

SAAKNOMMER: CC 482/85

DELMAS

1987-04-07

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. 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 201

(Bladsye 10 482 - 10 537)

COURT RESUMES ON 7 APRIL 1987.

TSIETSI DAVID MPHUTHI, d.s.s. (Through interpreter)

MR BIZOS : All the accused are before court, My Lord.

EXAMINATION BY MR BIZOS (continued) : You recall that you told us that your committee did a number of things during the first half of 1984? -- That is so.

You told us also that cards were made? -- That is so.

You are now on bail, but one of the conditions of your bail is that you should not go into the Vaal Triangle? --

That is so. (10)

Have you asked whether any of the cards could possibly be found? -- Yes, I have.

Was one found? -- Yes.

How did it come about that this card was printed? -- It was at the meeting of the Zone 7 committee where it was decided that we should get membership cards in order to have a way of accumulating money.

Was there any decision as to who should print it? -- Yes, we came to that decision.

Who did it? -- Edith did it. (20)

And who decided on the wording? Do you recall? -- We as a committee agreed on the contents of the card which would be printed on the card.

Was this a card to be for your area only or the VCA as a whole? -- That was the idea. In fact by that I mean we had in mind that the card, after having been printed, we will have to talk to VCA people to accept this kind of a card so that it could be used in different areas and therefore the discussion of this card was to accommodate that as well.

We believe that it will be EXHIBIT DA8, My Lord. (30)

Is/...

Is this the card? -- Yes.

It reads "Vaal Civic Association, P.O. Box 280, Residensia, 1980. Zone / area" with a place to be filled in and "M/ship number" with a place to be filled in, "Full names" with a space to fill in "Address" ... "Date joined" ... and a rubber stamp "Vaal Civic Association, P.O. Box 280, Residensia, 1980." and underneath that "Sec" presumably for secretary "/chair". On the right-hand side "Membership card. You can help your association grow by urgent people you know to join, make your association strong so that it can serve(10) you better, attend meeting, they are important. ORGANISE OR BE HOMELESS." -- That is the card.

Did you have anything to do with the rubber stamp that is on it? -- Yes.

What did you do about that? -- I am the one who got hold of this stamp from Vereeniging.

COURT : You had it made? -- Yes.

MR BIZOS : How much was the membership fee? Was that decided on? -- R2,50.

And whose box number is 280, Residensia? -- This is (20) the chairman's box number, that is the Vaal Civic Association box number.

COURT : Let me just get clarity. Is it officially the box number of a chairman, never mind who the chairman is or is it a particular person's private box number? -- This was Lord McCamel's private box number which was being used.

MR BIZOS : Can you date when this membership card was printed? -- I cannot remember the exact date, but it was during June.

COURT : Of 1984? -- 1984, yes. (30)

MR BIZOS/...

MR BIZOS : This slogan at the end of it "Organise or be homeless" who decided on that? -- The chairman.

Which chairman? -- Zone 7 committee chairman.

Edith Lethlake? -- That is so.

Did members of the committee agree with this slogan?
-- Yes, in full.

Was the question of housing or homelessness of any importance to your committee or your community as far as you were concerned in June 1984? -- Yes, it was of great importance because there was a great shortage of housing. (10)

Did you yourself go out in order to write up members?
-- Yes, there are members who were written by me.

How many members did your committee write up between the time that the membership cards were printed and September 1984? -- Fifty plus.

What happened to the money? -- This was kept with the books by the chairman.

Before a card or after a card was issued or at the same time was the name of the member entered into any book? -- Yes, the member's name would be entered into a book and (20) then a card will be allocated a number.

Where is that book? Do you know? -- The last time I knew about that book it was in the possession of the chairman.

COURT : That is the chairman of the committee, not the chairman of the VCA? --Yes, the chairman of the committee.

MR BIZOS : I want to draw your attention to the allegation in paragraph 74 (2) of the indictment in which it is said that a meeting was held on 5 July 1984 at which you were said to be present - to have been present, in which it is (30)

alleged/...

alleged among other things that the housing rent in the area of the Vaal Triangle would be increased and that it elicited the following reaction. They considered the possibility of organising a mass meeting and also they decided to hold a joint meeting between VCA and ERPA to discuss the possible increase in rent. Was there any such meeting on 5 July 1984? -- No, there was no such a meeting.

It is further alleged in paragraph 74(3) read with the - well, it is alleged there that there was a meeting on 8 July 1984 in which you are said to have been present at(10) which the million signature campaign was discussed. Did such a meeting take place on the 8th or not? -- There was no such a meeting.

Was there a meeting in fact about the million signature campaign roundabout the 8th? -- No, no such meeting was held on the 8th.

Was there in fact a meeting held on the 5th? -- Yes, there was a meeting held on 5 July 1984 at which meeting the million signature campaign was discussed.

Do you remember the day of the week on which that (20) meeting was held at which the million signature campaign was discussed? -- What I remember is that it was on 5 July.

What day of the week was that? -- I cannot quite remember exactly what day of the week it was. All I can say is, it was during the week and not over a weekend. Why I remember that is because the million signature campaign was then held the first Saturday after this day of the meeting where it was discussed.

Have you checked what day of the week 8 July was? Did you check on the calender? -- If I were to think back, after(30) having/...

having had this meeting on 5 July, which was during the week, the Saturday then the million signature campaign was carried on, which I remember was 7 July and therefore, if that is correct, then 8 July must have been the following day, which was the Sunday.

Do you recall attending any committee meeting on the Sunday, 8 July 1984 at this time? -- Not at all. What I can say to that is that we never used to hold meetings on Sundays. We held meetings on Saturdays only.

But in view of the dispute in relation to the date, (10) we will call it the meeting about the million signature campaign. Would you please tell us who was present?

COURT : Is this now a joint meeting, a committee meeting or a mass meeting? -- It was a joint meeting of the Zone 7 committee and Evaton Ratepayers Association.

MR BIZOS : Tell us who was present at this meeting? -- Myself, Edith, Motubatsi, Sefako Mokoena, Esau Raditsela, Petrus Mokoena.

That is accused no. 6? -- Yes.

Were any other of the accused present? -- I cannot (20) quite remember now who was present.

What was the purpose of this meeting? -- The purpose of this meeting was to hold a million signature campaign on the first coming Saturday after this day of the meeting.

What decision was taken? -- It was decided on three points where this will be carried out, namely the Commissioner's busstop known as Masenkeng, Residensia and Evaton Terminus.

Without giving us the details, were arrangements made as to who would supply the tables and chairs? -- We (30) requested/...

requested Mr Mokoena to supply the chairs and tables at these three places as mentioned by me.

You say that this was on a Saturday? -- That is so.

Do you remember whether it was two days of a week and two days after your meeting? -- I remember it having taken place two days after the meeting which we held during the week.

At the joint meeting, was there any possibility discussed of the holding of a mass meeting to collect signatures at the mass meeting? Was there any such discussion? -- (10) No, there was no reason for that.

Was there any mass meeting discussed either at Sebokeng or elsewhere at this meeting? -- Not at all. Except discussing the million signature campaign, we did not discuss any other issue pertaining to it at any other area.

Was the question of the proposed rent increases discussed at this joint meeting? -- It was not at all discussed.

Did you yourself take part in the collection of signatures as part of the million signature campaign? -- No.

Did you yourself sign a form? -- I do not remember doing (20) that.

Was any moral pressure of any kind placed on any one to sign this signature campaign? -- Not at all.

You were a member of the Zone 7 committee. Did you ever become a member of the main committee of the VCA? -- No.

Even though you were not a member of the VCA Vaal, did you ever go to a meeting of the General Council of the Transvaal Region of the UDF? -- Yes, I did attend a meeting.

It is alleged in the indictment that you attended this meeting in furtherance of the conspiracy by the African (30)

National/...

National Congress, South African Communist Party and the UDF to overthrow the government, start a revolution and to start riots. What do you say to that allegation? -- That is not true.

Please tell us how it came about that you did go to this meeting? -- Esau was the person who was attending this meeting and because of my being curious to know what is happening at this meeting and him having asked me to accompany him to this meeting, I attended the meeting.

COURT : Can you remember the date of the meeting? -- On (10) 14 July.

MR BIZOS : Did only you and Mr Raditsela go? -- We were three. Myself, Raditsela and accused no. 17.

Did you regard yourself in attending this meeting as a delegate of the VCA? --No.

The three of you got there? -- That is so.

Did you yourself take part in any discussion at this meeting? -- I only just listened to what was being discussed. I did not take part in any discussion.

Could you tell us what you remember the main topic (20) of discussion at this meeting was? -- What I remember is that a speaker there made mention of some members who were candidates in fact for the tri-cameral parliament and saying these people were intimidated and this person said in his speech that it is being said that it could be that the intimidation was from the UDF. That is what I remember being said there.

Do you recall what the discussion was as to whether or not people took up this allegation of intimidation and what did they say about it? -- I remember it being said (30)

that/...

that it will have to be thoroughly investigated because here now the allegation will be strong that the UDF is intimidating these people and that could be used as a propaganda.

Do you remember when the elections were going to be? -- Yes, I remember, they were divided into two, which is two different dates. The Coloureds was for 22 August 1984 and for the Indians was for 28 August 1984.

