

Ass

SAAKNOMMER: CC 482/85

DELMAS

1987-05-14

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:

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COURT RESUMES ON 15 MAY 1987.

OUPA JOHN HLOMOKA, d.s.s (Through interpreter)

MR BIZOS : My Lord, accused nos. 5 and 17 have been taken to the district surgeon and accused no. 5 requires leave from Your Lordship for an appointment to be made a time probably late in the day on Monday, the 18th, if Your Lordship would grant leave.

COURT : 18th of this month?

MR BIZOS : Yes, Monday the 18th.

COURT : Yes, leave is granted. (10)

FURTHER EXAMINATION BY MR BIZOS : Mr Hlomoka, you told His Lordship yesterday that at the time you played another copy of EXHIBIT 25 which is now before the Court Mr Thapeli was present. Do you recall if anyone else was present with Mr Thapeli and IC.8? -- Yes, I do.

Who were the persons? -- Boitjie Moshe, Charles Mabitsela, Victor Maluleka.

Where was IC.8 living at the time? -- He was living in Zone 3 not far from my residence, a street up.

Was he living in Sharpeville at all? -- No. (20)

And at the time you played this tape, was there any attempt by you to possibly establish a Sharpeville committee?

MNR. JACOBS : Ek wil net vra dat mnr. Bizos nie sal lei dat hy hierdie "tape" gespeel het nie, want dit is verwarrend. Hy het uitdruklik gesê hy het nie hierdie "tape" gespeel nie, maar n soortgelyke een.

HOF : Maar ons het darem begin met "another copy of EXHIBIT 25."

MR BIZOS : Were you trying to establish a committee of AZAPO in Sharpeville when you were playing the tape? -- Yes, that is so. We were working on forming a committee. (30)

In/...

In Sharpeville? -- Yes.

Did you want IC.8 to be any part of the Sharpeville committee? -- No, not at all. IC.8 and Victor Maluleka went there in my company with a view to go and talk to the people in Sharpeville about the formation of the committee.

You drew our attention to the fact or did you draw our attention to the fact when IC.8 gave evidence that there was a tape in circulation of Mr Libon Mabaso and Mr Seth Cooper speaking on Capital Radio?

COURT : What is put? Who drew the attention of whom to (10) what?

MR BIZOS : It is put that he the witness drew his legal representative's attention to the fact that there was a tape in circulation.

COURT : Of Capital Radio?

MR BIZOS : Of Capital Radio with Mr Mabaso and Seth Cooper speaking on it. Am I not making myself clear?

COURT : No, I cannot see the relationship with IC.8. Did you tell your counsel about a tape like EXHIBIT 25? -- That is so. (20)

MR BIZOS : Just to get is absolutely clear, did you ever have any tape which broadcast on Radio Freedom from Lusaka? -- No, I never had that one. I have never listened to Radio Freedom as such.

As a result of information that you gave to your legal representatives, was this EXHIBIT 25 brought to you whilst in prison? -- That is so.

Did you listen to it? -- That is so.

What do you say to His Lordship? Is it the same or is it different, the one that you played to IC.8? -- It is (30) identical/...

identical to the one which I played in the presence of IC.8.

A transcript has been prepared, My Lord. I have given a copy to My Learned Friends. I am asking Your Lordship to receive it subject to any corrections which My Learned Friends may want to draw attention to, as we did with the tapes of the State.

COURT : The number will be V28. Are you going to refer the witness to this transcript?

MR BIZOS : Yes.

COURT : But can you do that until there is an agreement (10) that it is correct?

MR BIZOS : We did that with the state documents. I read through it.

COURT : I cannot remember that we did it, but any way.

MR BIZOS : They were handed up, Your Lordship will recall and Your Lordship read them and we correct it. I have been through the tape. I have listened to the tape. I myself cannot give an assurance that I have checked it, but Your Lordship will see that it has been done by obviously a competent person and it appears to me to be correct. If there (20) are any mistakes, they will be corrected.

COURT : Well, let us do it in this way, otherwise we have a gap in the evidence of this witness.

MNR. JACOBS : Edele, kan ek net vir die Hof sê dat ons het al h V28. Die is daardie transkripsies van wat by Esau Raditsela gekry is. V28(i) en V28(ii).

HOF : Wat is V28?

MNR. JACOBS : V28(i) is h transkripsie van gebeure op BEWYS-STUK 35(1), Esau Raditsela se band op Radio Freedom en dan V28(ii) was h transkripsie van gebeure op BEWYSSTUK 35(2), (30)

h band/...

n band wat ook by Esau gekry is. Dit lyk vir my dit is liedjies. Aan die einde van die Staat se saak by wyse van erkenning is hulle ingesit.

HOF : Heeltemal reg. Op 22 Oktober is dit ingesit, 35(1) en (2) en V28(i) en (ii).

MR TIP : That is set out in AAS12 and V28(i) and (ii) were the numbers given to those transcripts.

HOF : Dit word dan verander. Hierdie transkripsie is dan V29.

MNR. JACOBS : Toe die band ingehandig is, as my geheue (10) korrek is, het ek gevra en ek het beswaar gemaak teen dit, op watter basis dit ingaan. Of die egtheid van daardie band bewys is. Die Staat het nog nooit n geleentheid gehad om hierdie band te kry om dit te laat toets op n osilloskoop en al daardie dinge nie. Dit was eintlik in werklikheid nog nie bewys gewees deur die verdediging nie. Hulle het net die band ingehandig die dag bloot aan die getuie en aan hom gestel en gespeel in die hof. Op daardie basis. Oor die egtheid van die band kan ons nie op hierdie stadium sê dit is eg nie, want ons het nog nie die geleentheid gehad om (20) dit te laat ondersoek nie.

HOF : Nee, dit is so, maar wat doen u aan die hand, wat doen ons nou met die voorgestelde prosedure?

MNR. JACOBS : Ek weet nie hoekom die Verdediging dit op hierdie manier probeer het, dat hulle nie, as hulle die band wou gehad het, die egtheid bewys het van hom nie en nou die situasie skep nie, want ons kan geen erkennings maak op hierdie band nie. Wat gaan gebeur as ons nou - want ons wil dit van die Hof vra, juis met die doel om dit na dr. Jansen toe te stuur om te kyk na die band en ons wil dit ook (30)

vergelyk/...

vergeelyk met die transkripsie. Die situasie is geskep deur die verdediging. n Mens sou verwag het dat hulle sou as hulle n bewysstuk inhandig, die egtheid daarvan bewys het.

MR BIZOS : I submit that the witness has on the evidence that he has given proved that this is a copy which is identical to that which he has played to IC.8 and on that basis alone the document is admissible. He said that the one that he actually played was sold by him. My Learned Friends are of course entitled to do all the tests that they want in relation to it, but it has been here for a very long time as an (10) exhibit and once they have seen the transcript and the evidence that it was broadcast on a peristatal broadcasting co-operation. There must be records there. There is internal evidence as to where it was broadcast from en enquiries can be made by the State as to what weight ... (Court intervenes)

COURT : There is of course no evidence that it is a peristatal radio station. I did not know that. You told me. I did not see you do that from the witness-box.

MR BIZOS : I say that there is internal evidence. Whether(20) it is peristatal or not, I do not want to enter into that conflict.

COURT : Any way I will admit this. I will note the objection of Mr Jacobs and he can raise the objection again at a later stage. In the meantime we will provisionally proceed on this basis.

MR BIZOS : May I just draw Your Lordship's attention because you say you heard me say it as to the origin. Your Lordship will see a telephone number which is given by the broadcasters on pages 12, 15 and 49 and also a box number on page 30, all(30)

Johannesburg/...

Johannesburg numbers and a Johannesburg address from where it was broadcast.

Do you know Mr Seth Cooper? -- Yes, I do know him.

Do you know Mr Libon Mabaso? -- Yes, I know him.

WITNESS STANDS DOWN.

COURT ADJOURNS. COURT RESUMES.

