in this meeting?  
-- No, not in this meeting.

Because I am going to put to you that the R18,00 came much, much later?-- I am not going to dispute that. All (30)  
I am going to say is this. At the last meeting which we held

... / with

with them, that is when the question of R18,00 was brought forward.

COURT : How long before your resignation did you hold this last meeting? -- If my memory serves me well, it was some time during August that we had this meeting. That is the last meeting.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

RICHARD LETSOENYO, still under oath

CROSS-EXAMINATION BY MR BIZOS (continued) : Was there an(10) impression created at the meeting of June 1984 when you were discussing rent that the figures had really been worked out by members of the Board? -- Yes.

And that the young people, the young representatives, say so? -- They wanted to know who worked out the figures.

What did you tell them? -- We said it was worked out by the council and the Administration.

Would you agree that although they put their point of view strongly, they nevertheless remained, if not respectful at least polite? -- At the beginning of the meeting, yes, but(20) towards the end no, it was not pleasing.

Were there councillors who took up the view that they were not there to be told their job by youngsters? -- No, that I did not hear.

Well, it cannot be pleasant when attempts are made to show you up as not being in possession of the facts and not to have made, according to them, the correct decision? -- It was not that.

COURT : How was it unpleasant? What did they say? -- There was a time when Skosana was not using proper words when he (30) was addressing Mr Hlalele.

... / What

What sort of words did he use? -- At some stage he even said "Voetsek."

MR BIZOS : Do you say he went as far as that in the meeting?

-- Yes.

Well, was the meeting terminated or did you agree to have another meeting as you have told us in your evidence-in-chief?

-- Yes, that is what happened.

You were going to have another meeting? -- That is so.

Did Mr Hlalele ask for an apology for this unparliamentary language that was used by Mr Skosana? -- No. (10)

Is that the only thing you remember that was said that was unpleasant? -- Yes.

What was the reason for the adjournment and to have another meeting? Were you going to ask anybody anything? Were you going to consult? What was the reason for it? -- The reasons was to invite the experts on money from Sebokeng to come and explain to these people in order to satisfy them about the figure.

Do you mean the officials? -- Yes.

Did the experts from Sebokeng come? -- No, they did (20) not come.

Did you ask them to come? -- We did ask them to come, but as they were still planning a date as to when are they to come, these problems started.

COURT : The problems being what? -- Which took place on 15 July.

MR BIZOS : Let us just put that into perspective. The meeting that you have spoken of was in June? -- Yes.

And was it not expected that the increases would become operative on 1 July? -- That is so. (30)

Was it not expected that the experts should come from

... / Sebokeng

Sebokeng before 1 July, before the increased rentals came into operation? -- It was not decided, but they would have to come before July, but what we were expecting was for them to come.

If something as fundamental as an increase of R10,00 was to take effect on 1 July and you have a meeting in June and adjourn in order that somebody could come and explain, was it not clearly understood by you and all the others that this meeting would be before 1 July before the rent was to be increased? -- No, it was not like that.

Who were the experts from Sebokeng? Would that be (10)  
Mr Ganz? -- The officials who were serving under him.

Do you recall whether an arrangement had been made for the officials to come either on the 14th or at the latest on 15 July? -- I cannot recall as to what the date was which was fixed for them, but we were expecting them.

Do you not recall that you were expecting them to a meeting on 15 July, that there were two alternative dates given, but eventually that the date given was 15 July? -- No, I do not recall that.

But you do recall that a meeting was arranged? -- Yes.(20)

This meeting would be tri-partite meeting, delegates from TSO and Prohumanism on the one hand, representatives of the council on the other? -- Yes.

And the officials, the experts from Sebokeng on the third part?

COURT : When you say a meeting was arranged, was a date fixed but you do not remember the date? -- That is so.

MR BIZOS : I may have confused the dates, but I want to put it absolutely clearly now, that the meeting - this tri-partite meeting was to take place on the 14th. (30)

COURT : The 14th of what?

... / MR BIZOS

MR BIZOS ; 14 July 1984. -- I cannot remember the date.

And that the TSO representatives expected the officials to arrive in order to have a discussion about this question of rent. -- I cannot dispute that, although I did not have any knowledge of them waiting for the officials to arrive.

And that the officials did not arrive as arranged? -- That is true, they did not.

Whether it was the 14th or not, they never arrived on any date? -- No, they never arrived.

That you know. You do know that the officials were (10) supposed to arrive but they did not arrive? -- Yes, that is correct.

Did the failure of the officials to turn up to an arranged meeting lead to some dissatisfaction amongst the people in your township? -- I would not say so.

Would you not say that the people in TSO and others who were concerned about this increase in rental, started thinking that the officials were not paying any regard to their grievances and were not even honouring the arrangements that they had made with representatives of the council to meet them? (20) -- I do not agree with that.

Well, do you say that they took it kindly to have been stood up in this way? -- I would not say so.

Are you able to admit or deny that during the afternoon of the 14th, the night of the 14th and the 15th, because of this lack of response by the officials, it was decided that if the officials will not come to us and they will not take notice of us, we better do something so that they can take notice? -- I would not dispute that.

Did you not hear during the night of the 14th to the (30) 15th of July 1984 that people were asked to gather and to

... / march

march to the officials so that they could not be ignored any more?

COURT : Do you mean march to the officials in Sebokeng?

MR BIZOS : Not in Sebokeng.

COURT : That is quite a distance.