The discussions that took place at this meeting that you attended, did they concern matters other than the forthcoming elections? -- No, as far as I can remember from what I (10) listened there, the main discussion was about the election campaign.

Did anyone at this meeting talk about rendering the Republic of South African ungovernable? -- There was no such a talk.

Did anyone mention that any actions that may be taken will lead or develop into a violent revolution? Did anybody say anything about that? -- No such discussion was ever mentioned there.

Were you a wellknown person to the majority of the (20) people present there? -- No, that is not so. I was attending that meeting for the first time.

Other than Mr Raditsela and Mr Matlole, did you know anyone else? -- No.

Somebody did not perhaps do a security check on you before you admitted at this meeting? -- No, nothing like that happened.

Do you recall whether Mr Mokoena was there, accused no. 6? -- No, I cannot recall that.

Other than the people from the Vaal, did you know any(30)

of/...

of the other persons there? -- I did not know any other person, save for the two in whose company I was.

I want to return to this question because you said that propaganda would be - you used the word propaganda if it is said that the UDF intimidated the candidates. The source of this allegation was mentioned. -- In fact what I understood there was that the system could be responsible for intimidating the candidates and then so that later it could be said in propaganda that the UDF is doing that.

The word "system", is it your word or the speakers' (10) word? -- That was the word used by the speaker.

Did you go to another meeting of the council? -- Yes, there is a meeting which I attended in August.

How did you come about to attend that meeting? -- I had gone there in the company of Esau and Mr Matlole. What I would like to mention is this. I cannot place Mr Mokoena exactly at which meeting was he present between the two, that is the one on 14 July and 4 August. At one of these meetings he was present. Which one of the two I cannot recollect. (20)

How did you come to go to this meeting? -- We went there in the company of Esau, namely myself and Mr Matlole. We went with Esau.

Did you go there as a delegate on this occasion? -- No, what happened is this, Esau had gone there as a delegate, he suggested that we come with, because in future it may be required that we are to attend these meetings and therefore by then we shall have acquired the necessary experience of such meetings. That is how we happened to be in his company attending these meetings. (30)

Did/...

Did you speak at all on this meeting of 4 August? --
No, I did not.

What was the main topic of discussion at this second meeting that you attended? -- Although I do not remember exactly what it is that was said in discussion of this, all the same the discussion was pertaining to the campaign of the tri-cameral parliament.

Was the rent increase in the Vaal discussed in any way at this meeting? -- No.

Was the resignation of the councillors in any way (10)
discussed at this meeting? -- No.

Was there any talk that when the councillors resign the VCA must take over the management of the townships in the Vaal? Any such talk? -- Not at all. No such was discussed there.

When did you become aware of the fact that the rent was going to be increased in the Vaal Triangle? -- This I heard about towards the end of at the end of June or July, somewhere there.

And when did your committee doing anything about that?(20)
-- The committee met on 4 August. I was not present. I did not attend.

At which meeting were you present when the rent increase was discussed? -- 11 August.

It is alleged in the indictment and further particulars that there was what is called an emergency meeting on 13 August. Do you know of any such a meeting on 13 August? -- No, I do not know anything about that.

It may be a reference, My Lord, which is difficult to find. It is paragraf 38.3.1 of the further particulars. (30)

You/...

You do tell us though that there was a meeting on 11 August?

-- That is so.

Please tell us who was present at that meeting? -- Myself, Edith, Sefako Mokoena, Ephraim Ramakgula, accused no. 17 ...

(Mr Krugel intervenes)

ASSESSOR (MR KRUGEL) : Ephraim Ramakgula is that accused no. 9? -- Yes.

MR BIZOS : Any others that you can recall? -- Edward Motubatsi and Elizabeth Namane.

Please tell us in your own words what your discussions (10) and decisions were at this meeting on 11 August? -- This meeting was convened as a result of the question of the rent. There was a discussion and a decision was made that we meet with the community, which would mean that we call a mass meeting, then which mass meeting will have to know about what is to be discussed and further suggestions to be made. As a result of which then we had to decide on a suitable date which was 26 August.

Where? -- We had not yet decided exactly what the venue would be, but we had in mind the Roman Catholic (20) premises which we thought was going to be convenient by being near.

COURT : Small Farms? -- Yes, Small Farms. As a result of which then we agreed that our chairman must meet the person in charge of the Roman Catholic Church premises at Small Farms and find out if we are permitted to hold a meeting there.

K623 MR BIZOS : Was anything discussed ... (changing over to new cassette)? -- Yes, we agreed on a draft of a pamphlet which we did, which pamphlet was going to be used in (30)

distributing/...

distributing that for announcing the meeting. We left out the venue which was not discussed there or put in the draft of the pamphlet, for later after our chairman has met with the person in charge of the Roman Catholic Church to find out if that venue was available to us. It is only then that she was going to have that space filled with the venue.

Were you deputed to do any of the pamphlets? -- We decided on accused no. 9 to assist Edith in carrying that out.

Was there any discussion as to what the contents of (10) the pamphlet should or ought to be? -- Yes, that the pamphlet should invite the community of Zone 7, Sebokeng to a meeting to be convened at a meeting place which was left blank for them to fill in after having acquired a venue for this meeting.

Can you recall, were there any slogans on this pamphlet? -- Yes, this was supposed to be printed on the pamphlet in two languages, Zulu and Sotho, reading "Asinamali Arina Tjelete."

This exclamation or slogan "We have no money" in (20) whatever language it may be said, was this something new that came into being in August 1984 or were you and members of your committee familiar with it? -- As far as I know this is an old, old thing.

When would you say that you first heard this old, old thing? -- During the years 1955 and 1956, during the bus boycotts in Evaton. The slogan "Asinamali" was used there.

Only then? -- No, I heard about it for the first time.

Was it used thereafter? -- Yes, thereafter it was used many times.

(30)

Any/...

Any discussion as to who would print the pamphlets? -- As I earlier said in my evidence, it was for the two people to see to the printing of the pamphlet. They were to contact MARS Media to have our pamphlet printed.

Who was going to pay MARS Media? -- We were to pay for that.

Did you have any money in your kitty at that time? -- We did have money although it was not sufficient for all our needs, as a result of which then we had to contribute from our own pockets to meet certain demands of money. (10)

The R2,50 that you collected for of from members, do you recall whether that was earmarked for any particular expenditure? -- Yes, I do. The R2,50 membership fee was earmarked for financing for whatever we needed, for instance pamphlets and other things. But in view of the fact that we still had very little in that kind of money, we therefore contributed for some of the needs which arose there.

Who paid for the printing of the membership cards themselves? -- We paid for the printing of the membership cards. What I can mention is that on information later I came to (20) know that very little was paid for the printing of these cards because the most of the work which was done there, was done by our people who had gone there for the printing and therefore had very little to pay.

What do you say to the allegation in the indictment that the UDF made financial assistance available to you in furtherance of the conspiracy of the ANC and the South African Communist Party? -- Do you mean now with reference to the printing of the membership cards?

No, it is a general allegation. That money was (30)
available/...

available to you from the UDF. Did your committee ever receive any money from the UDF? -- No, no money was received.

Do you know whether Miss Lethlake and Mr Ramakgula, accused no. 9, paid any or much money for the pamphlets calling for the meeting of 26 August? -- I cannot remember exactly how much money they paid, whether it was a lot of money or not, but what I can tell His Lordship is the following from what they said. Because of the fact that our people who were to see to the printing of the pamphlet had to do most of the work in having the pamphlet printed, (10) they therefore paid very little to have this pamphlet available.

What do you say to the allegation in the indictment that your committee decided whether it be on the 11th or the 13th, that Mr Matlole, accused no. 17 would by the nature of his work manipulate and incite the residents not to pay the rent at all? What do you say to that allegation? -- There is no such thing.

The allegation, My Lord, appears in paragraph 74(5)(iv). Was there any decision as to who would distribute the (20) pamphlets? -- The decision was, it was the duty of the committee members themselves to see to the distribution of the pamphlets.

Was there any discussion at your committee meeting in relation to what may or may not have happened in other areas other than the Vaal in relation to rent increases? -- No, no such issue was ever mentioned there.

Do you recall any meeting of your committee taking place on 20 August 1984? -- No, there was no meeting held on that day. (30)

Was/...

Was COSAS ever discussed at any of your meetings? -- No.

Were you in any way concerned with any meetings that any other committees may or may not hold in the area? -- No.

Did you depute Mr Matlole or anyone else to go around and tell people or propagate, to use the words of the indictment, other persons to call mass meetings among the residents? -- No.

Did you have any contact with the people in Zone 12 as to what they might or might not be doing? -- No, I had no contact with them. (10)

When you met on the 11th, did you agree when you would meet again? -- There was a suggestion about the 22nd or the 23rd, the reason being that the next Saturday would not be suitable for having any meeting because of Edith and accused no. 9 who would not be able to attend as a result of their going to see to the pamphlets. It was then suggested 22 or 23 August could be convenient for us to hold a meeting.

Before the 26th, did you hear anything about a joint meeting between your committee and any other body? -- Yes, we met on the 24th. (20)

Did you meet on the 22nd or your 23rd on your own? -- No, those two days were not used for a meeting, not at all.