OUPA JOHN HLOMOMA, still under oath

FURTHER EXAMINATION BY MR BIZOS : Mr Hlomoka, have you heard them speak before October 1983? -- That is so.

And do you recognise their voices? -- Yes, I do. (10)

And do their voices appear on EXHIBIT 25? -- Yes, they do appear there.

You have already told His Lordship that you obtained the copy of the tape you got originally at a conference. Where was this conference? -- It was a council sitting in Cape Town.

Do you recall whether Mr Cooper and Mr Mabaso were there? -- Yes, they were both present.

And did they both held high office in AZAPO at that time? -- That is so.

As far as you were able to see, was the tape being sold(20) with their authority, with their consent? -- That is so.

And far as you were concerned, when you listened to the tape, did it represent the policy of these high officials in AZAPO? Sorry, can I change that. The views of these high officials in AZAPO? -- That is so.

And did you regard what they said as AZAPO's position on the matters on which they were talking? -- That is so.

It is common cause that October 1983 was the month before the referendum that was to be held on 2 November 1983. Did you regard it as a period of lively political discussion(30)

at/...

at the time? -- Yes.

EXHIBIT V29 which is a transcript of the interview of Cooper and Mabaso consists of a number of questions by persons named in this as Barry Lambert and Mike Hanner. We will prove that, their voices, in due course if need be. I want to read to you certain of the questions and some of the answers given by the leaders of AZAPO and then ask you a number of questions about that. I want to start at the bottom of page 4. M.H. for Mike Hanner. "Isn't this a stand that you can be given as just opting out of the question completely of(10) actually saying that well, we are not interested, we have got nothing to do with it and in fact keeping your options open." Seth Cooper says "Not at all. I think we view this entire manoeuvre of the president' council in the new constitutional dispensation as a very serious and direct threat to our whole organisational and philosophical position because of stood in the Black Consciousness movement for solidarity of all the Black people. No, what we are faced with here is politics of co-option. Politics of co-opting minority groups within the Black striving masses so that they become partners(20) in the rule and establishment in this country. We view this as a serious threat to our entire modus vivendi rational in this country because if the so-called Coloureds and the so-called Indians get completely absorbed in the president's council and the new constitutional dispensation it is going to mean that we re-analyse our entire philosophical basis. Therefore we view it as a very serious threat but coming to White politics and the White political arena, we do not address ourselves to White political questions generally, because our concerns are with Black people being the oppressed, the(30) exploited/...

exploited, the socially degraded in this country. We do not think and this will give you an indication of our thinking towards this referendum. We do not think that the ruling class is at all capable of ushering in change. They do not have inherent or explicit mechanisms or thinking that can bring in at all any type of meaningful change. The change that can be brought into this country to make this country part of the international community can only be brought about by the oppressed Black masses themselves, because they have within them the seeds of humanism which the ruling White(10) minority does not have and if you look at any piece of legislation in this country, the immorality of that type of legislation which has been carried further in the new constitutional dispensation Whites are responsible for and they are not in our view going to bring in any change that is going to destroy their minority monolithic position." Then he is asked another question "So what you are saying in fact is that the referendum is irrelevant?" "That is right" and then Mr Mabaso comes in. "May be, let me come in there. We do not want to create a problem like that which was (20) created at the beginning of the year when the Coloured Labour Party decided to go together with the government. There had been talks all around the country that the Coloured Labour Party had sold out and AZAPO is an organisation who refused to take that particular stand, that they had sold out, because all along their position was that of operating within the government created institutions and therefore, so far as we are concerned, it was not a matter of the Coloured Labour Party selling out. It was more express in what we in our organisation have always believed them to be. At the (30) present/...

present moment say AZAPO or our organisation stand up and say White people should not give a yes vote and the White people go and give a yes vote, we will be told then that Black people have failed, we will be told we have been sold out, but then the big question is, who has sold us out? We do not believe that White people in this country are going to sell us out or are capable of selling us out in that term because the whole political structure of this country as it is now is that the Whites have continued dominating our lives and have continued oppressing Black people and (10) therefore as much as it is relevant, it is only relevant as it pertains to the co-option of the oppressed people. Our message concerning the referendum we are calling for Black rejection of the referendum. Whatever happens within the White ruling party, it is material to a limited degree. So far as we are concerned, if we are to say anything to the White voters, all what they should do at all times is to act responsibly because we have experienced in Angola, Mozambique, Zimbabwe and we do not want a repeat in this country. AZAPO as an organisation, we have insisted that (20) we need just about everybody for the restructuring of this country and therefore we cannot go to the White people and say give a yes vote, give a no vote. We do not want them to please us. The only thing which normally pleases us if people act responsibly and the ball is definitely not in the Black organisation's court but in the White people's court." Then a further question is asked. "What would you describe as being a responsible result to the referendum? Would you say that the responsible result would be a majority yes or a majority no or in fact a majority abstention?" (30)

"Well/...

"Well, in the type of dilemma that this country faces itself in right now, one should imagine that a high abstention would be of some significance, but beyond that I would be loathed to go." Then I want to move on to the next question at the bottom of page 10. The question is "And yet, the possible participation of groups like the Coloured Labour Party and we do not know yet, but perhaps the South African Indian Council in the new structure after the referendum seem to widen the debate a little. It widens the debate from that purely White parliamentary nexus into an area albeit limited(10) of Black participation. Would you agree with that?" Then Mr Cooper replies "Well, look, the Coloured representative council has been here for some time. The South African Indian council has been around for some time. You have had various legislative assemblies representing the various homelands, they have been around for some time. You have had urban council, now called community councils. They have been there and they continue to be there. The degree of co-operation is increasing - the degree of co-option is increasing, but in the minds of the people they recognise really that (20) those representatives whether they are your Rajbansi's, your Hendriks's your Tebahali, are in fact collaborators, are in fact on the side of the oppressor, in their daily oppression and exploitation of themselves so that it may widen the debate in actual terms in that the constitution make provision for inclusion of minority groups, but people are not - Black people are not going to view them as legitimate representatives as this by no means implies any type of acceptance by the people." Let us pause there for a moment. When you heard this tape as a whole, did you realise from (30) country/...

country it has been broadcast from? -- Yes, I did.

Where from? -- In South Africa.

Did you know this later that people were actually asked to phone in and express their own views on the matter? -- That is so.

Please have a look at page 12. There is a telephone number given there (011) 726-6000. Do you know where in Southern Africa where you get through if you ring 011? -- Yes, that is Johannesburg.

You never got through to Lusaka? -- No. (10)

I have read you these passages - let us first of all get your own attitude. Did you yourself participate in the elections of town councillors in the Vaal in November 1983? -- No.

Did you take any steps to persuade your fellow citizens not to vote on those elections? -- Yes.

Having heard this broadcast apparently from Johannesburg did you think that there was anything wrong in adopting the stand that you did that you yourself did not vote and tried to persuade others not to vote? (20)

MNR. JACOBS : Mnr. Bizos sê "Having heard this broadcast from Johannesburg." Ek het verstaan hy het na die "tape " geluister en nie na die "broadcast" van Johannesburg nie.

COURT : Why do you not just ask the question did you think anything wrong and then ask him why? Why lead it on in this way?

MR BIZOS : Did you think that there was anything wrong with what you were doing? -- No.

COURT : What steps did you take to persuade others not to vote? -- We convened meetings. I spoke to many people (30)

during/...

during the day of the voting in which talks we were persuading the people not to take part and not to vote on this day of the elections.

MR BIZOS : The allegation in the indictment against you is that you did this as a result of you personally and your organisation AZAPO being in conspiracy with the African National Congress, the South African Communist Party and the UDF. What do you say to that allegation? -- I deny that.

The other question that I want to ask you is this. Did you notice whether the words such as "collaborator" "oppres-(10) sor", people having sold you out, were used by Mr Cooper and Mr Mabaso? -- Yes.