MR BIZOS : No, no, march to the officials in Tumahole. --

What I know is, the people did not take part in the march at their own voluntarily, but they were driven into going to that place by TSO.

I suppose some people were needed to do the driving. (10)  
So, at least some people must have been there voluntarily? --  
I would not dispute that.

You see, because we have heard that this was a peaceful march from an officer of the security police who was there in the morning? -- That is not so.

Do you say it was not a peaceful march early in the morning at 09h00? -- No.

COURT : Just give us an explanation. What do you say was not peaceful? -- Why I say that is because to get the people joining the march to the office, the following was done. (20)  
They were throwing stones on the roof of the house for people to get up and then tell them that they will have to join the march to the office.

MR BIZOS : When do you say did that happen? -- The Sunday night.

Were they throwing stones for the purposes of damaging the houses or just giving notice that there would be a march? -- No, it was just to wake them up.

Have you got anything else to say as to why you say that this was not a peaceful march? -- Well, people were stopped (30)  
from going to work.

... / By

By force? -- Yes, they were forced.

In the presence of the police that were there on that morning? -- Yes, the police were present.

Was anyone arrested for stopping people to go to work? -- No, that I do not know.

COURT : Were the police present where people were forced or were they just generally in the township? -- The police were at the office. The people were being stopped from different routes leading them to their places of employment.

MR BIZOS : What day of the week was this march? The first(10) march? -- It was the evening of the 14th. It was a Sunday.

Was the first march on a Sunday or a week day? -- No, no, I am making a mistake, it was not a Sunday.

Oh, but was the 15th of July 1984 not a Sunday? -- It was a Monday.

My instructions are that it was a Sunday. I think Your Lordship's assessor checked that it was a Sunday. Can we proceed on the basis that it was a Sunday?

COURT : Yes, it was a Sunday.

MR BIZOS : Is it possible that you are confusing this (20) march with a later march that was on a working day, that was on a Monday and that this is why we disagree as to whether it was a completely peaceful march or not? -- I am confusing the date of the 15th and the day of the march.

Are we talking about the first march that there was in 1984 in your community? -- It was a Sunday. The following day was a Monday.

COURT : Was the march on the Sunday or was the throwing of the stones on the night of the Sunday, that is after the Sunday? -- The stones were thrown on a Sunday evening, so that the (30) people must be at the office the following day, which was the

... / Monday

Monday.

MR BIZOS : But you see, we have had the evidence of a security police officer who told us that it was on the 15th and we know that to be a Sunday. So, you must be either confusing it with another march or for some reason or other you must be making a terrible mistake about the circumstances of this march.

COURT : But there could also be something wrong with what you are putting, because you put it that they were going to march to meet the officials. As far as I know, officials do not (10) work on a Sunday.

MR BIZOS : The offices are open.

COURT : The offices would not be open on a Sunday either.

MR BIZOS : Do the offices close on a Sunday completely or are there people at the offices? -- They are closed.

Completely? There are no officials there at all? -- Not a single one.

Completely closed? -- Completely closed.

This first march on the 15th of July, I am going to put to you it was on a Sunday and that people would not be (20) going to work, so that your whole evidence about people being stopped from going to work cannot be correct? -- The day of this confusion on the 15th, nobody was stopped from going to work, because it was a Sunday.

So, if the march was in fact on the Sunday, such as was described to us by Warrant Officer Jenkins, you must have been talking about a different march, which were joined by people who were prevented from going to work? -- I am talking about the very march when people were driven the Sunday evening that they must be there on the Monday. (30)

You are talking about a march which took place on a Monday

... / and

and not on a Sunday? -- It started on a Sunday.

You are not suggesting that the people marched overnight? From the Sunday to the Monday? -- They were being driven to go and stand at the office.

Are you talking about a march at which a lot of people came - reached the office and were outside the office? -- That is the one.

And that march was not dispersed? That march stayed outside the office for some time? -- For quite a long time.

Well, you see, I am going to suggest to you that we (10) are talking about two completely different marches, because that march was on a Monday but that it was 10 September 1984? -- I would not dispute that, because that was the only march which was there. There was no other one.

Did you see the march which damaged Mr Hlalele's shop the first time? -- This is the one which was on a Sunday which I referred to as the day on which I was riding up and down in my car transporting people.

COURT : Just a moment, let me get clarity. We know that councillor Hlalele's supermarket was set alight? -- Yes. (20)

Was his supermarket set alight on a different occasion from the one where the people were forced to go to the offices? -- That is so.

Were these two occasions some months apart? -- Yes.

MR BIZOS : Did you not see or hear of any march at all on the day that Mr Hlalele's shop were damaged? -- I saw people on three occasions.

Did you see a march? -- Let me put it this way. There was no march at all.

COURT : There was just a crowd? -- Yes. (30)

MR BIZOS : At what time did you see the crowd? -- If I remember

... / well

well, the first time it was between 09h00 and 10h00.

Where did you see this group of persons? -- Right up the street where the taxi's make a U-turn. They were some distance away from where we make U-turns and they were facing east.

You say they were not marching. Were they singing? -- They were quite a distance from me, but what one could see from that distance is the movement of their bodies as if they were running.

Did you see any placards? -- I was very far from them, although I could see that there was something that they (10) were holding up.

If there was in fact a march on that day, you do not know whether it was peaceful or not? -- I do not know. I was far from them and again, I did not know what were the aims of the march.