How did you come to hear about the joint meeting? -- The Friday morning Mr Matlole told me about the meeting that some people from Zone 3 will be coming this evening. We are supposed to meet together with them.

Working backwards from the 26th, would that have been the 24th? -- That is right, yes.

Did you attend a joint meeting? -- That is so.

Can you recall who was there? -- Yes. (30)

Just/...

Just tell us. -- Myself, Edith, Sefako Mokoena, accused no. 17, Esau Raditsela.

Was Esau there all the time? -- No, he arrived late while we were continuing there. The other people present there were those from Zone 3.

Whom did you know or get to know from Zone 3? -- Accused no. 10 was the person who was known to me from those from Zone 3.

Did you know anyone else from Zone 3? -- The rest of the people I saw there, I was seeing them for the first (10) time.

Was Ramakgula, accused no. 9 there together with his wife Mrs Ramakgula at this joint meeting? -- No.

Was Rina Mokoena there? -- Yes, she was there, but she was not there for the purpose of our meeting.

Who presided at this meeting?

COURT : What do you mean not there for the purpose of the meeting? -- By that I mean she just came there to see the Matlole family and not particularly attending our meeting which we had there. (20)

MR BIZOS : At whose place was that meeting? -- At Mr Matlole's house.

COURT : That is accused no. 17? -- Yes.

MR BIZOS : Who presided at the meeting? -- Edith, the Zone 7 chairman, was presiding.

What was the main purpose of this meeting? -- It was to come and announce and make known to us that we are going to meet with the people from Zone 3 at our venue of the meeting, because they had been struggling to find a venue for their meeting for quite a long time. (30)

Did/...

Did anyone have an objection to your sharing the venue?

-- No, no objection.

Was there a discussion of who was to preside at this meeting? -- Yes, we agreed that we better find somebody who is independent from the committees as a result of which then we agreed on Mr McCamel. On deciding on him there, it was later said that because of his being involved in many things, he is involved in other things as well, there is a possibility that he may not be available to chair the meeting. As a result of which then it was suggested on (10) Mr Mokoena, accused no. 6. With that alternatively accused no. 10 suggested that if Mr Mokoena was not available to chair this meeting, he then, accused no. 10, is suggesting that Mr Nkopane should chair the meeting.

Was Mr Nkopane at that joint meeting? -- No, he was not present.

That is accused no. 8? -- That is so.

I want to pause here for just one moment in relation with two aspects of your evidence which I want to ask you some questions about. It has been suggested here that (20) a deliberate attempt was made to sideline the Reverend Lord McCamel from the activities of the Vaal Civic Association. Did anyone have any objection on 24 Augustus 1984 to Lord McCamel presiding at the meeting of the 26th? -- Nobody ever was against him on the 24th.

When you had the membership card printed and you put the Reverend Lord McCamel's private box number on your membership card, did anyone have any objection to that happening, to Lord McCamel getting a post in your association? -- No, we were all satisfied about that, because he (30) was/...

was the chairman of the VCA and we were just happy to have his address there, because then we would get things faster.

Was there any talk at your joint meeting on the 24th about speakers for the meeting of the 26th? -- That is so.

Was there any agreement as to who would speak on behalf of your committee or on behalf of the Zone 7 people? -- That is so.

Who was agreed upon? -- Myself, accused no. 17, accused no. 10.

Anyone else that you can remember? -- After having (10) agreed on the three speakers I have just mentioned, there was then a suggestion that we ask a speaker from VOW and a youth speaker.

Was a speaker from VOW agreed upon? -- Yes, that is so.

Who was agreed upon? -- Rina Mokoena was agreed upon.

What was said or decided about the youth speaker? -- This person was decided upon to come and make a speech on behalf of the youth at this meeting.

Did anyone mention him by name at this meeting or did anyone undertake to find someone? -- No name was mentioned (20) at this meeting for a speaker being a youth, but what happened is that Esau said that he, Esau, was going to find a youth person who will come and speak as a youth.

Were there any arrangements made as to who would take the minutes? -- Yes, it was agreed upon accused no. 10 and Edith as the people who were going to take minutes.

Was there any discussion as to the seating arrangements in relation to the people of Zone 7 and Zone 3? -- Yes, it was said at the time of the elections for the Zone 3 people, then there is going to be a division of the people present (30)

there/...

there, that is the audience, so that the Zone 7 people occupy the one side, separately from the Zone 3 people.

Was there any discussion at the joint meeting as to whether or not the people at the meeting would be steered or directed to any particular course of action? -- No.

Was there any talk of getting any UDF speakers? -- No.

Was there any talk at your joint meeting about the arrest and detention of the UDF leaders a couple days before your meeting of the 24th? -- No, there was no such a talk there.

Was there any talk as to whether people attending (10) the meeting would be allowed to talk or not? -- Yes, there was. It was said that the people present there will be permitted to speak.

Did you see any pamphlets calling for the meeting of the 26th before the 26th? -- Yes, that is so.

Where did you get the pamphlets from? -- From Edith.

And what did you do with them? -- I distributed that.

I now want to turn to the meeting of 26 August 1984 at the Catholic Small Farms hall. As far as you were concerned, what was the purpose of this meeting? -- It was to meet (20) the residents of Zone 7 and to discuss with them in order to find a solution which solution would come forward after having discussed with them.

What do you say that you organised or helped to organise this meeting on behalf of the African National Congress, the South African Communist Party and the UDF for the purpose of creating a revolution or causing riots? -- There is no such.

Did you yourself go to the meeting on the 26th? -- That is so. (30)

Did/...

Did you get there before the meeting started? -- It had already started.

What was happening on your arrival? -- On arrival there accused no. 10 was on the floor.

COURT : On the floor or on the stage? -- On the stage busy delivering a speech.

MR BIZOS : He had the floor? -- He had the floor.

Can you recall what he said? -- I remember him saying some words at this meeting.

Please tell us what you recall. -- Firstly I recall (10) him making mention of the meeting of the people through working unions, secondly him making mention about the resignation of the councillors in Ratanda township.

Anything else? -- That is as far as I can recall.

Can you recall who the next speaker was? -- I am not saying that they spoke in the manner that I am going to mention them. All I am saying is that the next speaker I remember is Rina Mokoena, not necessarily meaning that Rina Mokoena was the speaker immediately after him.

Would you please tell us what you remember Mr Rina (20) Mokoena say? -- I remember her talking about the problems which are being created by the increase of the rent. She further said there are a lot of other things that they have to see to the payments. They as mothers are faced with the lot as a result of which she can foresee problems which may be created by the increased rent. For instance making example by referring that the sooner a person gets paid, there is a payment to be made for children at school, the travelling expenses and the catering of the family as such is to be paid for from the same money which is received. (30)

To/...

To the extent that she even said this very month, meaning August of that year, was not yet paid for by her. That is what I recall her mentioning.

Did she call for the killing or any violence against the councillors? -- Not at all. She never ever said that.

Do you remember whether a woman other than Mrs Mokoena spoke? -- Yes, a Mrs Matsaneng.

Do you remember what she said? -- Yes, I do not remember everything that she said, but the following is what I can still recall, that they as women are the people who are (10) in fact bringing problems in the sense that while their men are away at work, they remain home and in the absence of their men, they elect the councillors.

Do you remember anything else that was said by Mrs Matsaneng? -- Yes, she made mention of the women, that they should unite in order to be able to buy groceries cheaper in the sense that she was saying that they will have to unite in order to form a bulk buying scheme under which they were going to pay less.

You told us that Mrs Matsaneng said that whilst the (20) men are away at work, the women go and vote for the councillors, were the councillors well spoken of or thought of by the speakers at this meeting? -- Except to say that what I understood the message was that from the people the councillors were no longer trustworthy during that time.

Were they called any names? -- Yes, they were being called puppets, things that are of no use.

Do you know Mr Masenya? Did you know him before he came into the witness-box? -- Quite well.

Was he at the meeting? -- That is so, he was. (30)

Did/...

Did he speak or tried to speak? -- He did speak at this meeting, but before he could say anything further than what he had said when he got up, he was interrupted by a woman who asked the chairman that prior to him, Masenya, saying anything further, he, Masenya, will have to declare his stand, in saying he must speak about the rent and forget to speak ill about other people just because they are not present there, because he himself, that is Masenya, is but siding with the councillors. That is as far as she knows him. As a result of which then there was some disorder (10) of noise being made in that meeting, some shouting him down, some saying "No, let him speak." The chairman tried to bring back the order by trying to get them quiet and at some stage accused no. 10 also assisted the chairman in trying to bring order in this meeting. There was order at some stage and the chairman gave Mr Masenya a further chance of saying what he wanted to say. Masenya did not speak after that.

It is common cause that the chairman of the meeting was Mr Nkopane, accused no. 8. Did you know him before (20) this date? -- Yes, I knew him. He was one time my co-worker.

Where? -- In Vereeniging.

How long before 26 August 1984 have you had anything to do with him? -- It was quite long that I had anything to do with him in particular, except of course that we knew each other and used to meet and greet each other in the streets. That is all.

WITNESS STANDS DOWN.

COURT ARJOURNS.

COURT RESUMES.