Did you yourself use these terms in relation to candidates that took part in the election in 1983? -- Yes, I did.

Did you think that there was anything wrong in that? -- No, I did not.

The words appearing on the tape and if it is proved that they were in fact broadcast by Capital Radio which has wide listenership, did it ever come to your notice whether or not Mr Cooper and Mr Mabaso were ever arrested for this call (20) on Capital Radio? -- No, they were not arrested.

COURT : Were they ever arrested for any cause? -- Does Your Lordship mean after the interview?

Well, from 1983 onwards, were they ever arrested? -- No, except for Seth Cooper who was detained in terms of Section 28.

MR BIZOS : Do you recall when that was? -- That was in 1984.

Have they both absented themselves completely from the audience in this court during 1985/86? -- No, they used to come here. (30)

You/...

You say that you went about telling people not to vote in the November election 1983 for town councillors. On the day of the election, what did you do? -- The nearest polling station from where I lived was the one at Kgotlo Tharu High School. I went to this polling station where I spoke to many people of whom the majority agreed with me and did not vote. Some did go and vote. There was no problem, that is any misunderstanding between me and the people there as a result of what I was saying, whether it being physical or oral. There was just no misunderstanding at all or confrontation(10) of some kind. I had some stickers put on there. That is at places near this particular school on which stickers a request was being made to the people not to vote. The message contained in these requests on the stickers was, the one I remember "Do not vote for apartheid. Do not vote for oppression. Black solidarity." Those are the wordings I remember which were contained on the stickers.

Was there a police presence at the time you were putting - at the time you were around and putting up these stickers or not? -- There were police patrolling in a van, which police(20) were passing there on intervals.

Were they able to see what you were busy doing? -- I should think so, yes, because they were moving slow and from the manner in which they were slow, they were able to see what I was doing.

Did any police officer or any official where the polling was taking place tell you that what you were doing was intimidation and unlawful? -- No, nobody ever approached me to say that.

Did anyone accuse you that the use of the words "Do (30)
not/...

not vote for apartheid. Do not vote for oppression" were offensive and were not to be used? -- No, nobody ever approached me about that.

What do you say to the allegation made by the State against you that your opposition to people participating in this election at the end of November 1983 was for the purpose of persuading people to take part in violence and to incite them for violent revolution? -- I deny that. That I deny. In support to my denial it was quite apparent during the year as early as 1981 when Mr Thabe who was a member of (10) this body of the council was talking ill about councils saying that they in the council are puppets, there was no revolution as a result of what he said. Secondly to be against the council system is not caused by things which originate from outside our lives. This is caused by what we as a community experience in life. Firstly, because of the fact that some of the people who were known to be serving within this council were in fact known to the people what kind of people they are. For instance I would make an example by mentioning Mr Matjila. Mr Matjila even before he was a council or a (20) member of the council was well-known in the community as a person who had a lot to do with bribes.

What was his position in the council in 1983? -- I do not know exactly what his position was, but he was serving in a committee which was allocating business sites.

I want to stop you there for a moment. The allegation against you is that you and/or AZAPO, you personally and/or AZAPO conspired with the UDF. What I want to ask you about that in relation to 1983 or indeed thereafter is, was there any co-operation between you as chairman of the Vaal AZAPO (30) committee/...

committee and the UDF? -- No, this does not in fact apply to the branch only. The whole AZAPO had no good working terms with the UDF.

Did your AZAPO committee co-operate with the VCA which was an affiliate of the UDF in the Vaal? -- There was no co-operation at all.

The allegation against you is that in the further particulars, there was co-operation or there was a conspiracy in high places, "hoë vlak" .. (Court intervenes)

COURT : At high level. (10)

MR BIZOS : At high level. Do you know of any such co-operation at high level?

COURT : Conspiracy or co-operation?

MR BIZOS : It is given as further particulars which will prove the conspiracy .. (Court intervenes)

COURT : Your question is, you first started off by saying a conspiracy and then you asked about co-operation. What do you want an answer on?

MR BIZOS : Do you know whether or not there was a conspiracy between the UDF and AZAPO to overthrow the State or to cause (20) revolution or violence in the Vaal? -- No, there is no such an agreement. In support to that I would like to mention the following examples. It was clear as early as 1983 when AZAPO was busy with a campaign in opposing the elections, where we agreed upon this. This agreement and the decision was taken by AZAPO alone. That was before the launch of the VCA. That is before the formation as such. We did not even know about the launching of the VCA. The meetings we held in order to carry out our decision on the campaign were never ever discussed with VCA. That is the example I would (30) like/...

like to mention to indicate that there was no co-operation at all between AZAPO and VCA in the Vaal.

I am reminded, My Lord, that the words in the further particulars are co-operation in relation to it. Now I want you to please look at page 35 of EXHIBIT V29. To put it in context. This was a program in which people could telephone and ask questions of the people in the program and a person who identifies himself as Jacob asks "I have just got two questions for the members of AZAPO there. What I want to ask simply is that the United Democratic Front has been (10) formed to unite all people against the constitutional proposals. The two questions that I have are simply why does AZAPO not join the UDF and secondly why have they criticised the UDF" and then there is something inaudible "to present a broad united front against the constitutional proposals." Mr Lampert says "Well, I think the man to answer that is definitely the president Libon Mabaso. In answering that question I will say presently in my desk at our office I have a letter from the UDF and therefore the information he is giving presently he is misinformed. The UDF/AZAPO (20) issue we will sort it out amongst ourselves. Does that help matters or have you got something else to put forward there, Jacob?" "Yes, just to follow up on the issue, when the United Democratic Front was formed AZAPO already (inaudible) against it claiming it to be a conglomeration of ethnic organisations and so forth. So this does not help clear matters as I would hope to, because already AZAPO has been criticising the UDF on some very incorrect grounds." Then Mr Cooper takes over. "If I may say, Mike, our position is a very principled one. We hold certain minimal (30) principles/...

principles around which we organise our struggle. Now the UDF has indeed certain groups that we are unhappy about. The UDF has spoken to us about this in order to clear up that bit of unhappiness and we are in the process of discussing with them. We would not like to prescribe to other groupings how they should proceed and how they should prosecute the struggle. The UDF is a legitimate exercise. It is a legitimate body and it has all the right in the world to choose how it is going to operate its modus operandi in this country just as we have chosen our particular part. (10) We do not believe in democracy as something we can pull out of a packet to brandish for media people or to brandish on a public platform. We believe in democratic processes during the struggle and this is the right of the UDF to decide it is going to work with NUSAS, it is going to work with the Black Sash, it is going to work with the sons of Oppenheimer to prosecute its struggle. We have the right to choose that we shall not work with certain people and that is something that is a democratic right and it is not merely a liberal right. We believe in certain principles and we are in the (20) process of discussing with the UDF right now. Some of those things which we believe can be sorted out."

COURT : Could we pause here. I would like to ask a question on clarity on policy from the witness. It would appear - the sons of Oppenheimer I know nothing about, but the Black Sash and NUSAS are organisations consisting either of Whites or mainly of Whites. Is that correct? -- That is so.

Is it then the policy of AZAPO that even if White people wanted to work for the same goal, that is liberation, whatever is meant by that, that you will not join them in the same (30) struggle/...

struggle? -- That is so.

And what is the reason? -- That is because in our involvement in achieving the changes in what we are aiming at and fighting for, we do not look at a particular side to say it is from this side that obstructs what our aim is and our achievement is. So, therefore we do not distinguish or point a finger to a particular side and say this side is the side which causes what we call a problem faced with us.

May be we have misunderstood each other. If I correctly interpret what Mr Cooper says here at the bottom of page 37(10) and top of page 38, it means that the major point of difference between the UDF and AZAPO was that the UDF welcomed White participation in the liberation struggle, whereas AZAPO did not. I understood you to agree with that? -- That is so.

