

SAAKNOMMER: CC 482/85

DELMAS

1987-04-24

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 206

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COURT RESUMES ON 24 APRIL 1987.

GCINUMUZI PETRUS MALINDI, d.s.s (Through interpreter)

MR BIZOS : My Lord, before I examine the witness any further, I have two letters from Captain Hayes from the hospital section of the prison. I indicated that Mr Vilakazi, accused no. 10, would require to be absent on Tuesday. The letter says Monday. She says that arrangements have been made for him to go in on Monday. At the same time on Monday Captain Hayes requests with respect whether accused no. 8, Mr Nkopane, could go and see an ophthalmologist on Monday. (10)

COURT : Yes, permission is granted.

EXAMINATION BY MR BIZOS (continued) : Mr Malindi, you told us yesterday that you ceased being a member of COSAS and you were no longer its chairman and that your brother took over and was elected chairman? -- That is so.

For how long did your brother continue to be chairman of COSAS? -- Until the end of 1983.

Do you know who was elected chairman of COSAS in the Vaal after your brother? -- Yes, Alex Skosana.

Such little contact - such contact that you may have (20) had with COSAS whilst your brother was chairman of COSAS, did that continue when Mr Alex Skosana took over? -- No, it did not.

I now want to turn to what has been described as a feast or a celebration in Evaton. Although there are no allegations in the indictment or in the further particulars relating to you about this, were you in fact there? -- Yes, I was.

Please explain how you came to be there? -- That morning of the feast a person by the name of Cheaper Motubatsi telephoned me . In his phoning me, he was informing me (30)

that/...

that there was going to be a protest, a demonstration against the feast which was going to be held by the councillors where they were going to hold a feast for their success that they be elected in the council and also for the completion of 80 years in the existence of Evaton. He requested me to come and participate in this demonstration. I agreed to that.

Did you go to the stadium? -- Yes, I did arrive at the stadium.

What did you find there on your arrival? -- On arrival there I found that there was quite a few people displaying (10) placards at the stadium. I also arrived there simultaneously with other people. We also took some of the placards to display there.

Who had the placards before you took them up? -- These were in Esau's vehicle. I went in the company of Cheaper to go and take a placard.

Did you stand there holding up your placard? -- Yes, I did.

Were there any policemen around? -- Yes, there were.

Did you recognise any particular policeman there? -- (20) Yes, that is so.

Who? -- Captain Steyn, Warrant Officer Mohage and Sergeant Mhlati.

You say Captain Steyn, is that the Mr Steyn that gave evidence in this court? -- No.

What was the relationship between the police officers present and you placard holders? -- The relationship was good, because they even remarked saying they are satisfied about the manner in which we are protesting and we must not stand together, we must be apart. (30)

Were/...

Were you warned by any of the police officers there present that what you were doing was unlawful? -- No.

Were any people intimidated, that is threatened with - threatened in any way or prevented from attending the festival if they wanted to? -- No.

To turn to the question of the rent increase, when did you become aware that there was going to be a rent increase in the Vaal? -- The beginning of July 1984.

I want you to please have a look at EXHIBIT AAQ21. -- Yes, I see that. (10)

Did you see that newspaper report? -- Yes, I remember seeing this.

What effect did this article have on you when you read it? -- I felt bad about this report I read and secondly, this report confirmed our suspicions that the councillors did not have a good support financially as a result of which then they had to increase the rent in order to enable themselves to finance whatever is to be paid for in the township. It surprised me further because I remember the mayor making a statement at the inauguration of the council, that was in (20) January/February in which he said seeing that there is a new town council, they are therefore going to inherit all the work which is to be done in the townships, which work was done by the community councils prior to their existence. He then further said in his statement the question of increased rent will be considered in the first year of the budget by the town council. I was surprised by this statement because June 1984 was the end of the financial year of the community council because this was beginning in 1983 to 1984 June.

Did you yourself do anything about this? -- Yes, I did (30) something/...

something.

What did you do? -- What I did was that I had made it a point that I meet Edith in the train in which we travelled to Johannesburg, because she was employed in Johannesburg and I was also employed in Johannesburg and when I met her, I enquired from her after having put the report across to her if VCA was going to do anything pertaining to this report on which she said they are going to try and meet in order to discuss this.

Did you yourself take the matter any further? -- No. (10)

Were you in fact in any organisation during that period June/July? -- I was not a member of any organisation that existed.

I am sorry to go back to the festival of the councillors. When you attended that, did you attend it in your capacity as a representative of any organisation? -- No, I just went there as a resident and because of the fact that I did not see any justifiable reason for this celebration to be held.

To return to the question of the rental, do you know whether the VCA did anything about this question of the (20) proposed increase in the rental during July 1984? -- No.

Did you hear of any meetings held by councillors in the beginning of August 1984? -- No.

Did you go to any meeting on 5 August 1984 in Sharpeville? -- No.

Did you go to any meeting in Sharpeville on 12 or 19 August? -- No, I did not.

Did you know anything about the meeting of 19 August in Sharpeville? -- Yes, I saw it in the newspaper. It was a newspaper report in which it was said there is going to (30)

be/...

be a meeting held on the 19th.

Let us turn to 25 August 1984. Did you distribute any pamphlets for the meeting of 25 August 1984? -- No.

We know that 25 August was a Saturday. Do you recall what you did during the course of that morning? -- Yes, I do remember.

What did you do? -- In the morning of that day I went to Johannesburg to go and pay an account for goods which were purchased by me and the second reason why I went was because I was returning books to the library. (10)

What time did you come back to the Vaal? -- It was after 14h00.

I want you to please have a look at EXHIBIT AN15(iv). Do you see that pamphlet? -- Yes, I do.

That calls for a meeting for that afternoon of the 25th? -- Yes, that is so.

Did you go to this meeting? -- Yes, I did.

Can you recall what time it was when you arrived at the meeting approximately? -- It was after 15h00.

Will you please tell us what you found there on your (20) arrival? How many people more or less were there at this meeting? -- On arrival there people present were about seven to eight hundred.

The meeting had been advertised for 13h00? -- Yes.

Who was speaking when you arrived there? -- I remember that an elderly man was busy addressing the meeting at the time of my arrival.

And what was he saying? -- He was in his address talking about the question of the increased rentals. In fact, he was talking against that, saying this rental which is being (30)

increased/...

increased is going to be a heavy burden to the people, especially the pensioners and the disabled people. He even said that even to those that are still strong enough to work earning a living through work, this rent will still be a burden to them as well. That is as far as I can remember.

Can you recall whether any other speaker took the floor?