TSIETSI/...

TSIETSI DAVID MPHUTHI, still under oath

EXAMINATION BY MR BIZOS (continued) : Can you recall anyone else who spoke at the meeting of the 26th? -- What I recall happened there, after Masenya declined to speak, when he was given the opportunity for the second time, I remember accused no. 5 addressing the meeting.

Did you know accused no. 5 before that? -- No, I did not know him.

Can you recall what he said? -- Yes, I remember his speech being directed to the parents to give hand to (10) children pertaining to school matters. He also made mention that he was present at a meeting which was held earlier, namely the Ratepayers Association meeting.

COURT : That same day? -- Yes.

MR BIZOS : Did he say anything about that meeting? -- Yes, I remember him saying the residents of Evaton were complaining about the question of their being disowned properties, namely the stands which they owned.

Do you remember him saying anything else? -- Yes, he then made mention of a meeting which was held in Zone 13 (20) the previous day, making mention of some decisions which were taken at this meeting which was held the previous day in Zone 13.

Did he say what the decisions were? -- Yes, that the increased rent would not be paid. That was one of the decisions taken. And that there is going to be a stay-away on Monday, was another decision. There is going to be asked for councillors to resign and that the shopping businesses will be closed for 24 hours.

Anything else that you now remember him saying? -- (30)

That/...

That is so far what I can remember.

Do you recall whether accused no. 5 said anything about these decisions, either being taken over or not being taken over by this meeting that you were at? -- Although he was addressing in Zulu I understood him to be mentioning those as the decisions taken by the previous meeting. He was not making it clear probably because of his being youth, that what he intend saying is that people must accept or not the following. He was just mentioning it in general from what I understood him to be saying, not really (10) making clear to what he was driving at.

Are you Zulu speaking? -- No, Sotho.

But you understood the general import of what accused no. 5 was saying? -- I will say that I understand Zulu to an extent, though I would not claim to be well proficient in Zulu.

After accused no. 5 had spoken, did someone else speak? -- Yes, from the audience somebody raised his hand requesting for the opportunity to speak.

Do you know that person? -- At the time when this (20) person was addressing, he was not known to me. He was altogether a stranger. I was seeing him for the first time.

Did you subsequently learn his name? -- Yes, I came to know him as Mr Maruping.

What did Mr Maruping say? -- What he said was, to hold a stay-away, just keep it a stay-away without anything being done, this would not be of any value. He suggested that a stay-away coupled with a protest march will have a better meaning of that stay-away.

Did he expand on it, what would be a better meaning? (30)

I/...

-- I understood him to say in his address that to take part in a stay-away and just sit at home with your arms fold, does not convey anything. It would be better for people to protest in a protest march to Houtkop.

When Mr Maruping said this, was there any audience reaction? -- Yes, by making a noise in support of his suggestion.

Was it just a small isolated number of people or was it general support? -- The majority of the audience supported the suggestion by Mr Maruping. (10)

Did anyone have anything to say after this apparent majority support of Mr Maruping? -- Yes, Mr Masenya raised his hand to be given the opportunity of saying something. He then said in the form of a question "What is going to happen to the children of the people who may, if there is any arrest, be arrested during the protest march?" As a result of which then the answer came from the audience by one of the people there saying "We, the people, who are meeting here, as a community, shall have to see, by that meaning divide some means of seeing what to do in that case." (20)

Did only one person there respond to Mr Masenya's question or more than one? -- Yes, accused no. 17 also added to the answer which was given by one of the members of the audience there. In support to the answer which was given by that person from the audience, Mr Matlole, accused no. 17, added by making reference to the Bible where Gideon - where Christ was talking to Gideon about his people.

Far being for me to correct your knowledge of the Bible, but I think Gidoen is an Old Testament ... (Court 30)
intervenes/...

intervenes)

COURT : Let us just get clarity on what was said, whether you correct him or not on his Biblican knowledge. What did he say? -- I cannot remember exactly what he said in his reference there, but the little bit I can still recall was that it was said to the people there they may drink water so that one can see the manner in which they drink, whether they differ or whether there is a difference in the way they drink water.

MR BIZOS : Did he say Christ or God? -- God. (10)

Do you recall whether any other member of the audience had any other query in relation to this? -- There was a person who also asked a question about taxi's, saying because they are making use of taxi's in their employment, is it not going to happen that their taxi's are being attacked? On which accused no. 5 then replied to that saying, because of the decision on which the community here agreed upon that nobody will be going to work, it simply means one thing that there would not be any need for transport, meaning that taxi's would not be driving around. (20)

Was anything else said about this that you can recall? -- Yes, what was said further was that that on which people agreed upon as a decision which is being taken by the people there, must be kept to be the decision of the people.

COURT : Does that mean that it has to be taken as the decision or does that mean that they have to stick to their decision? -- That they stick to what they agreed upon.

MR BIZOS : Can you recall whether any other person spoke? -- Yes, Mr Khabi from the Evaton Ratepayers.

Can you recall what he said? -- Yes, I recall him (30)

making/...

making mention of the problem he is experiencing about the people, residents of Evaton, because of their properties which are being taken over by the Administration Board in a form of a re-planning.

Can you recall whether he said anything else? -- That is what I remember him saying. I cannot remember anything more than that.

Do you remember whether he mentioned one or other of the councillors? -- I cannot recall that.

Did he say that Mr Liphoko should have any harm (10) done to him personally or to his property? -- No, he did not say anything about Liphoko.

You yourself, you told us were scheduled to speak at this meeting? -- That is so.

Did you speak? -- No, I did not.

How did it come about that you did not speak? -- The reason why I did not speak there was because in the first place when I came there the meeting had already started, which means that I was late and secondly, I felt I was not in the mood of speaking and therefore I did not speak. (20)

Were you either directly or indirectly asked by the chairman to speak? -- Immediately after accused no. 10 finished his speech, the chairman, while I was looking at him, by signalling to me, waving his head, that I should come and occupy the stage, I indicated to him also by a sign that it was alright, I do not want to speak.

You told us about accused no. 5 mentioning the decisions that had been taken elsewhere. Were these decisions discussed or put to the vote at your meeting? -- Similar decisions to those mentioned by accused no. 5 which were taken on (30)

the/...

the 25th, were voted for here in this meeting and they were accepted as decisions of this meeting and explained in details to the people present, that is the audience, not necessarily adopting them.

Whilst this discussion about the decisions and explanations were going on, was Mr Raditsela there? -- No, he was not there.

Did he come to the meeting before you left it? -- Yes, he later arrived at the meeting. It was just about to close, that is the meeting, when he came, prior to the elections (10) of the Zone 3 people.

Do I understand you to say that he came prior to the elections of the Zone 3 people? -- Yes, that is so.

Were the resolutions already voted on or were you still voting on the resolutions? -- The most of the resolutions were already passed and accepted as decisions and it was just some talks after the major part of it had been accepted.

Did he come alone? -- No, he was accompanied by Edith Lethlake.

Was there anyone with them? -- Together with other (20) people.

Did they have anything with them? -- Yes, if I remember well, a VCA banner.

Did you stay for the Zone 3 elections? -- No, I had left because at the time almost when Esau arrived there, I left.

At the meeting whilst you were there, was any violence threatened to any councillor by anybody? -- No, there was no such a talk there, except at that stage when that woman interrupted Masenya saying he must not speak, because he, (30)

senya/...

Masenya, is associated with the councillors.

Even then was there any threat of violence? -- No, nothing.

Was there any threat to the property of the councillors?

-- No, there was nothing like that.

You have already told us that there was a call for the councillors to resign. Was there any talk as to what must be done if the councillors refuse to resign? -- Yes, what was said was, if they do not resign, their businesses are going to be boycotted.

Do you recall who said that? -- One of the speakers (10) from the audience.

Was there any singing at this meeting? -- Yes, there was singing.

What songs were sung? -- Singamasotsha Aka Mandela was one of the songs. Hlanganani Basebenzi was the second one. Senzeni na is the third one. Siyaya Epitoli is another one. Those are the songs I remember.

Were you yourself familiar with these songs? -- No, I was not.

K624 Did you say one or other or any of them? -- I know (20) two tunes, two tunes of the songs I have mentioned, I know with different wording, for instance this one Hlanganani Basebenzi, I know the wording to be, in the same tune, Hlanganani Bazali and then the other one is Singamasotsha Aka Mandela. I know it in the same tune but being sung in Sotho. There it is a hymn which reads Masoli a Morena, which means Jehova's soldiers.

In singing these songs, did you want to identify yourself in any way with the African National Congress?

COURT : Have we heard that the witness sang at this meeting? (30)

MR BIZOS/...

MR BIZOS : I beg Your Lordship's pardon.

COURT : I thought he only knew two tunes.

MR BIZOS : Did you sing any of these songs? You told us that you only two tunes. Did you join in the singing? -- I did sing with the people but now the difference is that I was singing in the same tune, with different words that I knew and not the new wording they were singing in the same tune.

By mouthing the words that you did, did you intend to identify yourself in any way with the African National Congress? (10)

COURT : Surely not singing Jehova's Soldiers.

MR BIZOS : Well, it is an allegation against him. -- No.

You left this meeting, you have already told us before the Zone 3 committee was elected? -- That is so.