Now I asked you for a reason. The reason does not seem to me to be clear. Could you just state the reason for that? -- The reason is that we are not seen as equals by the law with the Whites. For instance a White at birth has already some privileges in the eyes of the law, whereas with me there are no such privileges I have at birth. Now, what we say (20) is this. For us to be equal in this country, we have to participate in our different groups until to a point where we come to be equals while serving in the same different groups, because our not agreeing with a system, an existing system, we look at it in this way, that we only look at what affects us from that system and then face that. Facing it as a group of Black people, facing a problem which is there.

But is this not a form of apartheid in reverse? -- No, I do not agree with that. (30)

MR BIZOS/...

MR BIZOS : I will read on, because I think that Mr Cooper addresses himself to the question. Then the person referred to as Jacob said "Okay, Mike, I just want to end off with one statement and that is that unity is essential at this point in time. It means working with people that you may have certain disagreements with, but people that are generally concerned about the kind of issues that we are facing at this point of time and I would encourage AZAPO to seriously consider joining the UDF because at this point in time we can see that that is the only significant organisation in this (10) country that can represent all the oppressed Blacks." Then the editor Mr Hanner said "Thank you very much. Would you like to respond to that? The question again is one I think that is particularly interesting at the moment and that it is what does appear to be a clash, (I am never sure how to pronounce this word in English) a chasm between the national forum and with AZAPO" no I am sorry "between the national forum of which AZAPO is a founder and the United Democratic Front." Then Mr Cooper says ... (Court intervenes)

COURT : Could we just pause there and ask the witness, (20) is that statement correct? The national forum of which AZAPO is a founder? I thought the national forum came first and then AZAPO? -- As far as I know the convener of the national forum was Seth Cooper who is a member of AZAPO, which means then first comes AZAPO and then the national forum.

MR BIZOS : Then Mr Cooper says "We believe that you cannot get into any alliance without there being certain principles to them. Now we will find it very difficult to be part of an alliance that has plainly capitalist interests when we are opposed to the system of racist capitalism in this (30) country/...

country. Fine, there is a crisis right now being posed by the new constitutional dispensation, but it is not going to be a situation where this the last crisis facing people. There are going to be many crises in future and we do not believe in being situational bound. We do not believe in reacting merely to issues that crop up because we can bind ourselves then in the rut of being time bound and continuously harper back to programs, to documents of the past. We believe that there must be unity of the oppressed people. How do we define then Mrs Oppenheimer who is a (10) member of the Black Sash. Is she part of the oppressed? Definitely not. She herself will admit that she is not part of the oppressed people and we believe that traditionally fronts can be categorised into two. That is the popular front of which the United Democratic Front is an example where it organises everybody on a broad based opposition to a particular issue and then there is a united front based on certain principles. Now, a popular front like the UDF has certain historical antecedents. If you look even at the period leading up to the world war in Spain there was (20) a popular type of front and that led to chaos in Spain. It led to the fascist rule that came in Spain. In France (the typist has it as paternist, it must be Petain)Petainist sell-out. In France before the paternist sell-out you had the Blum government and the Blum government was based on a popular front idea. Popular fronts historically are doomed to failure. The Bolsheviks in Russia, then Soviet Russia, before it became the Soviet Union, tried that out and it failed and we believe that we should learn from history that we cannot work with sections of the oppressed(30)

or/...

or community. The exploited community. In mapping out a future for the oppressed people. There are lots of problems that oppressed people need to sort out before they can get into such alliances and basically my own position is that alliances are admissions of weaknesses. They are admissions that one cannot get ones message across at a grass root's level, that one has serious problems putting across one's particular positions to the man in the street and therefore you need an alliance in order to attend to a particular issue which issue becomes your organising point so that people (10) forget actually the principles on which you are based." Then Mr Hanner says "The most cutting criticism of the national forum and AZAPO that I have heard came in fact from a member of one of the groupings of the UDF which is basically what you have been arguing about all along, is that you are talking about a class based struggle for a start rather than any other form of struggle. The criticism was that AZAPO and the national forum as a grouping is arguing as against popular fronts. It is arguing that in the van (perhaps Your Lordship could just put a query there, (20) I do not know whether vanguard was intended.)"

COURT : Van would be correct. We could look it up.

MR BIZOS : "The van of the movement, the working must be the working class. The argument goes nobody appears to have told the worker about that that in fact what AZAPO is doing and the national forum is doing is exactly the same as any other popular front. It is a group of intellectually lead who is pushing the worker as being in the van of the struggle but is instead just perpetrating and contuining the popular movement. What do you say to that criticism?" "There are (30) very/...

very important things to look at when you talk about the national forum. To start with the national forum was supposed to facilitate the process of unity. The national forum was not a rally. It was a forum who brought together delegates from organisations to come together to sit down and discuss. We still recognise the fact that these delegates belong to particular organisations and that these people were given responsibility then to go back to those organisations. Sit down at the organisations, talk to their members and these included radio news which attended community organisations(10) and so on. And it would be unfortunate for people to say that the workers were not told as if the workers are different from Black people. There are a lot of people who were there, as much as some of them might have been intellectuals. Most of them were workers. It is very difficult for me in the given South African situation to say that there are workers completely cut from the Black population. So far as we are concerned, we believe that close to about 95% of the Black population belongs to the working class. In the process of selling their labour one way or another and(20) therefore I do not think that that criticism is very valid. I would also want to point out that when the concept of unity was first (we will try and work it out) had the UDF and AZAPO welcomed the concept of unity because we think that unity is very important, but at the same time, we have always said that we do not believe in unity for unity sake. If people want to go into unity, there should be things they agree upon, things which everybody becomes clear, that there may be uncompromises in myself so that we should not be at each other's throats tomorrow after achieving our (30) short/...

short term goals. So far as we are concerned we do not think that the criticism was very valid," and so it goes on. Is that how you understood the position in relation to AZAPO and UDF at the time? -- That is so.

COURT : Is AZAPO then a party, if I may call it a party, a movement for the workers against the capitalists? -- May I put it in a different way in answer to that question?

Yes? -- AZAPO is an organisation for Black membership. When we define who the Black people are, the definition is those people who do not have equal rights with the Whites.(10) Then we look at the cause of why are they are not having those rights. My understanding the thinking within AZAPO is that why it is then taken to be that a working person - or that AZAPO represents the workers, is because at birth with a Black person the chances of you not becoming a worker are not there. They are very limited. In fact they are just not there and therefore we take it that when one talks about workers, then this means Black people. In reply to His Lordship's question of saying AZAPO is but for the workers, against the capitalists, I am saying we believe that there(20) is some imbalance against the two not really calling the Whites capitalists, which imbalance is being caused by the laws which make the one class a higher class than the other class of people, meaning the Black people are a lower class and the Whites a higher class.

MR BIZOS : The fact that a section of the population was left out of this constitutional dispensation, the new dispensation as it was called, what affect did that have on you as an individual and as far as you know what was the attitude of AZAPO? -- I took it in two different ways. Firstly (30) that/...

that the government is dividing the Black people which Black people were defined by me just now, what I mean by Black people. Secondly, I took it that the government was but strengthening the oppressing side in the sense that if some people were being put in addition to the others against the others that means there is just no way in which it could be said that the government was prepared to work towards a balance.

Were the bodies that were to be elected in terms of this new dispensation regarded as representative of the (10) people that you say have not got rights? I am trying to use your terminology. You say that it is not on the basis of colour rather than the lack of rights.

COURT : The new dispensation can be wider or smaller. Do you mean the tri-cameral parliament?