-- Yes, a Mrs Lethanda was next on the floor.

What did she speak about? -- She also spoke against the increase of rent in the Vaal Triangle and further said that it was necessary for women to unite so that they be the (10) people who are going to be the first people to oppose the question of increased rent. She further said there was a women's organisation in the Vaal which was formed and therefore she was inviting the other women to join to this organisation in order to be able to fight against the increased rents. That is as far as I remember.

Did you yourself speak at this meeting? -- No.

Who was presiding at the meeting at the time you arrived there and at the time that the elderly gentleman and Mrs Lethanda spoke? -- I saw a gentleman who was chairing the (20) meeting who was a stranger to me, but while being at this meeting I came to know him as Mr Moloanthoa.

When Mrs Lethanda finished her speech, did the chairman, Mr Moloanthoa, continue to chair the meeting? -- No, Esau Raditsela took over and conducted the meeting.

Had he, Esau Raditsela, been on the platform whilst Mr Moloanthoa was chairing the meeting? -- No, he was just at the front seats of the audience, that is the seats facing the chair person.

When Mr Raditsela took over, did he ask you to do (30)  
anything/...

anything? -- Yes, that is so.

What did he ask you to do? -- He asked me to come and sit at the table and take notes.

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

When you went there - perhaps I should ask you this. Do you know why you might have been chosen by Mr Raditsela to take the notes? -- No, I do not know the reason.

Did you know whether or not you were a good note taker? -- I took it for granted that he chose me because I was in the action committee and with the action committee I used (10) to assist in taking notes. Again, most of the people who were there at this meeting were elderly people and in most cases you will find that the elderly people are illiterate.

What did Mr Raditsela do as soon as he started presiding over this meeting? -- When he took over, he asked the people, that is the audience, to return the papers on which people have written their proposals to the chair person. He then opened discussions about the taking of resolutions.

What resolutions were taken at this meeting? -- That the increased R5,90 should not be paid and that the council-(20) lours were asked to resign. The third one was that the Monday of the 3rd nobody will be going to work, it is a stay-away, it is a call for a stay-away, in order to hold proted rallies in the townships. Those are the resolutions.

Was there any talk of a march at this meeting? -- No, there was no talk.

Did you write these resolutions down? -- Yes, I did.

Was there any discussion at the time that each one of these resolutions was proposed? -- Yes, there were discussions.

What discussion was there? -- A discussion I remember (30)

clearly/...



clearly is the one which had to do with the stay-away. While we were discussing that, Oupa Mariletsi got up and said that he is in agreement with the stay-away on 3 September and further said that he does not fear that , because there is nothing illegal about calling for a stay-away and the protest rallies. He further made mention that we will have to think serious about this that certain people who are rendering important services must not be compelled to partake in this stay-away. He made an example for instance about the people employed at the hospital. Then the discussion went on (10) about the essential services and other people also made mention of others.

Other people that were considered to be rendering essential services? -- Yes, that is so.

You say that these people must not be compelled to stay away. Was there any suggestion that others should be compelled? -- No, what I am saying is that, people who had to do with essential services were exempted. Therefore the call for the stay-away must not be extended to them.

Were there any other resolutions taken besides the (20) ones that you have told us about? -- No, except that we discussed the rent which we could afford. Somebody said well, we better now make a suggestion of the rents which we can afford. Therefore, that was discussed, but no resolution was taken on that.

Was there a resolution relating to the boycotting of the councillors' businesses or their taxi's? -- No.

Was there any resolution calling on any other zones or any other people to adopt similar resolutions as those adopted at that meeting? -- No. (30)

Was/...

Was there any discussion as to what - any hope or any expectation as to what other areas might or might not do? -- No, there was not.

You wrote down the resolutions? -- Yes, the three that I have just mentioned.

And what did you do with them after you wrote them down? -- I returned that document to Esau.

Were the resolutions approved by the meeting as a whole? -- Yes, they were.

Let us turn to 26 August. How many meetings did you (10) attend on that day? -- Two.

One in the morning and one in the afternoon? -- That is correct.

Could you please tell us how you came to attend the morning meeting? -- The night of 25 August Esau informed me about that meeting by phone. He further told me that Mr Mokoena requested that he, Esau, send a youth person to their meeting as speaker.

COURT : Is that accused no. 6? -- Yes.

MR BIZOS : Yes? -- I agreed that I will go to that meeting.(20)

What sort of meeting was it going to be? Did Mr Raditsela tell you? -- Yes, he told me. He was the Evaton Ratepayers Association meeting.

You told us that you were born in Evaton. Did you retain an interest in Evaton? -- Yes, that is so.

Had you ever spoken on an Evaton Ratepayers Association platform before? -- Yes, that is so.

You told us yesterday that you had hoped to form an Evaton Youth Organisation. Had that organisation been formed by 25 August when Mr Raditsela phoned you to speak? -- No.(30)

Had/...

Had you gone there as a representative of an organisation or in some other capacity? -- No, I went there in my personal capacity as a person.

Did you prepare a speech? -- Yes, that is so.

Was there any - what was the thrust of your speech? -- According to my prepared speech, I was going to talk mostly with reference to the youth and secondly I was going to base my speech to the struggle of the people of Evaton.

Although you yourself or your immediate family were not property owners in Evaton, you told us that your maternal (10) great aunt had property there? -- Yes, that is so.

What is the portion of Evaton that her property is situated in known as? -- Easternville.

COURT : Is that just an eastern part of Evaton? -- Yes, it is lying more to the east of Evaton.

MR BIZOS : What did you hope to gain by agreeing to go and make a speech at this meeting? -- I was aiming at addressing this meeting and my address was going to be basically on the youth and therefore in so doing, I was hoping to achieve the formation of the youth organisation after having spoken, (20) because I was going to go on with that. Again I wanted to express the solidarity with the people of Evaton because there was a possibility of their losing their places as a result of the re-planning scheme.

Did you go to the morning meeting? -- Yes, that is so.

We already know that it was a comparatively small meeting, there was about hundred people present? -- Yes, that is so.

Were there any young people at this meeting? -- There were only grown-up people there. (30)

Who/...

Who was the first speaker? -- On arrival there, the speaker was Mr Mokoena, accused no. 6.

What did he say? -- He was addressing the people explaining to them about the re-planning as to how it was going to be done according to the Development Board, referring to a document which was written Master Plan on the outside page of it.

Did he call for any violence to be used against any councillors or anyone else? -- No, that is not so.

Do you recall who the next speaker was? -- Yes, a Mr (10) Kubega.

Can you recall what he said? -- Yes, I can recall some of what he said.