Prior to Sunday, 2 September, did you hear anything about a meeting that was to be held on 2 September? -- What happened is the following. We had a meeting on Saturday, the 1st, at which then I learnt about the meeting which was to be held on Sunday, the 2nd. (20)

COURT : Could we just get clarity. It was a committee meeting on Saturday, 1 September 1984 of your particular committee or was it something else? -- It was my committee meeting held on 1 September 1984 at which meeting I came to know about the meeting which was to be held the following day, which was the 2nd.

And that was to be a mass meeting? -- No, it was the combined committees meeting to be held on the 2nd.

MR BIZOS : Which committees? -- Zone 3 and Zone 7 committees.

Did you know what the purpose of the meeting of the (30)

2nd/...

2nd was to be? -- Yes, the purpose was to go and prepare a memorandum which was to be taken to Houtkop on 3 September.

Did you go to the meeting of 2 September? -- That is so.

Could you please tell His Lordship who was present at the meeting of 2 September and where was it held? -- The venue was the Roman Catholic Church Small Farms, Evaton. Present there was myself, Raditsela, Modise Mthombeni, Mlambo, accused nos. 8 and 15, Mr Dibathi, accused no. 11, Mr Ernest Tsotso and two other people who were strangers to me from Zone 12. and some two women. (10)

Where did these women come from?-- I should think that they were from Zone 12. They may have been under the impression that this was a mass meeting. Because of their having taken the trouble of coming all the way, we allowed them to stay in the meeting.

Did Matlole, accused no. 17 and/or Mr Ramakgula, accused no. 9, take part in the meeting proper of 2 September, Sunday 2 September? -- Both accused nos. 9 and 17, Matlole and Ramakgula were not present at this meeting to attend. They only came there to get some money for petrol. (20)

What were they to do? -- They were driving around announcing by making use of a loudspeaker. The vehicle in which they were driving, ran out of petrol as a result of which then they came to us for some money in order to put in some petrol.

Had it been agreed or arranged that they should go around with loudspeaker? Had it been agreed before that this is what they were going to do? -- Yes, at the meeting of the 1st, which was the previous day.

Who chaired the meeting of the 2nd? -- At the beginning/... (30)

beginning this meeting was chaired by Mr Esau, who was later called by someone and when he left the chair, he handed over to Mr Tsotso, who then chaired the meeting for the rest of the time.

What were the discussions at this meeting of the 2nd?

-- This meeting was held in preparation of a memorandum to be taken with on the 3rd. That is taken with to the Administration offices.

At Houtkop? -- That is so.

Briefly, just the main points, what were the main (10) points in the memorandum? -- Firstly the grievance in connection with the rent issue, that it be suspended, stating the reasons why, for instance that people have paid already a lot of money and things have increased and we also spoke about the fashion of retrenchment of people by employers and the reduced hours of work for those who were still employed, was also discussed. We made an example with the following form. African Cable which retrenched 700 people at one time. This reference was made to support the explanation of saying there is a lack of employment, therefore (20) no income, people would not be able to pay the increased rent, because the rent itself had been already increased on two occasions by R10,00 per time.

Other than the suspension of the proposed increase of the rental, were there any other demands made in the memorandum? -- Yes, that the councillors should resign, because the community does not trust them any more and they themselves rendered themselves untrustworthy and therefore requested that let the Administration Board take over the management of the township as it used to be before. (30)

Was/...

Was there any discussion as to who was going to hand over this memorandum to the Board? -- We were a delegation of six to hand over the memorandum to the Administration Board.

Who were the six? -- Myself, Raditsela, Mr Tsotso, accused nos. 8, 11 and 9.

Was the memorandum signed by anyone? -- Yes, it was signed.

By whom? -- By Raditsela, Mr Tsotso and accused no. 8.

Was there any discussion as to what steps, if any, (10) your committees were to take, whilst the march was in progress? -- We came to a decision that it was going to be the duty of the committee members to supervise the march this day of the Monday and it was further said that while the march is in procession, should there be anything which becomes an obstacle to block the way, we are going to request whoever, whether it be the police or who, to allow us to proceed with the march to the Administration Board offices in order to go and hand over this memorandum.

Was there any discussion as to what should or ought (20) to happen if you were asked to disperse? -- Yes, the talk was that should that happen, then the delegation of six will proceed with the memorandum to go and hand it over to the Administration Board.

Was there any discussion about any placards? -- Yes, what was said was that it will be advisable for the committee members to come as early as possible in order to see to the placards.

Was there any discussion as to what the placards should say? -- Yes, it was decided on certain wording, (30) different/...

different wording on the placards.

What was the wording that was decided on? -- Councillors must resign, Away with rent hike, Asinamali, which was going to be written in Sotho and Zulu.

Was there any talk about the time on which the march was to start off? -- It was decided that the march was going to leave from the Roman Catholic Church premises at 09h00 in the morning.

Was there to be a march starting from any other place?
-- That is so. (10)

Where was it to start from? -- Boipatong.

Was there any talk as to when the march would leave Boipatong? -- Yes, the agreement was that the march from Boipatong was going to leave at 08h00 in the morning. We from this side were to leave at 09h00. So that we meet at the Administration Board offices.

At the end of the meeting of the 2nd and before the morning of the 3rd, did you see any of your co-accused here?
-- When we left this meeting we all went home. The only person I met is Ramakgula, accused no. 9. (20)

Did you make a report to him? -- Quite so, because he was not aware of the fact that he forms part of the delegation of six and therefore I had to inform him that he is one of the delegation to go and hand over the memorandum. I further told him that it was decided at this meeting that the area committees are to supervise the march procession.

I want now to turn to the morning of the 3rd. You are aware that neither in the indictment nor in the further particulars is it anywhere alleged that you participated in this march. Despite the absence of that allegation, (30)

what/...

what do you want to say to Your Lordship about your participation? -- I took part in this march which was proceeding to Houtkop on the 3rd.

What time did you arrive on the morning of the 3rd at the Catholic Church Small Farms? -- I cannot remember the exact time as to what time I arrived there, but what I recall is that on arrival there it was before 09h00.

How did you come to Small Farms? -- I was on my bicycle.

Whilst on your bicycle and on your way to the meeting place, were there any obstructions in the road? -- No, (10) I did not see that on my way.

COURT : What route did you follow? -- From home I went across the tarred road into Zone 8 and found myself in the road which divides Small Farms and Zone 8, which serves as a boundary there, going down towards the Roman Catholic premises.

MR BIZOS : Did you see any property being damaged, burning or anything untoward on your way to the meeting place? -- No, I did not notice any of those things.

When you got to Small Farms, what did you see there, (20) what was going on? -- While I was heading for the gate, just before entering the premises of the Roman Catholic Church, I noticed people coming towards the entrance of this premises and there were some other people already in the premises of the church.

Did you see any of your co-accused as you came along there? -- Yes, I saw one person namely accused no. 9 who was having a talk with other people whom I did not know at the time. Another person I saw there was Mr Mthombeni, that is Modise Mthombeni. (30)

Did/...

Did you see any placards there? -- What happened is the following. On arrival there I got into the premises, went straight to the caretaker's house to go and leave my bicycle there. After having left it, I turned back, that is coming back to the people from where I entered the premises. Looking in that direction I saw some people who had placards with them in the immediately vicinity of the entrance, namely the gate leading into the premises.

In view of the number of questions that were asked previously before the colour photographs were available, (10) would you please have a look at EXHIBIT CA5 and indicate where you saw the placards? -- On entering the premises as I now indicate on the photo here, right at the bottom the building there is the caretaker's residence. I came through the gate where you see something white under that tree. That is the entrance next to the white building on your right. So, I went through the court-yard, between those buildings there, passed the willow-tree on my way to the caretaker. On my way back, there were people still in the court-yard who passed the willow-tree. Just (20) after passing the willow-tree, looking in the direction of that whitish thing there, the one I described as the gate, that is where I saw the people with the placards.

For the sake of clarity, would you like to just mark on our copy of the photograph the spot.

COURT : Were these placards being held or were they on the ground? What were they doing with the placards? -- They were just holding the placards. That is before they started moving.

MR BIZOS : Do I understand from the answer that you have (30) given/...

given His Lordship that - sorry, did you see them being made or merely held? -- They were already made and held.

COURT : Was this just prior to the procession moving off?

-- That is so.

MR BIZOS : Did you read what was on the placards? -- Yes, I read one placard which was written Asinamali.

Any other placards that you read? -- At that time I saw only this one with the wording Asinamali. That is as a result of the people who were there in big numbers, who obscured my view. I could not read the others, but at a(10) later stage that was in the vicinity of Zone 11, post office area, I found myself in the vicinity of where the people holding placards were where I was in a position to read some of these placards.

Could you please tell us what you read on the placards at that stage? -- Some were written Councillors must resign, some written Away with rent hike, some written Arina Tjelete.

Did you see any placard saying "Kill Mahlatsi and his brothers"? -- No, that one I did not see.

Which you have joined any march which had had a placard(20) like that? -- I would not do that, because I did not see any and I do not know which one said that.

You told us that you were with the march past the post office but now let us see what happened inbetween. Did you join the march when it set off? -- That is so.