MR BIZOS : The tri-cameral parliament. Was that going to be where the people that were to be elected in terms of the system, did you consider them as representative of those - of that portion of the South African population, that it did not have rights? -- No. (20)

I want you to please have a look at page 47 of the same EXHIBIT V29. It is again Mr Cooper who is speaking. "I think a no vote would mean a victory for the fringe element in White politics. It would mean a victory for a particular line pushed within the PFP as represented by Van Zyl Slabbert and I do not think that is a view that his constituency as a whole goes for. It will also mean a victory for the HNP, and Conservative Party fringe elements who are voting no, now that they are out of the nationalist party set up. So the government would probably go back to the drawing board(30) and/...

and look for other ways of making a new dispensation more acceptable to the electorate. I think one of the criticisms levelled by opposition parties in parliament has been that the so-called Africans have not been consulted or included and they base their entire rationale on that particular point. I think the whole point about Van Zyl Slabbert's rejection of the constitutional dispensation is that the Africans had no say in drawing it up and are not included. This is almost the basis of his argument. The other things like executive presidency and the possibility of ministry (10) dictatorship et cetera are more cherries on that particular cake. No, we view it as irrelevant, even if the so-called African people were consulted about the new constitutional dispensation. Right now it is purely a White effort that Rajbansi and Araja etc. have been included in the president's council and their opinions have been canvassed about the new dispensation, does not affect the bulk of so-called Indian people. The Hendrik's opinion is being got now does not affect the bulk of the so-called Coloured People. That Gatsha Buthelezi's opinion would be sought and Tebahali's (20) opinion would be sought, will not affect the bulk of the so-called African people." May I just pause there for a moment. I think everyone else has as yet been mentioned in these patches, except Mr Tebahali. Who was he at that time? -- He was the chairman of the community council in Soweto.

Then Mr Cooper goes on on page 48 "What was happening in this country is that the White ruling class must be prepared to relinquish its position of power and privilege in this country. When it indicates that willingness to (30)

relinquish/...

relinquish its position of power and privilege and indicates that it is now prepared for an entirely new order in this country based on universal principles so that this country can become once again part of the community of nations, that is when we can really begin to talk about constitutional change in this country. Until the White ruling class does decide to forego its power in this country, there can be no meaningful change and whether they include Buthelezi or Tebahali, or whoever in deciding on a new constitution, it is not going to affect the live of the man and woman in the(10) street." Did you regard this as an AZAPO policy standpoint at that time?

MNR. JACOBS : Mnr. Bizos, elkeen van hierdie vrae vra hy nog op 'n baie leidende manier. Kan hy dan nie vir die getuie vra wat is sy opinie daarvan en wat is AZAPO se opinie nie? Ek kan nie verstaan hoekom moet mnr. Bizos elke keer die antwoord gee in sy vraag en 'n leidende vraag stel nie. Ek maak beswaar teen die leidende wyse waarop die vrae gestel word.

MR BIZOS : I am quoting the high officers in his organisation. He has already said ... (Court intervenes) (20)

COURT : Well, it is still subject to cross-examination whether this tape is genuine.

MR BIZOS : Well I wish My Learned Friend the best of British luck if they try and prove that it is not. Did you regard this to be AZAPO policy or not AZAPO policy? That would be less objectionable. -- I took it to be the policy of AZAPO.

We have had occasion to use the expression of the boycott politics. I want you to please have a look at page 52 of EXHIBIT V29. Mr Hanner says "Well, Seth Cooper, Libon Mabaso, thank you very much for coming in this morning and(30)

tomorrow/...

tomorrow we will have Dennis Beckett, editor of Front Line Magazine. He will be arguing for a spoiled paper. So far the great constitution debate we have had the leader of the opposition, Frederick Van Zyl Slabbert, calling strongly for a no vote, AZAPO national forum put in their case that the referendum is in fact irrelevant and just asking those who are voting in it to do so responsibly or act responsibly. Tomorrow we will have Dennis Beckett of Front Line Magazine calling for a spoiled paper saying that the only option open to people who are voting in this referendum is in fact (10) a spoiled paper. The day after that is Dr Connie Mulder of the Conservative Party. Next week we have lined up for Bishop Desmond Tutu of the South African Council of Churches and on Tuesday we will have Jaap Marais of the Herstigte Nasionale Party on the Thursday." Did you hear on this tape EXHIBIT 25 that a wide broadcast was made of the position of Mr Beckett that people should go and spoil their papers? -- That is so.

Did this give you an indication in October 1983 that you were not permitted to call up on people not to vote (20) in the community council elections?

MNR. JACOBS : Dit is weer n duidelik leidende vraag wat gestel word en ek maak beswaar.

MR BIZOS : He can say no.

COURT : On all leading questions one can always say yes or no. That is not the point. The point is whether you lead up to the no or yes.

MR BIZOS : I will put it in another way. Did this have any affect on you to the legality or illegality of your call that people should not vote in the November 1983 town(30) council/...

council elections? -- No, what occurred to me was that it is a common thing and accepted by the law that one can tell people not to vote or not to take part in any voting.

Although there has been no evidence led in relation to this, I want to ask you some questions, because IC.8 may have touched on an aspect on it and I would like to put it clearly before His Lordship. You have already told us something about the commemoration service to mark the death of the late Steve Biko on 12 September 1983? -- That is so.

In paragraph 73(3)(ii) it is alleged that in the (10) address that is alleged to have been read on your behalf by IC.8 you said that there was an identity of aims between AZAPO and the PAC, that this was read out on your behalf by - this is what it alleges, that it was read out on your behalf, your address read out by IC.8. You have already told us that no address of yours was read out. -- That is so.

Did you at that commemoration service or at any other place say that there was an identity of the aims or the PAC and AZAPO had similar aims? Did you ever say that? -- I have never said so and I would not have said that, because I do (20) not know the aims of the PAC.

In relation to the elections that were held in 1983 did you attend any meetings or become aware of any promises made by candidates for the elections? -- No, I did not attend meetings, but I did have a discussion with one of the candidates.

Who? -- A Mr Ntima who used to live in Zone 3.

What was the discussion about? -- In fact the discussion was about me asking him that I heard that he was a candidate for elections and wanted to know from him what does he (30)

think/...

think of what help is he going to be by having accepted to be elected within the body which was being formed by those who will be elected.

COURT : Was he in fact elected? -- No, he was not.

Would it then help to give us this evidence as an election promise?

MR BIZOS : I will leave it there. The Koornhof bills, when did you hear about that? -- If my memory serves me well I heard about that for the first time during the year 1982. I did not take it serious until such a time when it was (10) being frequently discussed during the year 1983. It is only then that I took more interest in that.

COURT : What is your understanding of the Koornhof bills? -- This means it is entailing three kinds of laws which were being proposed, I do not know whether by Dr Piet Koornhof or by whom. Namely Black Local Authorities Act, Black Community's Development Bill, Orderly movement and settlement of Black Persons Bill.

MR BIZOS : What did you understand, how would that affect your life and the life of those living near you? What did (20) you understand? -- These were laws which were no good at all, because they were in fact strengthening the discrimination of people, there were those who were going to be called urban people and those who would belong to the homelands. In fact briefly one would say it was strongly enforcing influx control.

Of which you had personal experience as you have described yesterday having worked as a clerk in the department? -- That is so.

Did you form any personal view as to whether these (30) bills/...

bills should be supported or opposed? -- I formed my opinion, that being that the laws must be opposed.

COURT : I believe at some stage some of these bills were dropped. Which were dropped? -- Only one. I do not know whether to say it was dropped. What I know is, it was not put in effect. That is the orderly movement.

MR BIZOS : Did your committee in the Vaal adopt an attitude to these bills? -- Yes, at a meeting which was held by us I think on 2 October, that is prior to my going to Cape Town, where the new committee was elected, we took a (10) decision there that we are going to hold meetings which meetings will invite the residents at which meetings we were going to discuss participation in the forthcoming elections. In other words, that means we were going to take a campaign to boycott the elections.

Was this decision of yours taken before or after 9 October which we know to be the date of the launch of the VCA? -- Yes, as I say this decision was taken at a meeting of the 2nd.

ASSESSOR(MR KRUGEL) : The 2nd when? -- 2nd October 1983.(20)

MR BIZOS : Was this before or after you went to Cape Town? -- Before I went to Cape Town.

What did you go to Cape Town for? -- I was attending the national council of AZAPO.