COURT : You are now referring to a march, but you do not know about the march. The aims of the crowd? -- That is what I mean, the crowd.

MR BIZOS : Could you give us some idea of the number of people that you saw which you call a crowd? -- I am not in (20) a position to tell. All I can say is, it was a big group.

Twenty, fifty, hundred, five hundred, a thousand? -- Well, hundreds, but I am not in a position to say how many hundreds.

Is this the group that you say you saw between 09h00 and 10h00 in the morning? -- Yes.

Can you please tell us when you saw the group which you called a "klomp" in your evidence-in-chief, how big was this "klomp"?

COURT : On what day?

MR BIZOS : On the same day, the 15th. (30)

COURT : Well, is this not the same group?

MR BIZOS : No, he said he used a crowd... (Court intervenes)

COURT : Are you now talking of the number of people he saw when he made the U-turn or are you talking of the number of people he saw when he returned from the "dorp"?

MR BIZOS : No, when he was in Tladi Street. I think he mentioned that. This group that you saw, after you took a turn in Tladi Street, how big was that "klomp"? -- It was the same group I had seen before earlier.

Because I am going to put to you that it was a large group in the first instance that was actually marching, which (1C) was orderly and which had placards and which was asked by the police to disperse? -- That I do not have any knowledge of.

And that thereafter small groups of persons and not this large group had consultations with the police? Teargas was used and after the teargas was used, there was violence against shops? -- I would not dispute that teargas was used, but I did not see that.

I may say that perhaps I ought to have put to Mr Jenkins, but I am just putting it on record now that our evidence (20) is going to be that it was more than a thousand people. That it was a much larger crowd, but be that as it may. If you were so far away from this group that you could not see whether they were singing or whether there were placards, how could you say that it was the same group that you saw later at the shops? -- Why I say this is the same group is because I saw them walking along Moda Street, turning into Khumalo and again turning into Kholoane Street. That is where I saw them for the second time.

I am going to put to you that the people that actually (30) did the damage were small groups of youths, varying between

20 and at most 50 people? -- I would not dispute that, because when that happened I was totally not there.

You did not actually see any specific attacks on the shops? -- Not at all.

Did you ever see this document that I am now showing you AAQ(41)? -- Yes, I did, because my name appears on this document.

And were you sent a copy? -- I cannot remember whether I received this copy.

Were you at a meeting where attempts were made on 10 (10) September whilst thousands of people were waiting outside the office to settle the question of the rent increase? That the R10,00 increase should not come into force? -- I was, yes.

And do you recall that the demand was that it should be R26,25?-- That is so.

Even at this stage there was no talk of R18,00? -- Yes.

The R18,00 talk came after this meeting of 10 September? -- That is so.

Do you recall that at this meeting representatives of the community had to go out from time to time in order to (20) discuss or report the various proposals that were being made? -- If my memory serves me well, the representatives of the community left the room once when they were requested by the council to leave the meeting room. That is when we took the decision of the rent remaining R26,00.

Do you agree that this very large number, thousands, of people outside the hall left peacefully? -- That is so, because the head of the police asked them to leave in peace.

They responded and they went away peacefully? -- That is correct. (30)

And even up to that date there was no Civic Association,

... / it

it was just TSO? -- It was TSO, yes.

Do you recall that whether or not in October - I think I asked you about this before and you said you did not remember it, if my memory serves me correctly, but do you remember that it was some time after this meeting on 10 September that there was talk of the formation of the Civic Association? -- I do not know about the starting of the Civic Association.

And do you recall whether it was in the last quarter of 1984, that is October, November, December, that there were calls for the resignation of councillors? -- There were (10) many calls from June up to including the period mentioned.

Did those calls increase during the last quarter of 1984? -- That is so.

Do you recall that reasons were given for the calls for the resignation of councillors to the effect that they were really - that the council system was really being offered as an alternative to political rights in the councils of state? -- No, that I do not know.

Did you know that the boycott weapon, if you want to call it that, became popular during this period? (20)

COURT : The period being last quarter of 1984?

MR BIZOS : Last quarter of 1984. I am not saying that it started then, but it got momentum during this period? -- That is so.

Were there calls for the boycott of councillor shops? -- That is so.

And also even social contact with councillors? That you drink with them in the shebeens, so to speak? -- Well, I do not know about the social boycott as referred to with an example the shebeen. I only know about taxi's. I was (30) involved in that.

... / You

You see, was the boycott of your taxi a success from the point of view of the boycotters? -- That is so.

And I understand that you were also the chairman of the Taxi Owners Association? -- I am a vice-chairman.

And you also run an ambulance service I understand? -- No, that is not so.

It was no longer a payable proposition to remain a councillor after this boycott, was it? -- Yes, because it had to do with my work.

And presumably that was the main reason why you decided(10) to resign out of the council? -- Not the only reason. The threats as well.

Let us just take this - I think that you have already told His Lordship, that no direct threats were made to you? -- That is so.

May I place on record that the two persons mentioned are not available to us, but we have some information in relation as to what happened at the trial. According to the State case this threat was supposed to have been made to your son-in-law? -- He was sent with a message. It was not directed on him.(20)

Did you give evidence at the trial of these two young men? -- Yes, I did.

Did your daughter give evidence? -- Yes, she also gave evidence.

And did your son-in-law give evidence? -- Yes.

Do you recall whether the accused gave evidence? -- There was only one accused.