Did you go into the hall before the march set off? -- There was nobody in the hall.

When you arrived there, was there nobody in the hall? -- On arrival there on my way to go and put away my bicycle I noticed people coming out of that hall, but on my return (30)

after/...

after having put away my bicycle I noticed people in the court-yard towards the exit of the yard.

Did you hear any speeches being made by Raditsela or anyone else either inside or outside the hall?-- No, I did not hear that.

You told us that you went to put your bicycle away at the caretaker's house? -- That is so.

You left it there and came out and you joined the march? -- I did not join the march. I joined the supervisors of the march to see to the people who were forming the march(10) taking positions.

We referred to these people as marshalls. Were you going to marshall? -- That is so.

COURT : Could you just tell me, I have not got clarity yet. Did you set up these people in rows in the church-yard or in the street? -- It was in the yard before moving into the street.

How many people did you put abreast? -- I cannot quite remember whether it was five or six.

MR BIZOS : As the march set off and you were marshalling,(20) did you get very far in your marshalling activity? -- No, I did not go far. I on my way noticed that the caretaker, the person whom I trusted to look after my bicycle was also on the march and therefore realised that there was nobody then at the caretaker's place to look after my bicycle, as a result of which then I decided to go back and get my bicycle. On picking up my bicycle there I rode with it into Small Farms up to my younger brother's place in Small Farms where I left my bicycle and then walked in the direction of the post office where I met the march again to join it. (30)

COURT/...

COURT : How far had you gone along with the march before you broke away? Did you reach the tarmac already? -- I personally was not yet at that point of the tarred road, but the march itself had passed the point.

So, actually you were just out of the gate when you noticed that the caretaker was also there? -- I estimated to have been about 10 to 15 metres from the gate when I got back.

MR BIZOS : I just want to ask you one or two questions in regard to IC.8. Have you seen IC.8 before the morning of (10) the 3rd?

MNR. JACOBS : Ek glo nie hy het gesê dat hy IC.8 op die 3de daar gesien het die oggend nie. Ek wil vra dat mnr. Bizos nie die antwoorde in die getuie se mond lê nie.

MR BIZOS : That was not the question.

COURT : The question was before the morning of the 3rd.

MR BIZOS : Have you seen him before the 3rd? Have you ever seen IC.8 before the 3rd?

COURT : Well, had you ever seen IC.8 before you saw him in court? -- No, I had last seen him 19 February 1984. Since (20) then I saw him here in court.

MR BIZOS : It is common cause that he presided at your meeting of 19 February 1984 and it is also common cause that you were elected vice-chairman of that committee on that day? -- That is so.

Were you presented at the meeting of the 19th as the newly elected vice-chairman? -- That is so.

Would you place on record what your height is? Whether you are shorter or taller than the average? -- I am a tall person.

(30)

You/...

You say that you took your bicycle for safekeeping?

-- That is so.

Did you join the march thereafter? -- That is so.

What route did you follow in trying to catch up with the march after you had been to put your bicycle away? -- I walked through a veld to cut the distance short and came out at Zone 12 extension. I went on through Zone 12 extension and at some stage I had to walk past on a boundary between Zones 12 and 13, which led me up to the post office.

When you came to the march at the post office, was (10) the march smaller or bigger or the same size as when it left Small Farms? -- They were far more than that, that is far more than the time when the march left the church.

COURT : When you connected up with the march, did you reach the head of the march, the tail of the march or did you land in the middle? -- I met them right from the front, because they were coming in my direction and I went passed them, that is the front, to the middle where I had to take position and supervise the people who were falling off from the march. (20)

So, in fact, were you waiting for the march to come to you? -- Yes. It is T-junction and I was waiting for the march to come up towards me.

So, you reached the point where you joined the march before the march came there? -- That is so.

How long did you have to wait? -- Well, at the time when I stood there I could see them. They were in my full view coming in my direction.

MR BIZOS : When you came up to the post office from the place where you left your bicycle, did you see any (30) obstructions/...

obstructions on the road or any property being damaged? --
No, because I was walking along the main road which led me
to the point at the post office. There was no such.

When you saw the march, was it an unruly and violent
mob as it is described in the indictment or was it orderly?
-- They were peaceful, normal. In fact I would say their
movement was being controlled by the rhythm of the song.

Which song was being rhythmically sung? -- Siyaya e
Houtkop.

You came face to face with the march? -- That is so. (10)

What did you do? Did you join the marshalls or did you
start marshalling or what did you do? -- I joined the mar-
shalls and start supervising the march.

Did you notice whether any group of persons left the
march in any apparent attempt to attack the post office? --
I did not see such people.

Did the march proceed along? -- That is so.

Did anything come across the path of the marchers
as you were going along? -- No, not as far as I know, until
the march was stopped by the police. (20)

What point had the march reached when it was stopped
by the police? -- What happened is the following. The head
of the march, that is the up-front, was already in the
immediate vicinity of Hunter's Garage when it stopped. The
other people, that is the people from behind were still
coming on. When we were still inquisitive to know what was
happening, what stops the march without having seen what
was happening, I then heard gunshots being fired, that is
from the up-front of the march.

COURT : How far were you away from the front then? -- (30)

I/...

I was at the middle of the march, just when I was running to the front to go and investigate what was happening, because at that stage the march had stopped.

Yes, but how far were you from the front when you heard gunshots? -- I was still quite far from the front of the march.

How far is quite far? -- About 200 metres.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

K625

TSIETSI DAVID MPHUTHI, still under oath (10)

EXAMINATION BY MR BIZOS (continued) : You told us that you heard shots after the march had come to a halt. Did you hear any warning uttered by any police officer or anyone else that the march must disperse before you heard the shots? -- No, I did not hear anything.

Shortly after you heard the shots, did you see anything in the sky? -- I observed a helicopter which was flying just above the heads of the people.

COURT : Did it come after the shots? -- The helicopter emerged at the time of the shooting while people were (20) dispersing.

MR BIZOS : Do you know what the police were shooting or shooting with? -- I would not know. All I can say is that there was a noise of shots being fired from fire-arms.

Was there any smoke emanating from anything that the police shot? -- I did not notice that.

You told His Lordship that you were approximately 200 metres behind. Did you proceed forwards or did you run away? -- There was no way of proceeding further on. The only alternative we had was just to run in different directions (30) dispersing/...

dispursing.

In what direction did you run? -- I ran in the direction across Zones 11 and 12 into Evaton.

When you were running away, did you pass any roads with any obstructions on? -- I did not see any obstructions on the roads on which I was running.

Did you see any property being damaged or any shops being looted across the path that you were running? -- I did not observe anything of that kind, the reason (10) being that there was this helicopter flying above our heads, people were running in different directions in Zone 12. What these people heard and from what they ran or what they were exactly running away from, I am not in a position to tell, because I did not observe exactly what the cause of their running was.

Did you eventually get home? -- I ran to the place where I left my bicycle from where I took my bicycle and proceeded home in Zone 7.

Whilst riding your bicycle to Zone 7, did you see any obstructions on the road that you took? -- Not at all, (20) not where I was moving. That road had nothing like obstructions.

Were you any where near the Roman Catholic Church Small Farms on 4 September? -- I was passing the Roman Catholic Church premises on my way to Small Farms.

Did you come across anybody? -- While I was passing there, that is the Roman Catholic Church premises Small Farms I heard somebody blowing a whistle, as a result of which I looked in a direction from where this person was whistling. I noticed that it was Sefako Mokoena who waved (30)

me/...

me to come to him, which I did.

Did the person blow a whistle or was he whistling? -- He was whistling.

Did you speak to Sefako Mokoena? -- I went up to him. I found him with Mr Ramakgula. I had a talk with them.

And as a result of that talk? -- While we were talking there, they told me that they were heading for Mokoena's residence, which is accused no. 6, in Small Farms where there is going to be a meeting.

Were you invited to go along? -- That is so. (10)

Did you do so? -- Yes, I did.

Did you find anyone there? -- At Mokoena's residence?

At accused no. 6's residence? -- Yes, Reverend Frank Chikane was there.

Anyone else? -- And Raditsela.

Anyone else? -- Accused no. 8. I am sorry, no. 10.

COURT : Let us just get clarity. Give his name as well? -- Vilakazi.

MR BIZOS : Anyone else that you can recall? -- Mr Matlole, Joseph Sithole. (20)

COURT : Mr Matlole, accused no. 17? -- Accused no. 17, yes.

MR BIZOS : Anyone else that you can remember now? -- Edith.

What was the purpose of this meeting that you were invited to? -- It was to go and discuss and see what can be done in order to bring things back to normal.

What decisions were there, what ought to happen in order to try and bring things back to normal? -- We agreed on convening a meeting as a result of which we discussed a pamphlet.

Did anybody undertake any responsibility in relation(30)
to/...

to the printing of that pamphlet? -- We requested Raditsela and Edith to see to the printing of the pamphlet with the assistance of Reverend Chikane.

Was a date for the meeting decided on or was it discussed? -- Yes, the date decided upon was 9 September.

I want to show you EXHIBIT AN15(vii). Have you seen this pamphlet before? -- That is so.

Where did you see it? -- We received these pamphlets on a Sunday morning and then we distributed the pamphlets.