What is the portion that you remember? -- What he said was, since the year 1978 when these people got involved in the council, they were requested to stop serving in this council and they did not agree to do that and further said because they, that is him, Kubega, and the other property owners, have control over their properties, they must not allow either the police or the employees of the Board to come into their (20) premises. He further said that should it happen that the Board police come there to raid on their stands, they must report to the stand owner first and say what they want on the stand. He further said because of the fact that now they were disappointed by these men in the community council, that is the manner in which he is going to work now. That is as far as I can remember.

Did Mrs Mokoena come there to the meeting? -- Yes, that is so.

Did she speak?

(30)

COURT/...

COURT : That is now Mrs Rina Mokoena? -- Yes. Yes, she did speak.

MR BIZOS : Do you recall what she said? -- Yes, I do.

What did she say? -- Her address was as if she was preaching because her speech was referring to the Bible Jeremiah, the Lamentations. She further elaborated saying life was much better in Evaton before they were forced and moved by force to the township of the Sebokeng Board and further said people living in Sebokeng are having a burden of the rent, they cannot cope with the rent to be paid. She (10) further said that she is in support of the Evaton people in their struggle in order that they do not lose their ownership of their stands. She further made mention of the fact that she was a member of the women's organisation, namely VOW. She also requested the women in the Evaton Ratepayers Association to join this women organisation and added that the major problem which they are facing in Sebokeng is the increment of rent. On that she further said life was going to be more difficult because of the increase which is coming of R5,90. That is what I remember so far. (20)

Did she speak about any violence against a councillor or any property or anything else? -- Not at all.

Who was the next speaker? -- I spoke after her.

What language did you speak in? -- In English.

Was your speech translated by anyone? -- Yes, Mr Mokoena, accused no. 6, interpreted my speech.

Into what? -- Into Sotho.

You told us that part of your prepared speech was directed to the youth. Did you deliver that part of your speech? -- No, I did not speak about that. I left it out. (30)

Is/...

Is that because there were no young people there? --  
Yes, that is so.

What did you speak about? -- I spoke about the struggle of the Evaton people so that they retain their right of freehold. I made mention of the fact that people in Evaton tried in many ways to retain their right. They have even been to court and this was unsuccessful. I even cited this example saying when the community councillors were being introduced Evaton people were against that to the extent that they even went to court to oppose that. They succeeded in court (10) but later the office of the State President made a proclamation which forced the introduction of the councillors. I also said that since the introduction of the community councillors the Evaton people are faced with the re-planning, which is but a decent way of making them, the stand owners, lose their properties.

Just to get clarity on this, what did you mean by decent? -- What I meant is, it was a way which was being used which was not supposed to have been used to take possession of the properties. That is in a crook way. (20)

Sweetening the medicine, so to speak, as a re-planning scheme? -- Yes, because it was said that the community council is representing the community of Evaton whereas they were just doing the direct opposite in assisting the authorities in taking the rights of the people on properties. I then further said because of the fact that Evaton councillors were forced on the people and they did not want to resign, I therefore support Mr Kubega on what he said in suggestion, that they must not co-operate with the town council.

Did you believe what you said to be true? -- Yes, (30)

that/...

that is so.

Did you make this speech in furtherance of any conspiracy to overthrow the State or to cause riots or a violent revolution? -- No, I said this because I was convinced that the authorities are doing this deliberately and there is such that is taking place in Evaton.

You told us that you had written your speech out. What happened to it? -- I later gave it to one Ernest Nkabinde who was reporting for the Rand Daily Mail at that time.

Was he at the meeting? -- Yes, he was. (10)

Was he the only newspaper man there? -- During that meeting in the morning I remember that he was there. He is the only one I remember.

Did you make any mention at the morning meeting of the resolutions that had been taken at the meeting on the afternoon of the 25th? -- No, I did not.

At the morning meeting, do you recall whether during the course of the meeting Mr Sam Matlole, accused no. 17, Mr Esau Raditsela and/or Miss Edith Lethlake were present or not? -- The three of them arrived just at the end of the (20) meeting.

Did anyone of them say anything? -- Yes.

Who said what? -- I remember Esau and accused no. 17 speaking with reference to the campaign of the million signature.

What did they say about that? -- I cannot remember pertinently exactly what each one of them said, but what I can say is, the gist of their address to the meeting was that they were bringing the message home to the people there that the million signature campaign is important, because those who (30) signed/...

signed it, expressing their dissatisfaction about the apartheid system in South Africa. That is how I summarised it.

Do you recall what Mr Matlole, accused no. 17, said? -- He also spoke about the million signature campaign. I cannot recall him saying any other thing else.

Do you recall whether accused no. 17 spoke about violence against the councillors? -- No, he did not say anything about something like that.

Who presided at this morning meeting? -- Mr Mokoena, accused no. 6. (10)

Do you recall whether he said anything after Mr Raditsela and Mr Matlole had spoken? -- Yes, I remember him making an announcement at this meeting that he was hurrying to get somewhere because somebody in his family is dead and therefore he must go and make preparations. He further said that after a national anthem is sung, he will leave immediately. He wished the people in the meeting all of the best.

Did you hear any private or semi-private conversation between Mr Raditsela and Mr Mokoena, accused no. 6? -- I saw them talking to each other, but I could not hear what their (20) conversation was about.

Were you going to go to the afternoon meeting after this morning meeting? -- I had no intention of attending that meeting.

Did anything happen to change your mind? -- Yes, that is so.

What happened? -- After the morning meeting I was approached by Edith, saying to me Cheaper sent a message at the last minute to say that he, Cheaper, would not be able to come and speak at that meeting and then asked me if I (30)

would/...



would mind being placed on the list of the speakers at their meeting. I agreed to that that I was prepared to go and speak. She then went to Esau, they had a talk between themselves which I could not hear and I noticed that something was being written on a piece of paper, which I inferred that my name was being put on the list of speakers.

At what time was this more or less? -- It was after the meeting in the morning before 13h00.

Which Cheaper was Miss Lethlake referring to ? -- Cheaper Motubatsi. (10)

Had you anything to eat that day? -- No.

Did you do anything about that? -- Yes. I approached a friend of mine outside there, namely Jabulani and I mentioned to him that I would like to have something to eat at the shop as a result of which then he invited me to his home where he said he was going to prepare a meal for me.

Did you know at what time the afternoon meeting was to start? -- I am not quite certain, but there was quite some time after the first meeting.

Did you go off to have lunch with Jabulani? -- Yes, (20) that is so.

And did you come back to the afternoon meeting of the 26th? -- Yes, I did.