Who was the accused? -- Skosana.

Did he admit or deny that - did that Skosana admit or deny that he made threats? -- He admitted that he in fact (30) did make a threat, but did not mean that he was going to

... / carry

carry the threat out.

Well, that comes very near the information that we have. That Skosana and your son-in-law were buddies? -- I do not know.

And according to the information that we have, the State case was that your daughter overheard a conversation between Skosana and your son-in-law? -- That is not so.

Any way and that your son-in-law's attitude was that there had in fact not been a threat? -- No, that I do not know.

But that your daughter over-reacted and reported some-(10) thing to you which led you to go and lay a charge? -- That is not so.

Were you in court when your son-in-law gave evidence? -- I was outside.

You see - I have not got the official record, I want to make it clear, we have not had an opportunity, but we have counsel's notes ... (Court intervenes)

COURT : But now where is this leading us to? This person was not in court, you do not even have the official record, there is no agreement that the record is correct it if is (20) available, you are not going to call the son-in-law as a witness, on what basis do you put the statement?

MR BIZOS : In rebuttal of the statement ... (Court intervenes)

COURT : You cannot rebut it with nothing in your hands. Either you call the son-in-law or anybody else and say to this witness what you are going to lead the evidence on.

MR BIZOS : What I was going to say was, in rebuttal of the witness's positive statement and the reason for the acquittal was because it was not a threat made personally to him. (30)

COURT : Well, you cannot rebut that by saying what somebody

... / else

else told the Court. He told you what the magistrate said. You can rebut it by saying well the magistrate did not say so.

MR BIZOS : Do you know the precise reason why Mr Skosana was acquitted and do you know what the evidence was? -- The reason given by the presiding judge there was that because he did not directly threaten me.

Well, My Lord, I can take it no further at this stage. It may be that once we have definite instructions, that I may be able to do something about it. Except to put to you that my instructions are that at the trial no threat was proved?(10) -- There were witnesses, my son-in-law and my daughter.

Was your understanding that your daughter was present when this threat was made or was it a report that was made by your son-in-law to your daughter, who in turn made a report to you? -- The position is prior to this incident which led to the court case, there were quite a number of other threats made by Skosana and Molokwana to my son-in-law telling him to tell this over to me or to my attention as threats and my son-in-law did not tell me what the threats were in a message as sent by them, until this last occasion when Skosana (20) and Molokwana approached my daughter and told her it is long that we have been sending these messages through your husband to your father and he does not take the messages. Therefore this is the message, giving her the threat as a message to tell me about.

Was the threat made to you by your daughter? -- Yes.

Was this final threat according to the information received by you in the absence of your son-in-law or in the presence of your son-in-law? -- I am not in a position to testify on that, whether he was present or not. (30)

You do not know what position, if any, Skosana and  
... / Molokwana

Molokwana held in TSO or any other organisation? -- No, that I am not able to tell.

HERONDERVRAGING DEUR MNR. HANEKOM : Wie is die persoon of persone wat veral in die laaste kwart van 1984 aangedring het op die bedanking van die raadslede en hulle besighede geboikot het? -- Dit is TSO se lede.

U het getuig oor 'n parkie wat in Tumahole ongeveer twee weke gelede tot niet gemaak is? -- Ja, dit is so.

Weet u hoe die parkie in Tumahole bekend gestaan het? -- Nee, ek weet nie. (10)

Was u self ooit by die parkie? -- Ek gaan die hele dag by hierdie parkie verby solank ek besig is om te werk. Dan ry ek by hierdie parkie verby.

HOF : Is dit langs die hoofstraat? -- Ja.

Is dit omhein? -- Nee.

ASSESSOR(MNR. KRÜGEL) : Wat die bande betref in die parkie, het u mooi na hulle gekyk? -- Ek het net gesien dit is bande terwyl ek verby ry.

Kon u niks anders sien as dat dit net bande is nie? -- Nee. (20)

GEEN VERDERE VRAE.

- - - - -

MNR. HANEKOM : U Edele, die volgende getuie is Salamina Letsoenyo.

SALAMINA LETSOENYO, v.o.e. (Deur tolk)

ONDERVRAGING DEUR MNR. HANEKOM : U is die dogter van die vorige getuie, mnr. Richard Letsoenyo? -- Ja.

Wat is u eggenoot se naam? -- Daniël.

En sy van? -- Mgavu.

Gedurende 1984 het u in Tumahole gewoon? -- Ja.

Was u bewus daarvan dat daar massavergaderings deur (30)

... / die

die organisasie Tumahole Students Organisation gehou was in Tumahole? -- Ja.

Het u enige van die vergaderings bygewoon? -- Nee.

Waarom nie? Is daar 'n rede? -- Ek was bang om te gaan, want hulle het gesê ons moenie die vergaderings bywoon nie. Ons, die kinders van die raadslede.

Wie het so gesê? -- Die mense wat die vergaderings georganiseer het.

Het hulle gesê hoekom julle dit nie moet bywoon nie? -- Hulle het gesê ons is "sell-outs". (10)

Het u in daardie tydperk twee persone geken, ene Johannes Skosana en ene Molokwane? -- Ja, ek het hulle geken.

Was hulle aan enige organisasie verbonde? -- UDF.

Weet u in watter hoedanigheid hulle aan UDF verbonde was? -- Nee, ek weet nie.