Who is we? -- I am talking about myself and accused (10) no. 9.

Did the meeting called for in that pamphlet take place? -- No, it did not. The reason why this meeting did not materialise was as a result of the information which I received that the meeting was banned. This I got to know about on my way attending this meeting through somebody who gave me the information.

After the 9th when you tried to go to this meeting, until the date of your detention on 18 October 1984, did you take part in any VCA activities or the zone committee's (20) activities? -- No.

And all the things that you have told the Court that you had done, did it ever occur to you that you may be acting in a conspiracy to overthrow the State? -- No.

Or to assist in the making of a violent revolution? -- No, there is no such.

Or in any way endangering the maintenance of law and order? -- No.

Of furthering the objects of any unlawful organisation? -- No.

(30)

Did/...

Did you have any contact with any of the people in Sharpeville during the period that you were a member of the Zone 7 committee? -- No, I do not recall having any contact with such people.

COURT : Mr Tsotso, was he from Sharpeville or was he from Sebokeng? -- No, Boipatong.

MR BIZOS : Did you know accused no. 1 before your arrest? -- No, I only saw him for the first time the day when we were being charged on 11 June 1985.

Did you know accused no. 2 at all? -- I knew accused(10) no. 2, yes.

How did you come to know him? -- We are related.

Did you have anything to do with AZAPO before your arrest? -- No.

Where does accused no. 2 live? Does he live in Sharpeville or in Sebokeng? -- He lives in Zone 3.

Did you know accused no. 3 at all before your arrest? -- No.

The erstwhile accused no. 4, Mr Lazarus More? -- No, I did not know him either. (20)

Before you saw accused no. 5, Mr Malindi, at the meeting of 26 August 1984, did you know him? -- No.

Before you had the meeting in relation to the million signature campaign and the Rabotape feast, did you know accused no. 6, Mr Mokoena? -- Yes, I knew him.

As what did you know him? -- We grew up together in Evaton.

We have already dealt with accused nos. 8 and 9. I do not want to ask you any more questions about them. When did you first meet Mr Vilakazi, accused no. 10? -- During(30) the/...

the year 1976.

Did you have any close contact with him? -- He was once my co-worker at African Explosives.

Other than that, did you have any contact with him?
-- No.

You met Mr Mokoena, accused no. 11, 2 September, at the Sunday morning meeting. Had you met him before that?
-- No.

Did you meet according no. 13 before?-- Who is no. 13 again? (10)

Simon Nkoli?-- No, I did not know him.

COURT : Up to what stage? -- I met him at the Johannesburg prison.

MR BIZOS : And accused no. 14, Mr Tlhopane? -- The same applies to him. I met him at the Johannesburg prison.

And accused no. 15? -- I came to know him in September on the 2nd.

Accused no. 16, Mr Manthata, when did you meet him? --
On 11 June 1985.

Is that when you were charged? -- That is so. (20)

You have already given us an indication that you know Mr Matlole, accused no. 17 well? -- That is so.

What about Mr Popo Molefe, accused no. 19, where did you meet him? -- I met on 11 June 1985 for the first time.

And Mr Lekota, accused no. 20? -- The same applies to him, on the same date.

Mr Chikane, accused no. 21? -- I also came to know him on the day when we were being charged on 11 June.

And Mr Ratsomo, accused no. 22? -- We met for the first time on the 11th when we were being charged. (30)

KRUISONDERVRAGING/...

KRUISONDERVRAGING DEUR MNR. JACOBS : Ek wil met jou begin by die huis wat jy sou gebou het op die perseel van jou ouma. Hierdie huis was gebou op die perseel van iemand anders, nê? Dit was nie jou perseel gewees nie? -- Dit is so.

En jy het daardie perseel verlaat voordat jou ouma dood is? -- Ja, dit is so.

Kan jy vir ons sê hoe lank was dit voor sy dood is? -- As ek nog reg onthou is dit na drie jaar.

So, vir drie jaar het jy op 'n ander plek gewoon en nie op 'n ander perseel nie terwyl jou ouma geleef het? -- Dit(10) is so.

Het iemand anders daardie huis betrek nadat jy daar uitgetrek het? -- Ja, dit is so.

Wie het toe die huis betrek? -- 'n Sekere persoon wat op soek was na 'n woonplek is toe daardie woonhuis toegeken.

Deur jou ouma? -- Ja.

Het hy huur betaal aan haar? -- Ek vermoed so, ja.

En waar het hierdie persoon vandaan gekom? -- Ek weet nie.

Is dit van die plase af buitekant wat toe in die woon-(20) buurt ingetrek het? -- Ek kan my nie so voorstel nie.

Hoe lank het die persoon gebly in daardie huis? -- Ongeveer 'n jaar.

Wat het van hom geword, van die persoon? -- Ek het later verneem na hy alreeds getrek het, dat hy weg is. Dit is op grond daarvan dat ek 'n versoek gerig het om die dak af te haal tesame met die vensterrame.

Het die persoon daar met 'n familie gebly? -- Ek weet nie of hy daar saam met sy familie gebly het nie. Al wat ek kan sê is, die persoon het ander mense by hom gehad wat (30)

saam/...

saam met hom daar gewoon het.

Kan jy vir ons sê hoeveel mense het daar saam met hom gewoon en was dit grootmense? -- Nee, dit sal ek nie weet nie.

Het jy dan nie besoek afgelê daar by jou ouma se perseel en gesien wat daar aangaan nie? -- Indien ek daar gekuier het, het ek net by my ouma se huis gaan kuier en nie by die mense wat op die perseel woon nie.

Het daar ook ander families op hierdie perseel van jou ouma gewoon? -- Ja, voor ek getrek het. (10)

Wat se ander families het daar gewoon en hoeveel was hulle? -- Dit was mense wat daar gewoon het, maar wie se families dit was, weet ek nie.

Is dit mense wat ook huise daar op dieselfde perseel gehad het? -- Nee, dit is nie so nie.

Waarin het hulle dan gebly? -- Daar was strukture van kamers daar opgerig wat daardie mense gebruik het.

Kom ons kry nou net duidelik, hoeveel strukture van kamers - laat ons eers duidelikheid kry, wat bedoel jy met strukture van kamers? Is dit net kamers wat verhuur was (20) of is dit 'n gebou met verskillende kamers? -- Dit was nie 'n huis met vertrekke nie. Dit was kamers wat apart gebou was as kamers.

En as kamers so verhuur was? -- Ja, dit is so.

Hoeveel was hulle gewees? -- Ek kan nie meer onthou hoeveel kamers daar was nie.

Dit lyk vir my dit was 'n hele klomp as jy nie eers kan onthou hoeveel dit was nie? -- 'n Hele klomp? Hoe bedoel u?

Baie kamers? -- Ek weet nie van baie kamers nie. Al wat ek van weet is daar was kamers gewees wat deur mense (30)

bewoon/...

bewoon was.

En die kamers wat so gehuur was, was dit deur familie met die vader en die moeder en die kinders en ouers wat saam met hulle gebly het in die kamers? -- Ja, dit is so.

Hoeveel moes hulle huur betaal vir die reg om daar op jou ouma se perseel in die kamers te bly? -- Ek weet nie hoeveel hulle betaal het nie.

Het hulle huur betaal? -- Ja, dit is so.

En hierdie mense wat daar ingetrek het en wat daar gewoon het in die kamers, het hulle ook van die plase af (10) gekom? -- Watter plase?

Van die plase, die omgewing daar van Vereeniging of ander plekke? -- Dit is mense wat vroeër in Evaton se lokasie gewoon het.

Hoekom ek vir jou vra van die plase, want beskuldigde nr. 6 het vir ons vertel hierso dat dit gebeur dat mense wat van die plase af weggaan het ook na Evaton toe gekom en dan het hulle plek gekry om in te woon? -- Ja, u is reg.

En was daar van die mense wat daar by julle ingetrek het ook van hierdie mense wat van die plase af gekom het (20) en hier op jou ouma se perseel kom woon het? -- Die mense wat by my ouma gewoon het, is mense wat vroeër inwoners was van Evaton.

En jou tantes wat jy van praat, waar het hulle gewoon? Ook op dieselfde perseel? -- Ja, dit is mos die ouers se plek daardie.

Ja, ek weet. Toe hulle daar gewoon het, het hulle ook huise gehad op die perseel? -- Dit was 'n groot huis met verskillende vertrekke wat hulle bewoon het as 'n gesin.

Het hulle die huis van jou ouma bewoon? Is dit wat (30)

jy/...

jy vir ons sê? -- Ja, die ouers se huis.

As ek van jou getuienis aflei dan het daar heelwat families op daardie perseel van jou ouma gewoon, verskillende families? -- Wie se families?

Verskillende families? Van jou eie en ook van ander mense, vreemde mense wat in familieverband daar gewoon het.

HOF : Kom ons laat die woord families uit. Kom ons noem dit maar gesinne. -- Ja-nee, dit is so.

MNR. JACOBS : Jy is ook goed bekend met daardie gebied want jy het daar opgegroeï. Is dit reg? -- Ja. (10)

En dieselfde ding het ook gebeur op die ander plotte dat daar heelwat sulke gesinne op die plotte gewoon het? -- Ja, dit is reg.