What was happening when you arrived at the afternoon meeting? -- The hall was full to capacity and the person busy addressing there was Rina Mokoena. I got into the hall and noticed that there was a space on the stage. I then proceeded to that space to take position there in order to listen to what was being said.

COURT : Do you mean a space standing room or sitting room?(30)

Sitting/...

-- Sitting room.

MR BIZOS : Did you hear at least a portion of Mrs Rina Mokoena's speech? -- Yes, that is so.

Did she call for the killing of councillors? -- No, she did not.

K643 Did any speaker call for the killing of councillors at this meeting after you got there? -- There was no such a talk at this meeting.

What did Mrs Rina Mokoena say in your presence? -- I remember her saying to the people present there, that as I(10) have already said that I have got a big family with eleven children, as I am talking to you here, I am in arrears with my rent and therefore if the rent is being increased by R5,90 it is quite apparent that I would not cope with the payment of the rent. She then in her address put a question to the audience "Now what do you suggest what I am I to do about that?" and then closed her address. By that I mean that was the end of her speech.

Had you prepared a speech for the afternoon meeting? -- No, not earlier, but whilst I was on the stage there, I (20) had dotted down a few points which points were going to be mentioned by me in my address.

When this rhetorical question was asked by Mrs Mokoena, did you decide to do anything about it in your speech? -- Yes, that is so.

What did you decide? -- I just told myself I do have an answer to this question in my address, because what I am going to do is, I will mention the resolution which was taken at the previous meeting, that is the previous day, in answer to this question, which resolution was that the (30) increased/...

increased money was not to be paid.

Were there any other speakers between you and Mrs Mokoena either from the platform or from the floor? -- Yes, quite a few people spoke.

Can you remember any of them? -- I remember a woman whom I came to know later as Mrs Oliphant. There were other speakers who were not known to me. One of the speakers who spoke there who was known to me was Mr Masenya, the person who gave evidence here.

What happened with Mr Masenya? -- He uttered a few sentences and then he was stopped. (10)

By whom and why? -- By Miss Maria Dhlamini. She said she was stopping him because he is talking about councillors, yet he, Masenya, was participating in the elections of November 1983 where the councillors were elected and further said that she would like to make it clear that let Masenya not be allowed to speak at this meeting, until he declares his stand as to whether he is still in agreement with the councillors or not.

How did the audience react to this challenge by Mr Dhlamini? -- Some agreed with Miss Dhlamini, some did not. (20)

And was perfect order retained at the meeting? -- Yes, after Bavumile, accused no. 10, and the chair person brought the order back in the meeting, it was normal.

In one portion of his evidence Mr Masenya said that he was threatened with death. Is that true or not? -- I do not agree with that portion of his evidence. No such was said at this meeting.

At one other portion of his evidence he says that as a result of what happened at this stage, he went out of the meeting. Is that correct? (30)

ASSESSOR/...

ASSESSOR (MR KRUGEL) : My recollection of what he said about that is not what is now put to the witness.

MR BIZOS : I may have mistaken that.

ASSESSOR (MR KRUGEL) : He said he was afraid and he sat down. He waited for a long time and then he slipped out. That is my recollection.

MR BIZOS : Thank you, I think I may have mistaken that.

Let me just rephrase the question, please. Did he speak again? That is really the point that I want to make. -- Yes, towards the end of the meeting he did. (10)

Did anyone else speak before you did that you can recall? You mentioned Mrs Oliphant, you mentioned Mr Masenya? -- Except those whose names I do not know, nobody else spoke.

So, you say there were some but you do not know their names? -- Yes, that is so.

Do you remember Mrs Matsaneng speaking or is that one of the names that you do not know? -- I came to know her as Mrs Matsaneng at that meeting, but I cannot say whether she spoke before me or after my speech.

Whenever she might have spoken, do you recall her (20) speaking about the 1976 riots in Soweto? -- She never spoke about that and while I was there nobody ever spoke about that.

What did Mrs Oliphant and Mrs Matsaneng in fact speak about? -- Do you mean I must now summarise them together or one at a time?

Well, insofar as they may have said different things, just give us very briefly what each one of them said? -- They both spoke broad about the women's organisation, namely VOW and the manner in which they work. I remember Mrs Matsaneng supporting that the councillors should resign and (30)

if/...

if they do not resign, she said, their businesses are to be boycotted. That is what I remember.

Do you recall anything in particular that Mrs Oliphant might have said? -- No, except that she explained about VOW and as to how they work.

We would not ask you for that detail. My Lord, in relation to what precisely Mr Masenya said, it is at page 601. Did you speak yourself? -- That is so.

Can you recall what you said? -- Yes, that is so.

Please tell us? -- In my address I said in the many (10) years that has passed since the year 1977 when the community council system was introduced, the major complaint from the Vaal residents was about the rent which was high, which rent they did not afford to pay. I further said the town council system and the community council system would not satisfy the residents, because of their not having an adequate of financial support. I also made it clear in my speech that each and every year when the rent is increased, the residents are complaining about that. All the same, the councillors are not listening to the complaints. I therefore then said (20) that the only solution to this is that the community must unite. Why? Because once we are united, we are then going to speak in one voice and therefore we will be able to succeed. I also said I was very happy to notice that the residents of the Vaal have already started to unite. I then made an example with the meeting or about the meeting which I attended in the morning of the Evaton Ratepayers Association and also made mention of the meeting I attended the previous day on the 25th in Zone 13. I then made mention of this that at this meeting we will have to think and in the thinking we (30) will/...

will have to consider accepting all, adopting the resolutions of the meeting of the 25th and then said it is my proposal that we accept them, that is the resolutions as they are.

That was my address.

Did you refer to the resolutions themselves? -- Yes, that is so.

Which resolutions did you mention? -- The first one was about the rent which was increased by R5,90, that this must not be paid and that we are to make a call for the resignation of the councillors and that there be a call made for(10) the stay-away for Monday 3 September, so that we could hold protest rallies.

Did you suggest a march on the 3rd in your speech? -- No, I did not.

Did you suggest that the businesses and taxi's of councillors should be boycotted in your speech? -- No, I did not.

Did you call the councillors sell-outs or puppets? -- Yes, I did.

Did you believe that to be true? -- Yes, that is so.(20)

Were you aware whether any councillors themselves had described themselves in a similar fashion?

COURT : Did you call them sell-outs or puppets or sell-outs and puppets? -- Both.

MR BIZOS : Did they, some of them describe themselves as that before this? -- Yes, I remember one of them who was resigning who said the community council was a puppet body.

You told us that you are a regular newspaper reader. Were these words used in newspaper articles about councillors? -- Yes, they were being used. (30)

Did/...