Hoekom sê u hulle was aan UDF verbonde? -- Hulle het die skipperhemde gedra van UDF. 'n Mens kon hulle daaraan herken.

Weet u of hulle verbonde was aan die Tumahole Students Organisation of nie? -- Nee, ek weet nie eers van daardie organisasie nie. (20)

HOF : TSO? -- Nee, glad nie.

MNR. HANEKOM : Het hierdie twee persone, Skosana en Molokwane ooit in 1984 na u en u man se huis gekom? -- Ja, hulle het.

Dikwels of net by een of twee geleenthede? -- Hulle het nie dikwels daar gekom nie. Hulle was net twee keer daar gewees.

In 1984? -- Ja.

Kan u onthou wanneer die eerste besoek in 1984 was? In watter maand dit was? -- Ek kan nie die maand onthou nie.

Kan u onthou of dit voor of na mnr. Hlalele se besighede gebrand is? -- Om en by daardie tydperk. Ek kan net nie (30) sê of dit voor of na dit was nie.

... / Vertel

Vertel eers vir die Hof van hulle eerste besoek aan die huis? -- Toe hulle die eerste keer daar by ons besoek afgelê het, was hulle op soek na 'n boek.

Wat se boek? -- Dit is 'n gewone boek van die biblioteek.

By wie het hulle die boek gesoek? -- By my man.

Was u man tuis? -- Nee.

Het u enige gesprek met enige van die twee persone daardie dag gehad behalwe oor die boek? -- Nee.

Wanneer was die tweede besoek van hulle aan julle? --  
Toe hulle die tweede keer daar kom besoek het, was dit (10)  
terwyl ek by my woning gebly het.

Kan u onthou wanneer dit was? -- Ek kan nie meer onthou presies wanneer dit was nie, behalwe dat dit 'n Saterdag was.

HOF : Was dit lank na die eerste besoek? -- Om en by 'n maand.

MNR. HANEKOM : Wat het gebeur by die tweede besoek? -- Hierdie keer het hulle weer oor hierdie boek se storie daar gekom.

Nadat hulle die boek gekry het, sê hulle toe vir my "Sê vir jou pa, as hy nie bedank as 'n blokman nie, dit wil sê 'n raads-lid, gaan ons sy kar of die huis aan die brand steek."

Wie van die twee, Skosana of Molokwana het dit gesê? (20)  
-- Skosana.

En mnr. Molokwana, wat het hy gemaak? -- Hy het net saam geloop. Hy het niks gesê nie.

Is hierdie dreigement in die teenwoordigheid van u man gemaak? -- Hy was buitekant.

HOF : Was hierdie mense ernstig of het hulle grappies gemaak?  
-- Hulle het nie gelyk soos mense wat kwaad was nie. Hulle het net daar gepraat. Eintlik gesels en gelag.

Het u dit ernstig opgeneem of nie? -- Ja, want ek was op pad weg na Sebokeng toe. Toe hulle gesê het as ek terugkom(30)  
sal ek vind dat die dreigement waarvan hulle gepraat het

... / alreeds

alreeds plaasgevind het, het my dit in 'n ernstige lig laat beskou.

MNR. HANEKOM : Het enigeen van die twee nog iets verder gesê of was dit al? -- Dit is al wat hulle gesê het, niks verder nie.

Is hulle toe weg van die huis af? -- Ja.

Het u dit wat hulle aan u gesê het aan u man oorgedra? -- Hy het daarvan geweet, maar ek het ook vir hom gesê wat hulle aan my gesê het op hierdie dag.

Wat was sy reaksie hierop? -- Hy het gesê daar is niks (10) wat hy daaraan kan doen nie. Ek moet my pa gaan sê.

Het u u vader gaan inlig? -- Ja, ek het.

Wanneer? -- Dit was gedurende die week.

Daardie selfde week? -- Die volgende week. Ek dink dit was 'n Dinsdag of 'n Woensdag.

GETUIE STAAN AF.

HOF VERDAAG.

HOF HERVAT.

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SALAMINA LETSOENYO, nog onder eed

MR BIZOS : I must disclose to Your Lordship, that I have information that the witness has not been consistent with (20) herself. I will not be able to finish with the cross-examination, but I would like to ask some questions on the basis of the information given to me.

COURT : On what aspect has she not been consistent according to you?

MR BIZOS : I have notes which - on which the information is based, but we have ordered a copy of the record.

COURT : But I am not prepared to wait for a copy of the record. That is impossible. That may take a long time.

MR BIZOS : I understand not, because it was a handwritten (30) one on our present information, but let us - I understand that

... / the

the next witness is her husband any way. I disclose this, because I do not want to take Your Lordship or My Learned Friend by surprise at the end of my questioning the witness that I intend asking her to stand down and this is why I am mentioning it.

COURT : Well, one cannot have a witness stand down, because you want to search for a previous inconsistent statement. We cannot work on that basis. If you have a previous inconsistent statement you put it to her and if she denies it, you prove the inconsistency later on if you are allowed to do so, (10) but if you have not got it, you have not got it.

MR BIZOS : I have the counsel's notes.

COURT : Then you put to her the counsel's notes.

MR BIZOS : And then possibly deal with the record later.

COURT : That depends on the circumstances. I do not know.

CROSS-EXAMINATION BY MR BIZOS : Do you recall that you gave evidence in court in Parys? -- Yes, I do.

And did you give your name as Salamina Mgavu? -- That is my husband's surname.

And that is the surname you were known by in that (20) trial? -- Yes.