Were these bills discussed at the national council? -- Not really discussed in the sense of discussing it as an issue, but what happens at that council is that the branches bring their progress of what they have been doing at their different branches to the council and therefore the branches submitted their suggestions what they intended doing about(30)

the/...

the bills to the council at different areas.

Did you report your decision in the Vaal to the council?

-- That is so.

Were you criticised for it or was it well received? --

It was not criticised.

What do you say to the allegation made by the State that your decision was in furtherance of the UDF campaign against these bills? -- I deny that.

WITNESS STANDS DOWN.

COURT ADJOURNS. COURT RESUMES. (10)

OUPA JOHN HLOMOKA, still under oath

MR BIZOS : My Lord, accused nos. 5 and 17 came in shortly after the commencement this morning because their appointment was for now. They were here before the adjournment but they are now absent. They have left now.

FURTHER EXAMINATION BY MR BIZOS : In 1983 did your committee hold public meetings in relation to the council elections?
-- That is so.

In view of the absence of any evidence by the State, I am not going to ask you for any details in relation to (20) these meetings, but I merely want to ask you this. Were they meetings which were in conjunction with or independent of the VCA? -- They were independent from the VCA.

Again I do not want to ask you any details, but general questions. This new system of town councillors, was it viewed as being any different to the community councils that you had up to then? -- No, it was not viewed different from the community councillors.

The general reputation of the community councillors, was it good or bad in the community that you were living in? (30)

It/...

-- It was bad.

The reputation of the community councillors and town councillors is dealt with by Professor Van der Walt in his report which is an exhibit before the court. Although this was published after your arrest, you have read it now that you have been in custody? -- Yes, I have.

Do you agree with Professor Van der Walt's conclusion in relation to the reputation of the councillors in your community? -- Yes, I agree with that.

What was your committee doing from December 1983 to (10) about June/July 1984 in the Vaal Triangle? -- We were busy extending our membership. We did not have much to do except that we were concentrating on getting more membership and holding commemoration services.

Is that on 21 ... (Court intervenes)

COURT : That is on your four dates? -- That is so.

MR BIZOS : It would have been two of the four during this period. I want you to please have a look at EXHIBIT AAQ21. It is headed "500 workers transferred to staff of Lekoa Council." (20)

COURT : Is it 500 workers or 1,500 workers?

MR BIZOS : Is it 1,500? Did you see that - do you recall whether you saw that at all? -- No, I do not recall reading this.

When did you become aware for the first time of the proposed increase of rental increase? -- I became aware for the first time when I received a notice, that was in August. 1984? -- 1984.

It is common cause that you yourself did not think that this increase should not take place and you spoke at a number (30)

of/...

of meetings. Before I deal with those details, what do you say to the allegation that you were in conspiracy with the VCA to oppose the increase in rentals in order to cause uprising riots in the Vaal by taking part in this action? -- I deny that.

You are also alleged to have been in conspiracy in relation to that with among others COSAS and IC.8 mentioned that there was some talk at one of your meetings about this co-operation. Was there any talk at any of your meetings co-operating with VCA or COSAS in relation to the rent increase? -- (10) At no stage did we ever discuss the co-operation between VCA and COSAS and ourselves. What I know is, there was a very bad relationship between COSAS and AZAPO in the Vaal.

Are we speaking about mid 1984? -- That is so.

Why do you say that there was not a good relationship? What happened? -- We had a commemoration service at the Roman Catholic Church Small Farms Evaton. I had booked the hall of the Roman Catholic Church Small Farms on behalf of AZAPO. On the day of the service, which was the 16th, on my arrival at this venue, I discovered that there were some (20) notices put against walls of the premises, on which notices it was being said that this service has been moved from there to Zone 13 Anglican Church. On arrival there when I saw this I was surprised as a result of which I made enquiries from the caretaker about what has happened, whether he decided to change his mind about the service, on which he said "No, as far as I know this hall is booked for you people to use for this day" meaning AZAPO, as a result of which then I went back to remove the notices. While I was busy removing the notices some youth clad in COSAS T-shirts came and (30) questioned/...

questioned me as to why I was removing the notices because the service is going to be held in Zone 13, on which I said to them "Look, we are the people who organised this service. The service is still going to be held here. It has not been transferred." They were not happy about that statement that I mentioned to them. Then they called me a person who is busy separating the people. Separating them in the sense that he meant that I was dividing the people because the people were also supposed to be going to Zone 13 and I am saying some people must remain here. (10)

We will try and cut this short. Who was conducting the service at Zone 13? -- I heard from those that approached me that COSAS was in charge of the service there.

Were any attempts made to try and get the AZAPO supporters back to Small Farms? -- Yes. I did that by sending two people to go and get our followers from there to come back. That is sending them to Zone 13 to tell our followers to return to Small Farms.

Did that person succeed? Did you get your followers? -- They came back with a few and they made a report to me (20) reporting to me that there was merely a serious problem there because they were being accused themselves that they are dividing the people.

MNR. JACOBS : Ek wil versoek dat daardie hoorsê getuienis nie so gelei word nie. Elke keer gee hy die getuienis van die "report back" en wat ander mense sê. Ek maak beswaar teen die hoorsê getuienis.

MR BIZOS : It is not well-founded. The State allegation is that there was a conspiracy between these two organisations. The state of mind - I thought that My Learned (30)

Friend/...

Friend had finished or does he want to address Your Lordship before I reply?

HOF : Wag nou maar eers, mnr. Jacobs. Ek sal u nog 'n kans gee.

MR BIZOS : The state of mind of the witness as to what the association between AZAPO and COSAS was in the Vaal, I can lead hearsay in order to prove what was operating on his mind. That is the only purpose for which I am leading it.

MNR. JACOBS : My submissie aan u is dat alleen kan dit gelei word - ek glo nie dit kan gelei word vir "state of mind" (10) nie, maar as dit aangebied word net dat so iets gesê was, maar nie vir die waarheid daarvan nie. As dit aangebied word vir die waarheid van wat daardie mense kom rapporteer het, dan is dit hoorsê getuienis en as dit geargumenteer word dat dit is samesweerders, dit is nie uitvoerende getuienis, "executive statements" wat hier gekom het nie. Dit is "narrative" baie duidelik.

HOF : Die vraag word toegelaat.

MR BIZOS : What report did you get? -- The report I got is that there was nearly a serious incident there because (20) of their being accused of dividing the people. So, the talking was not in a good spirit in the approach.

COURT : Was this the first time that there had been held two commemorative services on the same day by two organisations? -- No.

How long had this been happening? -- According to my knowledge whenever there was a commemoration service organised by COSAS in Sebokeng then we would go to Sharpeville or alternatively, if they are holding it in Zone 12, then we will go to Small Farms. (30)

MR BIZOS/...

MR BIZOS : Had this unhappy relationship between AZAPO and COSAS that you described on 16 June 1984 being ironed out or changed by the beginning of August 1984 when you heard about the rent increase? -- No.

When you heard about the proposed rent increase in the beginning of August, did you discuss it in your committee in AZAPO in the Vaal? -- Not as a committee holding a meeting, no, but I did have a discussion with different members. I discussed this with my members there after having seen a newspaper report in which it was said that a meeting was (10) held on the 12th in Sharpeville.

COURT : 12th of August? -- That is so.

By whom? -- By the anti-rent hike committee.

MR BIZOS : You say that you read in the newspaper report that there was a meeting on the 12th Sharpeville? -- That is so.

Did it come to your notice whether or not further meetings were going to be held at Sharpeville? -- That is so. In this same report it was being said that there was a meeting still to be held. (20)

COURT : At Sharpeville? -- That is so.

MR BIZOS : On any particular date? -- I do not quite remember whether there was a specific date mentioned in that report, but if I am not mistaken what was being said in this report was that there was going to be another meeting held this coming weekend, which weekend was the 26th. When I made of the 26th it was a mistake. I did not mean to say the 26th. The following weekend, which weekend was the 19th.