Did you consider that as unparliamentary language to you?  
-- No, I took it to be a daily language use.

Did you at any stage in your speech say that any person who paid the rent would land up in trouble and might be killed? Did you ever say that? -- No, I did not say that. I deny having made that kind of a speech.

Did you in your speech say that shops should be closed for 24 hours? -- No, I did not.

Or that school children would not go to school? -- No, I did not. (10)

Or that the buses would not run? -- No, I did not.

Did you say that factories would be informed by letter that there is going to be a stay-away? -- No, I did not.

Did you as part of your original speech say anything about ambulance or the transport of nurses? -- Not in my address  
COURT : What do you mean? You did say it later on but not during your speech? -- That is so.

MR BIZOS : Was that in answer to some of the discussions in question? -- Yes, that is so.

Do you recall whether you made any reference to any (20) promises that had been made by the councillors? -- Yes.

What did you say about that? -- What I said was the following, that the councillors during their campaign for the elections of November 1983 told the people that they were going to see to it that they keep the rent low.

And? -- I then said they have disappointed us because it is hardly a year that the community council has taken over, already there are notices that the rent is going to be increased. I further said that even the government made it worse by taking the bottle-stores which were subsidising (30)

the/...

the rent and sold them to private owners, as a result that there is no subsidy for rent.

By the end of August was it known what the fate of the bottle-stores in Lekoa was going to be? -- No, I personally did not know. All I can say was that this announcement I am referring to about privatising of the bottle-stores was made at the time of the introduction of the councillors.

Would that have been early in 1984 at least? -- Yes, that is so.

If it is suggested that you spoke at this meeting on(10) behalf of COSAS, what would you say to the suggestion? -- I will deny that because that is not true.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

GCINUMUZI PETRUS MALINDI, still under oath

EXAMINATION BY MR BIZOS (continued) : Were there questions immediately after you finished speaking or did anyone else speak immediately after you? -- There were two speakers after I had spoken.

Who were they? -- Mr Khabi and another person whose name(20) I do not know.

What did Mr Khabi say? -- He in his address spoke broadly about the struggle in Evaton, in which struggle they are fighting for the retaining of the property rights. He further said that they are in support of the VCA because of its uniting the people in the area of Sebokeng.

Anything else that you can recall? -- No.

Is Mr Khabi a young man? -- No, he is quite an elderly man.

Did he refer to the shop of Dutch Liphoko at all? -- (30)

No/...



No, he did not.

Did he refer to Mr Liphoko at all? -- No, he did not say anything about or with reference to Mr Liphoko.

Did he say anything about any other councillor from Evaton? -- He was accusing the Evaton council and Mr Rabotape that they are backing the re-planning which re-planning is taking over the stands.

Where there questions asked? -- Yes.

COURT : Of Mr Khabi?

MR BIZOS : No, I am sorry. (10)

COURT : Because we have one more person inbetween.

MR BIZOS : I am sorry. Do you recall who the other speaker was? -- No, I cannot recall who the other speaker was. All I can say is that I know this person to be coming from Zone 3.

What did the Zone 3 person say? -- He said he understands this suggestion of the stay-away on 3 September and further said according to him he cannot see how the message can be carried over by just taking part in the stay-away and hold rallies. This person said that he is suggesting that instead of staying at home, we better go to the offices of the (20) Board where we will submit the complaints from the people.

Did he suggest how you should go to the Board? -- Yes, he suggested a demonstration march.

Previous speakers identified this person by the name of Maruping. Do you know this man? -- I hear that name being used, but I do not associate it with that person because I have no reason to do that.

You did not know Mr Maruping before the meeting nor did you have any dealings with him afterwards? -- Yes, that is so.

After these two speakers spoke after you had spoken, (30)

were/...

were there any speakers? -- Yes, that is so.

Are you able to give the questions in the order in which they came or not? -- I remember the two first questions.

What were they? -- This person said "Mr Malindi, you are talking about the stay-away to be held on the 3rd. What do you say about our taxi's which can be attacked with stones?" In reply to that I said to him "No, Mr Maseko you seem not to have understood what I was saying." The position is that I am proposing that that be accepted as a resolution which was taken at a previous meeting, not that I am saying that (10) we are to hold a stay-away on that day.

COURT : Just a moment. You said to him "You have not understood what I was saying. I propose ..." what? -- I propose that there be a resolution for a stay-away on the 3rd, this being one of the resolutions which were taken at a previous meeting and therefore I am putting this to this meeting to be considered by the meeting at the time of taking resolutions of this meeting. I went on to say I do not believe that that can happen, meaning that the stoning of the taxi's can take place. I then further said the call for the stay-away is (20) being extended to the taxi owners and drivers, because they form part of the community. Therefore, if this proposal is being accepted by them, that means that the taxi's would not be operating that day. He then thanked me for the clarification and took a seat.

MR BIZOS : Did you mention any percentages in your answer? -- Yes, in answer to the next question.

What was the next question? -- The next question was, seeing that we agree on the stay-away here at this meeting, what about the people who will use private roads or will (30)

leave/...

leave secretly for work, what is to happen to them? In reply to that I said we believe that the stay-away would be a success because the question of rent affects the whole community of the Vaal Triangle and said say for instance the stay-away was above 70%, subbordering 90%, then that would mean is a voice loud enough to be heard by those who are supposed to take it to that. That was the end of my address.

COURT : Who asked the question? Do you know? -- I do not know that person's name.

MR BIZOS : Were there any questions, not necessarily in (10) the order, but were there other questions that you recall? -- There were quite many questions. I remember taking part in answering a question pertaining to the arrest of the people. This question was asked by Mr Masenya, the witness who gave evidence in court. His question was what will be done in case of the arrest of the parents who were taking part in the march to Houtkop. The question being, what is going to happen to their children? Who is going to look after them? My contribution in answer to that question was there is nothing illegal which is being discussed in this meeting. I (20) further said there is nothing illegal in taking a march in order to express our dissatisfaction and therefore as far as I am concerned, the arrest of the people is not possible. I further said because of this being legal, even the newspaper reporters are going to report about this in the papers as to what was discussed and what the resolutions are, therefore it will be known to the community as a whole. Pertaining to the essential services I said well, we can go on and discuss that, it will be for the people at this meeting to define what they deem to be essential services. (30)

COURT/...

COURT : Was all this in answering his question? -- No, in answering to Masenya's question, the answer ended where I made mention of the media which was going to publish which was said. I then started a subject out of my own about the essential services without a question being asked. There was then an extended discussion about essential services, questions being put by others and also being answered by the others.