At the time that you gave evidence, how many accused were there in the dock? -- There was one.

Was that Mr Molokwana or Mr Skosana? -- Skosana.

Mr Molokwana was not there? -- No, he was not.

Do you recall the date on which you gave evidence? -- No, I do not.

At the time that you gave evidence, do you recall whether at that time you remembered when the events occurred? -- I cannot recall that. (30)

Do you remember on what date or during what month your

... / father

father resigned? -- No, I do not know when that was, because it was after some time and then he resigned.

After some time when the visits took place or after some time that you gave evidence? Let me make the question clear so that there is no misunderstanding. Did your father resign some time after you were visited at your home or did he resign some time after you gave evidence in court or both?

COURT : Did he resign before or after you gave evidence in court? -- After.

MR BIZOS : He resigned after you had given evidence in court? -- Yes. (10)

Can you recall how long after you gave evidence in court? -- Some months, although I cannot say how many months.

Do you recall when you were asked questions how long after Mr Hlalele's shop was damaged the visit to your house was? Do you recall that question? -- Yes, I do.

How long after it was it that the visit to your house was after Mr Hlalele's shop ... (Court intervenes)

COURT : That is the first visit or the second one?

MR BIZOS : I am talking about the visit when the threat was made. (20)

COURT : The second visit to the house.

MR BIZOS : The second visit to the house? -- About a month.

Before your father was threatened in the matter in which you say he was, was he considering resigning? -- He did not look like a person who was going to resign.

Was there not talk of his resignation? -- No, he was not talking about that.

Did he not have any idea of possibly resigning because his being a councillor was not good for his taxi business? (30)

COURT : That is now before the threat?

... / MR BIZOS

MR BIZOS : Before the threat? -- No, he never thought in that way.

Did he ever say that he was going to resign because business was not good any more because his taxi was being boycotted because he was a councillor? -- No, he was just working.

Even after the threats, did he ever feel that he was not doing justice to the taxi business because he was a councillor? -- No, he did not have that feeling.

Never ever? -- No. (10)

Before his resignation was his taxi business just as good as it had ever been? -- Yes, it was the same.

So, he never suffered as a taximan before his resignation and he never complained about it? -- No.

COURT : Did he discuss the income of his taxi business with you? -- No.

MR BIZOS : Did he discuss the reason for his resignation with you? -- He resigned without me knowing about it. He did not tell me why.

You told us in your evidence-in-chief that this (20) threat was made to you at the second visit and that your husband was outside? -- Yes, he was outside.

And that you told your husband about it and your husband told you to go and tell your father? -- Yes, that is what he said.

You did go and tell your father as a result of a threat having been made to you and you having been advised by your husband to go and tell your father? -- Yes.

Did it come as a complete surprise to your husband that a threat had been made against your father through you? (30) -- Yes, he was surprised.

... / And

And had your husband not told you before this date of any threat made by these two persons before they had visited you? -- He had told me that he met Skosana who told him.

COURT : What? -- That he must tell my father to resign.

MR BIZOS : When did your husband tell you that? -- Before they came to talk to me.

Just before or a long time before? -- That was before they came to talk to me about it.

And was a threat to your father reported to you by your husband? -- That is so. (10)

And did you immediately go and tell your father when your husband made the report to you? -- Yes, I did.

So, when you went to your father after the personal visit to you, it was the second time that you warned your father? -- Yes, it was the second time.

And did you as soon as you received the report from your husband, did you go to your father and tell him that your husband had reported to you of the threat by Skosana and Molokwana? -- No, they had left the message with me and I took the message. (20)

COURT : Let me just get clarity then. On how many occasions did you tell your father that somebody was threatening him? -- On two occasions.

When was the second occasion? -- That is after they came to me at my place where I lived at the time.

MR BIZOS : And the first occasion was after the report was made to you by your husband? -- Yes.

In your evidence-in-chief before the adjournment you were asked by the prosecutor who had made the threat and you said that it was Skosana? -- Yes. (30)

And you were asked what Molokwana had to say, if anything

... / and

and you said that he said "Niks". -- Yes, that is so.

Was the evidence that you gave to His Lordship this morning that Molokwana said absolutely nothing correct? -- Yes, that is correct.

Did Skosana on his visit say anything about the boycott of your father's taxi? -- Yes, he said something about it.

What did he say about the boycott of the taxi? -- He said I must tell my father that if he does not resign, his taxi will be boycotted, it will be set alight or the house will be set alight. (10)

This is what Skosana said and Molokwana said nothing. -- Yes.

Was your husband according to you within hearing distance whilst Skosana was saying this? -- He was not within a hearing distance. He could not hear that. He was a bit far.

Was it Skosana who actually asked for the book on both occasions? -- Skosana used to talk about the book, when they came there. They came together.

And Molokwana remained silent, even in relation to the book? -- Yes. (20)

And he said absolutely nothing on both occasions? That is Molokwana? -- Yes.

Did you tell your husband about this threat whilst Skosana and Molokwana were there present or after they left? -- He was present at home, but he was outside.

When you told your husband about the threat that had been made in relation to your father, were Skosana and Molokwana present or did you tell your husband after they had left? -- After they had left.

Did you tell this directly to your father after the (30) threat was made?

.. ./ COURT

COURT : Well, the evidence was that it was on a Tuesday or a Wednesday and the threat was made on a Saturday.