En dit het sommer gebeur dat op party van hierdie standplase is daar heelwat sulke gehuggies op gebou waar die mense in gewoon het? -- In my tyd, toe ek in Evaton gewoon het, het dit nie bestaan dat daar mense in gehuggies gebly het nie.

Het hulle nie in kaias gebly, sinkkaias, party van hulle nie? -- Maar al die huise is met sink gebou, want kyk die (20) mure is van steen, maar die dak is van sink.

Sê jy dat almal het 'n struktuur met steen mure en die dakke van sink op al die plekke waar die mense gebly het? -- Ja, dit is so, maar dit het gebeur in sekere gevalle, waar 'n persoon nou baie sinkplate gehad het, dat die persoon besluit het om die struktuur ook van sinkplate te laat maak, dit wil sê die kante van die struktuur ook met sinkplate opgerig het en ook die dak van sinkplate.

So, ons het strukture gehad waar die mure van steen en die dak van sink is en dan het ons strukture gehad waar dit (30)

heeltemal/...

heeltemal van sink was, mure en dak? -- Ja, maar daar was nie so baie gewees dat mense h struktuur van sinkplate gemaak het en die dak ook nie.

Was daar nie ook strukture waar die mense die mure van sooie gemaak het en die dak van sink nie? Nie gebakte stene nie? -- Nee, daar is mense wat stene gevorm het wat nie gebrand was nie en die stene was net so rou gebruik om h struktuur van muur op te rig en dan van sinkplate h dak opgesit het.

Sal u saamstem daar was nie behoorlike paaie in daardie(10) gebied gewees nie? -- Ek verstaan nie. Behoorlike paaie in watter sin?

Dat die mense mooi gemaakte paaie gehad het nie, behalwe dat hulle sommer hier deur die persele geloop het om by hulle huise te kom? -- Nee, daar is nie so iets nie.

Sal jy saamstem daar was nie behoorlike elektriese beligting gewees nie?

HOF : Laat ons net die ding uitsorteer. Was daar geskraapte paaie? -- Ja, daar was.

MNR. JACOBS : Wat toegang gebied het na al die woonpersele(20) toe, al die woonplekke toe, elke woonplek toe? -- Ja, elke perseel het h pad gehad waarvandaan h mens kon afgedraai het om toegang te kry tot h perseel wat met h skraper geskraap was, behalwe na die reën miskien dat die pad afgespoel het. Dan word die pad onbruikbaar op h sekere punt, maar andersins was daar paaie gewees.

Het die paaie baie moeilikheid in die reënseisoen gegee dat hulle onbruikbaar geword het? -- Van die paaie, ja, nie al die paaie nie.

Kan jy vir ons sê was daar genoeg elektrisiteit verskaf

in/...

in daardie gebied van Evaton? -- Ek weet nie of Evaton elektrisiteit het nie, maar destyds was daar geen in Evaton nie.

So, daar was 'n behoefte vir beligting? -- Ja, dit is reg.

En watervoorsiening was ook nie voldoende gewees vir mense wat so deurmekaar sommer op die plekke kom bly nie. Is dit reg? -- Daar was geen manier waarop daar 'n tekort van water was nie. Daar was krane gewees en ons het water getap.

HOF : Was daar op elke perseel 'n kraan? -- Ja. (10)

MNR. JACOBS : Moes mense ver loop om water te gaan haal?

-- Ver? Waar, want ons praat nou van 'n kraan op elke perseel?

Kom ons aanvaar dat die kraan was seker na aan die hoofhuis van die perseel. Is dit reg? -- Ja, ek luister.

En dan is daar verskeie mense wat bly op die persele wat huise het en ons het gehoor dat party van hierdie plotte was nogal redelik groot. Dan was daar mos 'n ver distansie wat die mense moes loop om water te gaan haal? -- Nee, ek weet nie van so iets nie.

En sanitasiegeriewe was daar ook nie algemeen beskikbaar gewees nie? -- Ek verstaan nie, wat is die vraag?

Sanitasiegeriewe? Daar was nie voldoende sanitasiegeriewe gewees nie? -- Ek weet nie daarvan nie.

Was daar behoorlike sanitasiegeriewe gewees? -- Ja, daar was putte.

Moes elke huis nou 'n putstelsel daar gegrawe het waar hulle 'n huis gaan bou en waar hulle woon? -- Dit is so.

En sal jy saamstem daar het altyd meer en meer mense ingekom om te kom verlof kry om te woon op hierdie plotte?

-- Ja, dit is so. (30)

En/...

En daar het altyd 'n groter behoefte ontstaan vir hierdie geriewe? -- Hoe?

Deurdad die sanitasiegeriewe nie voldoende was nie, die elektrisiteit nie voldoende was nie, watervoorsiening nie voldoende was nie? -- Ja, daar was 'n verbetering gemaak aan die sanitasie. Daar was omtrent twee van die sanitasiegeriewe by getel.

Sal jy eerlik saam met my stem en vir die Hof sê daar was 'n behoefte gewees dat hier deur die Administrasieraad sekere voordele, sekere geriewe beskikbaar gestel moes (10) word in hierdie gebied? -- Ja, mits die Raad versoek was deur die inwoners van Evaton.

Afgesien nou of hulle versoek was, daar was 'n behoefte gewees vir verbeterings? -- Nee, die inwoners van Evaton is die persone wat die behoeftes sou gehad het.

Maar dit is presies wat ek stel. Die inwoners van Evaton het behoeftes gehad vir hierdie dinge? -- Ja, dit was vir hulle om te besluit. Dit is reg.

Vat net die water. Hulle moes die water by die emmer koop op baie van hierdie plote. Is dit nie so nie? -- (20) Nee, ek kan my nie voorstel dat daar verkoop was daar nie.

Sal jy saamstem dat die feit dat die Raad herbeplanning daar wou toepas, die woonomstandighede van die mense daar baie verbeter het en het dit ook verbeter waar dit wel toegepas is? -- Die herbeplanning het hulp verleen vir die Administrasieraad omdat die herbeplanning sekere standplase bekom het en dit aan die Administrasieraad toe gegee het.

Weet jy dat van die persele wat jou herbeplan is, is opgedeel in erwe en dat meer mense het ordentlike huise gekry en beter fasiliteite? Is dit nie korrek nie? -- (30)

Herbeplanning/...

Herbeplanning op die standplase van die eienaars te Evaton?

Wat is jou antwoord? -- Nee, ek volg nie die vraag nie.
Dit is die ding.

Ek sê op sekere van die standplase wat die Raad bekom het en waar herbeplanning toegepas is, is daar beter huise gebou, beter fasiliteite verskaf vir die mense? -- Ja, dit is so.

In die stadium toe jy nou kennis gekry het dat daar vir jou 'n huis beskikbaar is in Gebied 7, was daar behuisings-tekorte gewees? -- Nee. (10)

Was daar nie behuisingstekorte in Gebied 7 of in Sebokeng nie? -- Nee, daar bestaan nie so iets dat daar 'n tekort was van huise daar nie. Mense het gerieflik daar gewoon. Hulle het nie eers huise gesoek nie.

Het daar ooit 'n tekort aan huise ontstaan? -- Nee, ek weet nie daarvan dat daar ooit 'n tekort van huise ontstaan het nie.

Tot jou arrestasie plaasgevind het, het jy nooit geweet van enige tekorte aan huise en huisvesting daar nie? -- 'n Tekort van huise het te voorskyn gekom nadat mense van (20) verskillende plekke gaan haal was om by Sebokeng geplaas te word. Eers daarna het dit duidelik geword dat daar 'n tekort van huise was.

Wanneer was dit? -- Dit was in die jaar 1976 wat dit duidelik geword het. Dit is met die vergroting van gesinne byvoorbeeld as 'n seun getrou het, moet hy sy vader se gesin verlaat om sy eie woning te gaan soek. Dit het toe duidelik geword.

Van waar af, van watter verskillende plekke is die mense toe ingebring daar? -- Byvoorbeeld mense van Meyerton(30)

is/...

is oorgebring na Sebokeng toe. 'n Ander woonbuurt bekend as Mafume se inwoners is ook na Sebokeng toe gebring.

Wanneer het jy na Sebokeng toe gegaan? Watter jaar was dit? -- 1970.

Is dit nie so dat jy self gevra het vir 'n huis om in beter omstandighede en beter geriewe te woon nie? -- Maar die huis wat ek in Evaton bewoon het was ver beter in toestand in vergelyking met die huis wat ek in Gebied 7 Sebokeng bewoon het.

HOF : As u wettig in Evaton was, op watter basis kon hulle(10) u maak trek na Gebied 7, Sebokeng toe? -- Hulle het my nie eers gevra nie. Al wat hulle gedoen het was om my ma van 'n papier te voorsien met 'n adres op en vir haar gesê dit is die huis nommer, dit is die adres van die huis wat julle moet kry, die huis is aan julle toegeken, julle moet toesien dat julle intrek in daardie huis en as daar enige skade aangegig gaan word aan die huis na die huis aan julle toegeken is, sal julle verantwoordelik gehou word vir die skade.

GETUIE STAAN AF.

HOF VERDAAG TOT 8 APRIL 1987.