MR BIZOS : You told us what your contribution was in answer to Mr Masenya's question. Did anyone else try to give (10) an answer to Mr Masenya? -- Yes.

Who did that? -- The first person emerged from the audience and answered that question. In his answer to the question ... (Court intervenes)

COURT : Do you know the person's name? -- No. In his answer to the question he said we, the Black people, are having a common problem and our problem is the rent that we cannot afford to pay and further said if we allow the addition of the R5,90 on our rent, that means that we are going to see to the same problem in future and our children are going to (20) suffer even more. He then further said according to him as a result of that, his feeling was that let the parents come together and unite and taking part in this march because he cannot see a reason for the police to interfere with the march to the extent of arresting people. He further said even if that happens within our community, we are the kind of a community who knows how to assist one another. Therefore, the community is going to assist.

MR BIZOS : Did anyone else respond to Mr Masenya's question? -- Yes, Mr Matlole, accused no. 17. (30)

What/...

What did he say? -- In his reply he said, this is now the time when parents are to unite and whatever they have agreed upon on decisions, will be for them to see to the carrying out and the success of those decisions. He further said we are not supposed to be a community which hesitate, because in hesitating we would not be able to solve our problems. He then further referred to Gideon in the Bible and said Gideon was supposed to have carried out some duty and it was said that those who do not have the courage or are brave enough, must not take part in that. That is how much I remember (10) of what he said.

Did you know the erstwhile accused no. 4, Mr Mohapi Lazarus More, before 26 August 1984? -- No, I did not.

It goes without saying that you did not hear him speak on behalf of COSAS?

COURT : Unless he sat with his eyes closed.

MR BIZOS : Did anybody speak on behalf of COSAS at this meeting? -- From the time that I was present nobody spoke on behalf of COSAS.

During the course of the deliberations and the taking(20) of the resolutions, was Mr Raditsela and Miss Edith Lethlake at the afternoon meeting of the 26th? -- No, they were not there.

Did they come to the meeting? -- Yes, they did.

At what stage? -- I remember them arriving there at the end of taking the resolutions.

COURT : That is when some resolutions had been adopted and some not? -- It is after all the resolutions were adopted and at the time when the resolutions were read to the audience, then Esau and Edith arrived. (30)

MR BIZOS/...

MR BIZOS : Is that whilst the resolutions were being read as final resolutions? -- Yes, it was during the final reading of the resolutions to satisfy the audience that these are the resolutions that are noted as final resolutions for the audience to say whatever they want to say.

Do you know - you told us that you had seen them at the end of the morning meeting. Do you know where either Mr Esau Raditsela or Miss Edith Lethlake had gone to? -- Edith told me that she was invited at Boipatong and further said that she was going to be transported by Esau in a vehicle. (10)

Was there any talk at the meeting as to what was to happen if the councillors did not resign?-- Yes, there was a discussion around that and the decision at the end was that if they do not resign, then their businesses are going to be boycotted.

Will you be able to give His Lordship the resolutions that were eventually passed at this meeting? -- Yes, that the R5,90 which is added on the rent must not be paid. The councillors must resign. If they do not resign their businesses are going to be boycotted and that on 3 September (20) there is going to be a march and going to Houtkop, which will be a stay-away.

Any other resolutions that you can remember? -- No.

Were there any specific resolutions taken in relation to the closing of businesses? -- It was discussed and there was a general agreement on that. It was not taken as a resolution.

Was there any formal resolution in relation to the running of taxi's? -- What I remember being said at this meeting is that the people in charge of this meeting which is the VCA (30)

will/...

will have to talk to the people who are in fact running these businesses and ask them that they must allow their employees to participate on the march. I cannot recall any resolution being taken on that.

Were there any resolutions taken in relation to the detail, as to whether there should be placards or precisely where the resolution was to start or any other details? Were resolutions taken in regard to that? -- No.

Did, after his arrival, Mr Raditsela take over the chairmanship of the meeting? -- Yes, that is so. (10)

For what purpose did he do that? -- Because they were going to hold elections for the Zone 3 committee.

Did Esau Raditsela make any reference to any meeting in Sharpeville? -- No, he did not.

Or any meeting at Bophelong? -- No, he did not.

Or at Boipatong? -- No, not at this meeting, he did not speak about that.

When he and Miss Lethlake arrived, did they have anything with them? -- Yes, a VCA banner, which had a UDF logo.

Did they have any placards with them or any slogans? (20)  
-- No.

Let us come to Sunday, 2 September 1984. Do you recall how you spent that Sunday morning? -- Yes, I do.

How? -- When I got up that morning I prepared myself going to church and left at about 10h00 going to church.

And did you come back from church? -- After church I went to Mphatlalatsane where they had a choral music competition.

COURT : Mphatlalatsane, is that a hall? -- Yes.

In what zone is it? -- Zone 14. (30)

MR BIZOS/...

MR BIZOS : You knew that there was going to be a stay-away and a march the next day? -- Yes, I knew that.

Were people moving about their business peacefully on the afternoon of Sunday the 2nd or was there tension in the air? -- No, the atmosphere was normal. Things were must normal there.

During the afternoon or early evening of the 2nd, did you hear anybody disturbing the calm atmosphere? -- I remember that while being at home, I heard an announcement which was being made over a loudhailer. This announcement was about (10) the following day, that there is going to be a stay-away and there is going to be a march to Houtkop.

Do you know who the persons were who moved around hailing people to stay-away and to take part in the march the next day? -- No, I could not see the occupants of this vehicle which was stationary at an intersection about 20 houses from my parents' home.

Do any policemen live near your home? -- Yes.

How many? -- I know of three.

In the immediate vicinity of your home? -- Yes, two (20) streets down from my home and two streets up from my home again. The third one who lives not very far from us. It is just some distance but not very far.

And if need be, you can give the names of at least two of them? -- Yes.

What do you say to the suggestion that this march was kept a secret from the police and the authorities? -- What I can say to that is from the 26th there was this talk all over. I was already used to hear that, so much that I did not even worry about people talking about it. The reason (30)

being/...



being that on my way to work I use a taxi and a train to and fro and this was being discussed. Even in the township it was just discussed openly by the community there without trying to make it a secret. Again the loudhailer I heard announcing the evening of the 2nd.

Was it only announcing the stay-away? -- No, what was said was that there was some dissatisfaction in the township about the rentals, as a result of which resolutions were taken. This resolution which was taken was that there is going to be a stay-away on the 3rd and on the same day there is going (10) to be a march to Houtkop. Therefore the statement about the meeting being secretive is really surprising me because I do not know where that originates from.