MR BIZOS : Other than your husband, was your father the person that you went to and spoke to about the threat? -- Yes.

Did you go directly to him, to your father as the first person other than your husband to report that this threat had been made? -- Yes, that is him.

You did not tell anyone else? -- No.

You did not go and discuss it with your mother possibly first? -- I only made enquiries from my mother as to where(10) my father was. Otherwise I did not tell her anything.

Did you ever advise your mother to advise your father to resign? -- Yes, after Skosana had been there to tell me that my father must resign.

But do I understand that you told your mother to advise your father to resign, but you did not tell your mother about the threat? -- That is true. I was scared of telling her, because she is a sickly person.

I can understand that. Did you go to your father's house and did you tell him that - what is commonly known (20) as the "ouerhuis"? Is that where you told your father of the threat? -- Yes, that is what I did.

I am going to suggest to you that your evidence-in-chief before the magistrate in Parys was materially different to the evidence that you have given to His Lordship here. I am going to read to you Mr Kraut's notes of your evidence-in-chief.

COURT : Mr J. Kraut being?

MR BIZOS : The counsel for Mr Skosana. I will read the whole of the evidence as it is recorded here. "Salamina Mgavu. (30) Daniël is my man. Pa is Richard. Gedurende Augustus lid van

... / Gemeenskapsraad

Gemeenskapsraad. Die eerste geleentheid het mense my man ontmoet. As gevolg van rapport het ek niks gedoen. Gewag op mense wat na my sal kom. My man sê Lister en Barnard het hom gesê dat ek my pa moet sê dat hy moet bedank en as hulle nie voortgaan, hulle sal my pa se goedere beskerm."

COURT : That cannot be correct. "As hulle nie voortgaan."

MR BIZOS : That is how it is. I am reading the note as it is. "Ek het eerste vir my pa vertel toe hulle 'n besoek by my huis afgelê het. Dit is beskuldigde en Molokwana. Omtrent 'n week daarna. Wat was gesê tussen Molokwana en jou man? (10) Molokwana het gesê hy is daar om 'n boek te kom haal. Ek het toe boek uitgehaal en dit vir hom gegee. Hy het gevra of ek boodskap van my man gekry het. Molokwana het toe ook na vader en sê om hom te bedank."

COURT : Om hom?

MR BIZOS : "Sê vir hom om te bedank. Hy het gesê as hy nie bedank nie, sal hulle sy huis en kar afbrand. Ons was altesame vier - my man - 2 en ek. Mense wat gekuier het buite gestaan. Beskuldigde het gehoor wat Molokwana sê. Ons het hom gesê ek sal boodskap oordra. Die beskuldigde het ook (20) gepraat en sê my pa moet bedank. Hulle het gelyktydig saam gepraat. Net na Molokwana klaar gepraat het, het beskuldigde dieselfde woord herhaal. Ek het boodskap gaan oordra. Dit was 21/8/84. Boodskap oorgedra en na ouerhuis op Maandag gegaan. Het ma getref. Het boodskap aan ma oorgedra. Ek het net vir ma gesê dat pa moet bedank. Terug huis toe. My pa het by my huis gekom op die Woensdag en dieselfde boodskap aan pa oorgedra. Na die polisiestatie dieselfde dag. Dreigemente ernstig opgeneem of maak net grap. Ek was bang vir boodskap." That is the end of the notes of the (30) gentleman who asked you questions at Parys. Do you agree that

... / if

if your evidence was correctly recorded in the manner in which I read it out to you, that that evidence is materially different in substantial detail to what you told His Lordship today? -- Yes, I do agree, but I had forgotten about the other things.

Why did you not tell His Lordship that you do not remember when the questions were asked of you? -- It is because I did make mention of that in the office. I had forgotten about some of the details, because this happened long ago.

To whom did you say you did not remember the details because it happened long ago? -- It is in that office where (10) I was being asked.

Whose office is that? -- One of the two officers outside here.

And to whom did you say that you could not remember the details of what had happened?

COURT: Some details.

MR BIZOS : Some details? -- There was a certain White man that side who was questioning me about dates and the detail as to what happened on what date. That is the person to whom I said I have forgotten about some of the things. (20)

Well, why did you not say the same thing to His Lordship when you were asked the questions?

COURT : She did. She told me that she could not remember the date, it was somewhere in August we put it eventually after some sort of difficulty. You will have to be more specific.

MR BIZOS : You see, I am not talking only about the date. It is not only the questions that you were asked by the prosecutor and the questions that His Lordship asked, but the questions that I have asked you, your answers are so different than the ones that you apparently gave to the magistrate? (30)  
-- (No reply)

... / Is

Is there an explanation? -- No explanation.

You knew these two persons well, because you referred to them by their first name and their surname in these notes that I have read to you? -- Yes, I know them.

COURT: Is it Lister Skosana? -- Yes.

Is he also known as Johannes Skosana?-- He is only known as Lister.

Do you also know a Johannes Skosana? -- I only know a Skosana. I do not know what his first name is.

MR BIZOS : The evidence will be that it is the same person.(10)  
Lister and Johannes.

COURT : And Barnard, is he Mqlokwana? -- Yes.

MR BIZOS : When you told us that your husband made a report did your husband tell you where the statement was made by Lister and Barnard? -- He said they were at a shebeen busy drinking.