Did either you personally have anything to do with the calling of the meeting in Sharpeville on the 12th? -- No. (30)

Did/...

Did you in your capacity as the chairman of AZAPO have anything to do with the calling of the meeting of the 12th? -- No.

Did you have anything to do with the calling or the arrangements for the meeting of the 19th of August at Sharpeville either in your personal capacity or in your capacity as chairman of AZAPO in the Vaal? -- No.

Having seen this newspaper report in relation to the meeting of the 12th and the meeting of the 19th that was to be held, did you decided to do anything yourself? -- That(10) I will attend that meeting and contribute towards the discussions which would be held.

COURT : As a speaker or just from the floor? -- From the audience.

MR BIZOS : Were you specially invited to go to this meeting of the 19th? -- No, I was not invited.

Did you know where the meeting of the 12th had been held and where the meeting of the 19th would be held? -- Yes, from what I read in this newspaper report I came to know that the meeting of the 12th was held at St Cyprians Anglican Church in Sharpeville, which was also said that the meeting (20) to be held on the 19th was also going to be at the same venue.

I want you to have a look at a report of 16 August 1984 in the Rand Daily Mail. Is this the report that you saw? -- That is so.

That would be DA10. It is the Rand Daily Mail of 16/8/84 and the headline is "Sharpeville call for rent protest. The anti-rent committee of Sharpeville has called on residents to sign a petition in protest to the new R5,90 increase.(30)

This/...

This will be handed to the town council. Reverend Tebogo Moselane the acting chairman of the committee, also reminded the residents of the meeting to be held at the St Cyprians Anglican Church in Sharpeville this Sunday at 2 p.m. This will be a follow up to the meeting held last Sunday at which two hundred residents in attendance rejected the increase. The residents called on the council to resign, saying that the rent increase would affect the many unemployed who was struggling to pay their rents. Those at the meeting accused the councillors of not catering for pensioners, for they (10) were paying the same rent as the others. They also said that the residents were almost put out of pocket by the high monthly electricity bills and made an accusation that the meters were not read when accounts were considered. The councillors were also accused of increasing the rents in order to be paid their allowances. Those at the meeting also wanted to know what had happened to the funds the councillors collected after selling a few bottle-stores. The committee announced that the petition papers would be distributed throughout the township and should be signed (20) and sent back as soon as possible in order to be submitted to the Lekoa Town Council before September 1, the date of the new rent implementation. Reverend Moselane said the residents were willing to pay the R62,00 but not the R5,90 increase." Is this the newspaper report that you saw? -- That is so.

And as a result of that, did you decide to attend the meeting of the 19th? -- That is so.

You told us that there was no committee meeting. Did you go there as a duly authorised representative of AZAPO (30)

or/...

or did you go there just as yourself? -- I just went there on my own without being sent by AZAPO.

It is alleged against you in paragraph 73 of the indictment that you went to this meeting in furtherance of a conspiracy between the ANC, the SACP and the UDF. What do you say to that allegation? -- I deny that, because my having gone there was as a result of what I read in this paper.

Furthermore it is alleged in the indictment that the reason why you went to this meeting was to "politically (10) incite, indoctrinate or intimidate people to get rid of the local structures of authority and property and councillors by violence."-- I deny that. I went there knowing that what was going to be discussed there was in relation to the increase in rent which increase was an amount of R5,90.

According to the newspaper report the meeting of the 12th was concerned itself with a petition to be presented before 1 September and that a further meeting would be held on the 19th. Did you see anything wrong in going to this meeting as a resident of the Vaal Triangle? -- That is so. (20)
ASSESSOR(MR KRUGEL): What do you say, did you go there because you thought something was wrong in going there? -- No.

MR BIZOS : You notice there that there is a mention - sorry, you notice in DA10 that there is mention there of a committee? -- Yes, a committee called Anti-Rent Committee.

Did you either personally or in your capacity as a member of AZAPO had anything to do with the committee? -- No. As I say according to the report this committee was holding a meeting the previous week, which meeting I did not know about and therefore I could not have been party to anything (30)
concerning/...

concerning that committee.

You also saw the name of the Reverend Moselane mentioned, that is accused no. 3 before the Court. You have already told us that he was not a member of AZAPO? -- That is so.

Did you know the Reverend Moselane? -- Yes, I knew him.

And he is described as the acting chairman of this Anti-Rent Committee. Did you have any other information in relation to this committee and the Reverend Moselane other than what appeared in this newspaper report? -- (10) No, I had no other information except from what I read in this newspaper report.

Did you go to Sharpeville on 19 August 1984? -- Yes, that is true, I did.

Did you go straight to the church? -- No, I first went to the house of Reverend Moselane.

Why did you do that? -- I went there because I knew him. Secondly this meeting was going to be held at his church building. Because of the fact that it was still early for the meeting, it then occurred in my mind that (20) I better go and see him first. That is why I started at his place.

When you got there, did you see the Reverend Moselane?

K698 -- That is so.

Can you recall the time more or less when you got there? -- Not quite but it was just a short time before the time for the meeting to start.

COURT : Does he live next to his church? -- That is so.

MR BIZOS : Other than members of his family, did you see anyone else there? -- Yes, on my arrival there I found (30)

Tom/...

Tom Manthata, accused no. 16, there and some people who were at that time not known to me who later became known to me as Peter Hlubi and Nozipo Myeza.

Anyone else? -- And the former accused no. 4 in this case, Lazarus More. Besides that there were other people who were moving in the house there. They appeared to me to be members of the church.

How long did you stay there before you went to the church? -- A very short time, because I cannot remember anything else happening except meeting the people there. (10) I cannot remember having had any other discussion.

Was there not an August meeting as to what was going to be said at the meeting? -- No.

Was there a time for partaking of refreshments? -- No, there was no time because it was just about time for the meeting to start.

Did you make your way to the church alone? -- No.

How did you go from the house to the church? In whose company did you go? -- We left together with the people I have just mentioned, Mr Manthata, Reverend Moselane, (20) Lazarus More, Nozipo Myeza and Peter Hlubi.

As you were walking towards the church, do you know whether accused no. 4 accompanied you right into the church or not? -- No, I noticed that he returned to the house, running in the direction of the house in fact. Getting back to the house.

COURT : Accused no. 17 is back.

MR BIZOS : Did you notice any vehicle in the immediate vicinity of the church as you were going along? -- That is correct. (30)

COURT : Accused no. 5 is back.

MR BIZOS/...

MR BIZOS : What did you notice? -- I noticed two vehicles which I recognised to be the police vehicles, a Colt beige in colour with tinted windows and a long aerial at the back. And a Ford Cortina blue in colour. When the two vehicles passed Nozipo Myeza made the following report to me saying here are the police vehicles, they are already here.

Did you recognise the vehicles? -- That is so.

As what? -- I recognised these vehicles because they were vehicles which I knew to be driven by Warrant Officer Mohage or Detective Sergeant Mpondo, both of the security(10) police. These are vehicles which I used to see at the places where we held our meetings moving in the vicinity outside there.

How far is the church from the police station? -- It is quite near. I doubt really if the distance between the two could be more than 100 metres.

You have heard evidence in this case that the police recorded the proceedings at meetings by means of transmitters and recorders which are placed in the meeting place secretly and recorded in a motor-car nearby. Was this procedure (20) known to you before you became an accused in this case and before this evidence was given? -- I knew about that procedure. I used to see it being mentioned in the newspapers on reports about cases, although I do not have a personal experience of that.

When there was this discussion or this mention by Myeza about the police are here again, was this within the hearing or not of accused no. 16, Mr Tom Manthata? -- We were moving there together. I do not think there is anybody of those who were moving with us there who did not hear that. (30)

When/...

When you arrived there, the group that arrived there at the church, do you recall whether the church was open or whether it was closed? -- The church building was closed.