At the meeting of the 26th, do you recall whether there were any newspaper men or women present? -- They were present, because if you remember I said in my address that the reporters are present and this is going to be made known to the community through the media. At the time when I said that, I was pointing at the reports who were right in front of me.

Were they in a position to hear the resolution that (20) there should be a march on the 3rd? -- Quite well, yes.

By the 2nd or indeed the 3rd of September 1984, had an organisation, that is said to have been known as the Vaal Youth Congress, been formed? --No, it was not formed.

COURT : Has it ever been formed? -- Not as far as I am concerned.

MR BIZOS : You were arrested in September 1984. Was it formed before your arrest? -- No.

Did you go to the march yourself? -- Yes, I did.

When did you start off from your home towards the (30)

Roman/...

Roman Catholic Church? -- Going to the Roman Catholic Church Small Farms I was leaving from Zone 3, not from home.

COURT : Why? -- I the previous evening became aware that I will have to go and sleep at a place near the point where this march is going to start as a result of which then I decided to go and spend the night at my aunt's place in Zone 3.

MR BIZOS : What time did you set off from Zone 3? -- At about 08h00.

How did you get to the Catholic Church Small Farms? -- I went through Evaton which is on the side of Zone 3 towards(10) the "spruit" which serves as a boundary for Evaton and Evaton Small Farms. I went up the road which passes Zone 7 stadium. I joined the march at the bus terminus in Zone 7.

COURT : Do we know where that is?

MR BIZOS : Has it got any other name, the bus terminus in zone 7? -- Yes, it is known as Masenkeng.

On what street is that? What is the name of the street? -- In Vilakazi Street.

On your way there, did you see any obstructions on the road? -- No, I did not. (20)

Did you see any property being damaged or having been damaged or burning? -- No, that is not so.

Did you join the march as a marcher or did you take any part in the control of it? -- I joined it as one of the people in the march, no control whatsoever.

COURT : Is Masenkeng where the commissioner's office is?

-- Yes, that is so.

Is it to the south or to the north of the commissioner's office? -- The vicinity there is known as Masenkeng because this name in fact was given to the commissioner's offices(30)

and/...

and therefore the bus stop which I am talking about which is known as Masenkeng bus stop is on the western side of the commissioner's building. I will rather say Vilakazi Street is on the western side of Masenkeng, which is the commissioner's office and this bus stop is more to the north of Vilakazi Street - of Masenkeng which is the commissioner's office.

We have made mark here, the mark does not seem to be entirely clear. Vilakazi Street we know. The commissioner's office is to the west of Vilakazi Street and so is the bus stop, the bus terminus. Is that correct? -- I am not (10) quite certain. Unless I am given a map, then I will be able to look at it.

Vilakazi Street runs from south to north roughly speaking? -- Yes, that is so.

It is either on the eastern side or the western side of Vilakazi Street that the complex is? -- It is on the eastern side of Vilakazi Street.

Is the bus stop to the east or to the west of the commissioner's office? -- You go in the direction of south to be at the bus stop. (20)

So, the commisssioner's office is to the north of the bus stop? -- Yes, that is so.

On the official index the number is 61 and it is written "Commissioner's office" and behind that in brackets I will write Masenkeng.

MR BIZOS : My Lord, our instructions are that everything around there is referred to as Masenkeng.

COURT : The whole, let us say block is called Masenkeng?

MR BIZOS : Is called Masenkeng.

COURT : That is how I understood the witness to say. (30)

Originally/...

Originally it was the commissioner's office.

MR BIZOS : That is so. It is a geographical area which is referred to as Masenkeng which includes the commissioner's office.

COURT : Yes, thank you.

MR BIZOS : I have a note that one of the witnesses referred to a stadium there, as the Masenkeng stadium.

COURT : The stadium is referred to differently. It is numbered no. 4. That is near what we have now determined to be Masenkeng. (10)

MR BIZOS : It is in the vicinity of Masenkeng. Did you recognise anybody on the march? -- At the point where I joined the march I was in the company of Themba Mazibuko, David Radebe, Sipho Radebe. Those are the people with whom I joined the march. The first person I saw when joining the march was Tsietsi Nkatsanyane, Edith Lethlake. Those are the people I met there in whose company I was on this march.

Were there any obstructions on Vilakazi Street as the march was proceeding along? (20)

COURT : Where did you join the march? In the middle or in the front or at the back? -- When I joined the march it was at the back, but I moved forward, up to a point where I would say I was about 50 to 60 metres from the front of the march along Vilakazi Street.

MR BIZOS : Did you go anywhere near the quadrangle of the Roman Catholic Church? -- No, I was not there that day.

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I am not sure whether you gave an answer to my previous question as to whether there were any obstructions along Vilakazi Street? (30)

COURT/...

COURT : It has not been answered yet. -- No, there was none.

Did you join as a marcher or as a marshall? -- I joined the march as one of the people who were marching, although when I arrived there I was enthusiastic to assist as a marshall.

You were enthusiastic, but did you do anything about it? -- I ended up being a marshall.

MR BIZOS : As you were marching along 50 or 60 metres from the front, did you ever get an opportunity to see the placards that were being held in front of the march? -- Yes, I did see some of them. (10)

What did they say? -- Some were reading "Away with high rent." Some reading "Councillors must resign." Those are the ones I remember.

How did you come to see them? -- How I happened to see that was when the march was taking a turn. For instance if the march stopped to re-arrange it. Now the people up front would look back talking to others there, holding their placards in my direction, then I would see them. Some were marching with the placard facing back and not to where we were going to.

What do you say to the allegation that you were one of (20) the leaders of the march? -- No, there is no truth in that.

Or that you marshalled people into the group in readiness for the march in the quadrangle at the Roman Catholic Church? -- There is no truth in that talk, because I was not even at the Roman Catholic Church premises.

What do you say that the offices of the Vaal Transport Co-operation were destroyed by the marchers before you - at any stage? -- I do not agree with that, because the route we were following, is very far from the offices of the Vaal Transport Co-operation. (30)

What/...

What do you say to the evidence that kiosks belonging to the Vaal Transport Co-operation along the route of the march were destroyed? -- Nothing of that nature happened where I was moving. I did not see that taking place.

I was a little diffident before I found reference as to when it is alleged that the Vaal Transport Co-operation property was supposed to have been destroyed. Do you know the intersection where there is veering to the right of the road towards Houtkop? -- Yes, I do know that place.

COURT : Is it intended to say that the road to Houtkop (10) veers to the right or that the road veers to the right in the direction of Houtkop?