Did he tell you whether he took this as a serious threat or as a shebeen talk? -- He said he took it to be serious, because it was long that they had been telling him to go and tell my father this. (20)

If these notes are correct, you told the magistrate as a result of a report made to you by your husband, you did nothing about it. "As gevolg van rapport het ek niks gedoen. Gewag op mense om self na my te kom." -- Yes, the first occasion I did not take anything as a message. That is taking it to my people.

If the report was made to you as a report seriously intended, why did you not take it to your people? -- I gave it a thought and said well, seeing that it was being discussed at the shebeen, I will rather wait until they come to me. (30)

// If that is so, why did you, a short while ago before I read

... / these

these notes to you, did you say to His Lordship you went and reported the threat that had been made to your husband? -- I have no explanation.

Would you like to now that these two different versions have put to you, perhaps like to make a choice which of the two versions do you ask His Lordship to accept or do you not want to do that? -- I did not understand the question properly.

COURT : Which question? The question now put to you or the question previously put to you? -- The last question put to me.

MR BIZOS : You told His Lordship that you went to tell (10) your father after the report of your husband? You did not say that once, you said that two or three times. Once to me and once to His Lordship. Do you now say because it was talk at a shebeen you did not go and tell your father? Do you know what the truth is? Perhaps that is a more simpler question? -- Yes, I do.

Well, which of the two versions do you now say is the truth? -- That I did not go and tell him at the time.

Could you please then explain the reason why on three occasions before I read these notes to you you said that (20) you did go and tell him? -- I said I went to tell my father when they told me after their second visit.

I will not carry that point any further, because I think that the record speaks for itself. Do you recall telling the magistrate at Parys that the chief spokesman, so to speak, in relation to this threat was Molokwana? -- No, I cannot recall that. What I know is that the speaker there was Skosana.

If it is shown that you said in the court below or in the Regional Court that the chief spokesman was Molokwana as I have read to you from these notes, would that have been (30) putting the position incorrectly? -- It could be that that is

... / not

not correct, because as far as I know the speaker there was Skosana. It could be that the writer made a mistake.

We will see in due course what the magistrate presiding wrote. Did you tell the magistrate in the court below that there were four of you together? That is yourself, and your husband and the two of them? -- Yes, I did.

And did you say to the magistrate in relation to the threat "Ons het hom gesê ek sal die boodskap oordra"? -- Yes, I did say so.

Did you say to the magistrate "Mense wat gekuier het (10) het buite gestaan"? -- Yes, I said so.

Was that correct? -- Yes, it was.

Did I get the wrong impression that your evidence before His Lordship was that you and the two visitors were inside and that your husband was outside?

COURT : Ask her first to whom does she refer when she says "mense wat gekuier het"? It may be other people.

MR BIZOS : Were you referring to the two visitors Molokwana and Skosana as the persons who visited you? -- There were other two visitors outside besides the two referred to now. (20)

Who were they? -- Two other men.

Who were they? -- Mokganela and Winkie.

Were they with your husband outside? -- Yes, they were outside with him.

Was he busy talking to the visitors? -- They were busy repairing a vehicle there.

Together with your husband? -- Yes.

So, that your husband could not have heard any portion of this conversation? -- What happened there is this. I was in the house, namely myself, Skosana and Molokwana. My (30) husband used to come in and out the house. I remember at

... / some

some stage he came in while they were still in the house to come and get some glasses, when Molokwana and Skosana asked him if he told me about the message, on which I responded saying yes, he did tell me about this message, namely the threat which was to be taken to my father.

You told His Lordship on a number of occasions that Molokwana said nothing and that Skosana said everything? -- That is true. Skosana is the man who spoke.

And he is the only man who spoke? -- Yes, he is the only man who spoke. (10)

Do you agree that you told the magistrate that the two of them Skosana and Molokwana spoke in unison, the two of them together, saying precisely the same thing?

COURT : Did she tell that to the magistrate?

MR BIZOS : Yes.

COURT : Together at the same time?

MR BIZOS : "Hulle het gelyktydig saam gepraat." Net na Molokwana klaar gepraat het, het beskuldigde dieselfde woord herhaal."

COURT : That is not at the same time, the one after the other repeating the same thing. (20)

MR BIZOS : It is both, but I agree that the latter must have precedence because of the improbability of the former.

COURT : That is an awkward way of dealing with notes, but put it that way.

MR BIZOS : Let me put it to you this way. Did you tell the magistrate that either they spoke at the same time or the one spoke immediately after the other and that they both said the same thing? Did you tell the magistrate that? -- What I said is Skosana was the spokesman with Molokwana next to him confirming what Skosana was saying by shaking his head (30)

... / up

up and down, nodding to indicate that what is being said is in fact what is supposed to have been said.

So, he expressed his attitude by a gesture? -- Yes.

Why did you not say to the magistrate or to His Lordship here this is how it happened because now this is a - I am going to suggest to you a third version if the notes are correct? -- It did not occur to me that I must explain it to that extent.

Do you agree that you told the magistrate that you went to your mother and gave her a message and that your father(10) came to your house as a result of that message when you first told him about the threat? -- I went to him, he was not home. My mother told him and then he came to me.

Can you explain why you told His Lordship precisely the opposite before I read these notes to you? You went to your "ouerhuis" to tell your father about the threat. -- That is true, they differ with reference to the names, for instance where I am talking about Skosana, they are talking about Molokwana.

WITNESS STANDS DOWN.

(20)

COURT ADJOURNS UNTIL 10 JUNE 1986.

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