Were there any people in the, near the main entrance of the church? -- Yes, that is so. There were people in the yard of the church premises and also in the vicinity of the entrance.

How many more or less will you say were there in the court-yard outside the church when you arrived there to open the door? -- Hundred plus. (10)

When the door was opened, did you go in or did the people go in or did some of the people go in and did you follow some people? What happened? -- What happened is that when Reverend Moselane opened the door, there were people in the vicinity of the door. Immediately when he opened those nearby the entrance, that is the door itself, walked in and we also followed them. The people who were also present in the court-yard followed into the building.

Could you give His Lordship some idea of the age group of the majority of the people there waiting to enter the (20) church? -- There were elderly people there, grown-up people. The majority of them was in that age of about 50 plus.

Is Sharpeville predominantly - does it consist predominantly of older or younger people? Do you know? -- I do not have that knowledge but what I can tell the Court is that Sharpeville is an old township. There are no new houses that are being built there, as a result new couples who are recently married whenever they are being allocated houses this will be in Sebokeng.

As you were approaching the church did you see any banners or placards outside the church? -- No, I did not. There (30)

was/...

was none.

Did you see anyone handing out pamphlets or notices or hand bills? -- No, there was not.

Do you know Sergeant Koaho? -- Yes, I do.

Did you see him there? -- Yes, I did.

Where did you know Sergeant Koaho from? - He was at some stage at my home, accompanied by other members of the police.

What branch of the South African Police was Sergeant Koaho attached to at the time? -- Security branch. (10)

Did you as chairman of AZAPO from time to time receive visitors from the security police? -- That is so.

When did you notice Sergeant Koaho there? -- While we were seated inside before the start of the meeting.

He told His Lordship in evidence that he was accompanied by a person who is referred to in the record as IC.9. Did you know IC.9? -- No, I did not.

He also said that he was accompanied by one Letsele, if my memory serves me correctly. Did you know Letsele? -- No, I did not. (20)

When you entered the hall what do you say to the evidence that the hall was already packed with people who stood up as you and the others went down the lane in procession and shouted slogans and applauded and were excited by your collective entry? What do you say to that? -- That is not the truth.

You told us that you know Sergeant Koaho. Did you keep this special knowledge of Sergeant Koaho to yourself or not? -- No, I made a note which I sent to Reverend Moselane, which note, after reading it, Reverend Moselane passed it (30)

over/...

over to Tom Manthata.

COURT : I think we must call them by the numbers.

MR BIZOS : You sent it to no. 3 and he sent it over to no. 16? -- That is so.

Where were you sitting when you entered? Where did you go and sit? -- I was seated amongst the people there, the listeners, although I had taken the position more to the front.

Did you see any banners or placards inside the church? -- When we entered the hall there, I did not see anything. (10) I did not notice anything like that. That is a banner or a placard but while being there I just cannot recall at what stage was this when I noticed a banner written "Arina Tjelete Asinamali."

Was there a banner saying "Away with councillors. No more rent hikes"? -- No, there was no such a banner there. The only banner which was there, was the one, which was the only one I have just mentioned.

Did you notice whether or not any newspaper men or women had come to this meeting to do their work? -- Yes, I (20) noticed the two gentleman, Joshua Raboroka and Ernest Nkabinde.

You know of course that the State witnesses said that there were straight forward calls for violence against councillors at this meeting? -- No, that is not true. All of it is not true.

Did you read the newspaper reports that appeared shortly after the 19th? -- That is so.

COURT : Do you mean shortly after the 19th they were read at any stage? (30)

MR BIZOS/...

MR BIZOS : No, shortly after the - did you read these reports shortly after the 19th? -- That is so.

I want you to please have a look at AAQ6 and 7. Just identify them. Did you see those newspaper reports? -- Yes, the first one AAQ6 I saw.

Please look at AAQ7? -- I saw this one as well, that is AAQ7.

At the time that you read them, what was your memory, did they reflect what had been said at the meeting? -- Yes, at the time when I read these reports it was still fresh(10) in my mind, that is what was discussed. I found these reports to be reflecting the correct versions. Except with the report in the Sowetan. There were a number of places where I did not totally agree with what it contained.

I want to read AAQ6 to you and ask you a number of questions. It is a report of the Rand Daily Mail or 21 August 1984 written by Ernest Nkabinde. It says "About 800 Sharpeville residents who packed St Cyprians Anglican Church at the weekend, resolved not to pay the new increased rent of R5,90 on September the 1st." Do you agree with the contents(20) of that paragraph? -- Yes.

What do you say about the estimate of the amount of people there? -- I also estimate the people present there to be about eight hundred.

"This decision was taken at the public meeting called by the Anti-Rent Committee." --That is so.

"Reverend Tebogo Moselane, the chairman of the committee said that the government had introduced a 99 year leasehold scheme so that the residents would buy their houses. Most people could not afford to buy their houses, he said and (30)

therefore/...

therefore could not pay the rent increase." Do you remember accused no. 3 saying that? -- No, I do not remember that.

At the time that you read the report, did it strike you that it was in accordance with what you heard or not?

-- Yes, what I did was, I accepted this to have been a reporter's mistake.

COURT : What do you mean? What was the mistake? -- What I mean is that I cannot recall a mention being made of the 99 year lease at this meeting I attended. Now, the mistake there what I am referring to is, it could be that this (10) was mentioned at the previous meeting. Now he is confusing the facts of the previous meeting with this meeting. That is the mistake I am talking about.

MR BIZOS : Let us take the next paragraph. "He said that the people most affected by the rent increase would be pensioners." Do you recall him saying that? -- I remember such a talk being mentioned there by someone. Now, I just cannot recall whether this was accused no. 3 or somebody else at this meeting.

"Reverend Moselane said that the worst part about the (20) increase was that people in arrears over rent will either be evicted or locked out of their homes." -- The same applies to that. I do remember it being mentioned, but what I cannot remember is who was saying that.

"He also alleged that councillors were unfair to the township people as they have bought businesses for their own profit." -- I remember that being mentioned, but I cannot recall that it was said by the people on the stage. I remember it being said from the audience.

COURT : Not by accused no. 3? -- That is what I am (30) saying/...

saying.

MR BIZOS : "Mr Tom Manthata, the secretary of the Soweto Civic Association said that if residents were unhappy with their councillors they could re-elect others." Do you recall that? -- That is so.

"In some areas the rents have been suspended because of the reaction of the people and if you do not object the rents will remain, he said". -- I do remember him mentioning something in that line, but I do not remember exactly him putting it the way it is being put there. I can say that(10) he did say something to that effect, but not in those words.

Then it said "Mr Oupa Hlomoka of the Vaal Triangle Azanian People's Organisation said the residents should protest against the new rents and call for a boycott of shops and garages owned by the councillors"? -- Yes, I do remember myself saying that.

"He petitioned the councillors to resign from office and said he was aware that some people would pay the increased rent for fear of being either evicted or locked up"? -- Tes, I do. (20)

In addition to what appears in the newspaper here and what you have told us, how did this meeting start? -- A hymn Riaboka Morena was sung at the beginning of the meeting.

We have had evidence that that is a hymn in the proper sense of the word, a prayer? -- That is so.

In addition to the hymn, was there a prayer? -- Yes, there was a prayer.

Who delivered the prayer or made the prayer? -- Accused no.3.

Who would you say was the chairman of the meeting? --(30)

Peter/...

Peter Hlubi. According to my judgment he was being assisted by accused no. 3.

What sort of assistance did accused no. 3 give Mr Peter Hlubi? -- I remember Mr Hlubi not being able to introduce accused no. 16. In other words, by that I mean he, Hlubi, did not know the background of accused no. 16. Then accused no. 3 assisted on that.

You have told us what the age group of the people predominantly was of those that were outside. Once everybody had come into the hall, what was your overall impression?(10) What sort of people were there? --The majority of the people present there were the elderly people.

WITNESS STANDS DOWN.

COURT ADJOURNS TILL 18 MAY 1987.