MR BIZOS : You heard the evidence here as to where Mr Motjeane's home is? -- Yes, I heard that evidence.

You know it veering to the right there? Does the road veer to the right there? -- Yes.

Between the Catholic Small Farms and that veering to the right, are there any offices of the Vaal Transport Co-operation? -- No, there are no offices there.

The allegation is made in paragraph 77.10, My Lord. (20)

COURT : Of the indictment.

MR BIZOS : Of the indictment. Were there any people compelled to join the march? -- No, I did not see that happening.

Were the marchers disorderly in any way? -- No, it never happened. In fact I was so impressed about the manner of behaviour of this march.

Were the people absolutely quiet? -- No, there was some singing.

What was being sung? -- This song Siyaya e Houtkop was sung. (30)

I/...

I asked you earlier whether you heard the evidence as to where the late Caesar Motjeane's house was. On that day, did you know where Mr Caesar Motjeane lived? -- No, I did not know.

Were people joining the march as you were marching on?  
-- Yes, quite many.

Individually or in groups? -- Individually and in groups.

Were you marching on a tarred road? -- Yes, that is so.

COURT : Do you remember the time you joined the march? --  
Yes, I do. (10)

What was the time? -- I remember one of us checking on a wrist watch just when we were about to pass the stadium, then it was 09h05.

MR BIZOS : And would you have joined the march within minutes of that? -- Yes.

Who was leading the march? -- According to my observation in Vilakazi Street, I saw Modise Mthombeni right up front and Reverend Mahlatsi, the witness, was one of them.

Did you see anyone else? -- From those who were carrying placards I remember two who were known to me. Keiso is (20) one of them, and I remember seeing Joseph Sithole as well. Those are the people I remember who were right at the front.

Is that the Joseph Sithole that passed away? -- Yes, that is so.

Was Esau Raditsela leading the march? -- No, I did not know about that. I did not see him.

Did you not see him leading the march or did you not see him at all? -- I did not see him leading the march.

Did you see him taking part in anything? -- Yes, I did.  
At a distance in the vicinity of the post office in Zone 12(30)  
just/...

just after taking - that is at the T-junction of the post office, I saw him when we were turning into a different direction.

COURT : Where was he then? -- We had passed the post office. He was quite far from me up front about 30 to 40 metres away from me.

MR BIZOS : What was your distance from the front of the march at that stage? -- The groups that joined the march in the procession had pushed me more back in the sense that when they are joining the march, therefore my position (10) pushes back. I was about 150 to 200 metres from the head of the march.

You say that you were impressed by the orderly fashion of the march. Were there marshalls? -- Yes, there were.

What were they doing? -- They were walking on the sides of the march. Whenever people joined the march from the sides, then they would make it possible for those people to join the march and would supervise that the marchers must not walk on the shoulder of the road, but on the tarmac.

What would you say about the general composition of (20) the marchers in relation to age groups? -- It was mixed. There were young people and grown-up people in big numbers.

The word children may have different meanings, but could you please tell us, were there children in the sense of people under the age of 16 on the march at all? -- No, I did not observe people under that age on that march.

If you were to make an estimate, what was the age of the youngest group of people as a group that were there on the march? -- Between 19 and 20 years.

You were in 1984 in your early going for your middle (30) twenties/...



twenties. Were you referred to as a child by the older members of the community? -- Not generally, but there were a few people who were referring to me as a child.

COURT : Your grandmother for example? -- Yes, my grandmother and my parents. As well as some neighbours in the vicinity where we live still call me a child.

MR BIZOS : As you were approaching the road veering to the right towards Houtkop in Vilakazi Street ... (Court intervenes)

COURT : We have called that place the intersection. I (10) think we can stick to that. Everybody knows what the intersection is. It is the intersection near the house of Caesar Motjeane.

MR BIZOS : As you were approaching this intersection near the house of Caesar Motjeane, were there any groups of people at that intersection? -- Yes, that is so.

Just one group or more than one group? -- More than one group.

Were they of the same size or was there any distinctive - anyone group which was distinguished from others? -- They (20) differed.

Was there a large group? -- Yes, there was a large group that I noticed in the immediate vicinity of that intersection.

When you saw that, were they moving or were they approaching the intersection? -- At the distance I was I only noticed a group of people right up front. If I remember well, it appeared as if these people were walking in our direction. It appeared to me that on realising that our march was coming in their direction, they then waited for a while. Again what I observed further was that the head (30)

of/...

of our march met with them which means they joined and the march proceeded.

COURT : They merged with the front part of the march? -- That is so.

MR BIZOS : During this merging process which they fitted into the already existing march, was the orderly progress of the march kept or not? -- The pace on which we were walking reduced, we in fact were about to stop when this march merged in the head of our march. Not long I realised that the pace is picking up. (10)

The people that merged into your march, did they carry anything? -- Yes, when I saw them for the first time merging, they were waving certain things which appeared to me to be placards.

When the pace of your march re-established itself, did it continue towards Houtkop? -- Yes, that is so.

Did the march leave the tarred road? -- No, it did not.

Did it take the turn to the right and proceed towards the post office and towards Houtkop? -- Yes, that is so.

What do you say to the allegation in the indictment(20) that this march was an unruly mob? -- That allegation is just the direct opposite of what was happening at this march at the time when I joined it until while I was still on the march itself.

What do you say that the march - to the allegation that the march left the tarred road, went up this untarred lane to the home of Mr Caesar Motjeane? -- I do not agree with that that that happened.

Did you yourself personally leave the tarred road at all? -- No, I was never out of the march. (30)

What/...

What do you say to the evidence given by one of the witnesses IC.8 that you were seen against the wall somewhere near the home of the late Caesar Motjeane? -- That allegation is not true. In fact my being associated with the death of Caesar does not please me at all.

Whilst we are about it, it is alleged in the indictment that you were actually at about this time somewhere in Evaton and that you were part of the mob that attacked Liphoko's house. What do you say to that allegation? -- That allegation is one of those which are false, which I am not going to (10) accept.

Just as a matter of interest, what is the distance between this intersection and Mr Liphoko's house more or less?

COURT : Does he know Mr Liphoko's house?

MR BIZOS : Do you know where Mr Liphoko's house and business was? -- Yes, I do.

What is the distance between the two? -- About 5 to 6 kilometres.

Unless one used a helicopter, would one be able to be at both places at approximately 10h00 in the morning? -- It (20) is impossible.

Did you hear anyone calling anyone a dog or any other derogatory names in the vicinity of that intersection? -- No, I did not hear that.

WITNESS STANDS DOWN.

COURT ADJOURNS TILL 27 APRIL 1987.