

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

Ass

SAAKNOMMER: CC 482/85

DELMAS

1987-05-18

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

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COURT RESUMES ON 18 MAY 1987.

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

MR BIZOS : All the accused are before Your Lordship this morning, except Your Lordship may remember that an appointment has been made for Mr Malindi for later in the day, accused no. 5.

FURTHER EXAMINATION BY MR BIZOS : Mr Hlomoka, we were dealing with EXHIBITS AAQ6 and 7 on Friday. Will you now please have a look at AAQ7. It is an article from the Sowetan, Tuesday, August, the 21st 1984 and the heading "1,500 residents (10) resolve not to pay and rent anger in Sharpeville." I want to take you through this for your comments. "More than 1,500 angry Sharpeville residents have resolved not to pay new house rent and service charges, increases to be introduced by the Lekoa Town Council as from September, the 1st." Firstly, what do you say about the number of people present? -- The figure there is too high. I would estimate it between 800 and a thousand people.

And what do you say about the use of the word "angry Sharpeville residents"? -- It may be true that they were (20) angry because a number of people there indicated their dissatisfaction about the increase.

Then we will take the next paragraph. "The resolution was taken at an emotionally charged meeting held at St Cyprians Church at the weekend when residents also called for the boycott of shops and other concerns owned by councillors whom they asked to resign." What do you say about the "emotionally charged meeting"? -- I do not differ with this interpretation of the meeting in that sense that he puts it.

What would you say the emotion was? -- I would say they (30) were/...

were not happy about the increase on rent. Therefore they had an emotion.

Was there - we will deal with it in greater detail later - a decision about the payment of rent and the boycott of shops and the call for the resignation of councillors?

COURT : Mr Bizos, I have some difficulty with the method of presentation of this evidence. Why do you not ask the witness what was the feeling of the people at the meeting and he could say they were calm or angry and then you could go on. Why do we have to have a running commentary on a news-(10) paper report? What is the purpose of it ?

MR BIZOS : I would adopt Your Lordship's view. The witness said he saw it shortly afterwards and that it was substantially correct.

COURT : Even on that basis I have some difficulty with that. If the witness himself made a statement a month afterwards or two days afterwards, he would not have been allowed to refer to the statement in court and then give his evidence and read the statement. So, nobody else has made a statement. On what basis is he entitled to refer to it? (20)

MR BIZOS : I will take Your Lordship's suggestion and return to straight narrative in order to expedite matters.

As far as you were concerned, put that aside for the time being, were there any people there from the United Democratic Front? --People like Nozipo Myeza were not known to me. Therefore I am not in a position to say that at that time there were people from the United Democratic Front or not.

Other than yourself who is from AZAPO, did you see any other people from AZAPO there? -- No. (30)

Did/...

Did you see accused no. 1, Mr Baleka, there? -- Yes, I did see him there.

Was there any talk as to where he came from? -- Yes, that is from AZANYO.

COURT : Did he say so? -- No, the chairman, Peter Hlubi, said that.

MR BIZOS : Once we have had this evidence of accused no. 1 coming from AZANYO, what do you know about AZANYO? -- I know AZANYO to be an Africanist organisation.

COURT : What does that mean? -- That means it believes in(10) the uniting of Africans.

Does it mean that you unite Egypt with South Africa or what do you mean by unity of the Africans? -- I understand it to be that starting from South Africa their goal which they want to achieve is to unite the whole of Africa.

As one big country? -- That is my knowledge.

Like Cecil John Rhodes? -- May be. I do not know.

MR BIZOS : What about on the local level? What did you know about AZANYO's membership? Was it open to everybody or not? -- I know it to be restricted for Africans only, strictly (20) Africans, not for Indians, Coloureds and Whites.

ASSESSOR (MR KRUGEL) : What is an African? -- I know Africans to be people in Africa. Well, what I know is in most cases like for instance in South Africa, when a person is talking about Africans, then that means they are referring to Blacks.

COURT : Blacks in the stricter, not the wider sense? -- That is so, excluding the Coloureds and Indians.

ASSESSOR (MR KRUGEL) : And the Whites? -- Yes.

MR BIZOS : Any way, that is how you say AZANYO's membership ... (Court intervenes) (30)

COURT/...

COURT : Has AZANYO been round long? -- I only became aware of its existence I think during the year 1982.

Is it a student organisation or is it for older people? Who are the members? -- I know it to be an organisation for the youth.

Countrywide? -- That is so.

MR BIZOS : Whilst we are about this, perhaps we can clarify it. When you say youth, do you mean scholars or people who have left school or what? -- When I am talking about youth I am talking about people who are not at school. Now with(10) AZANYO I am not well informed as to whether they allow membership from people who are still at school or not.

Was there a scholars' organisation other than COSAS that you knew of during 1983/84? -- That is so.

What was that organisation? -- AZASM, Azanian Students movement.

Let us take AZANYO. Was it in any way ... (Court intervenes)

COURT : You will come back to AZASM, I take it?

MR BIZOS : Yes, in relation to the same question. Let us(20) take AZANYO first. Was it in any way connected with AZAPO? -- No, except that I used to see them present at a congress held just there as observers.

COURT : Just before we leave AZANYO, is it a BC organisation? -- No.

MR BIZOS : As far as the Vaal was concerned, are you aware of any AZANYO presence? Was there an AZANYO committee in the Vaal as far as you know? -- No, I did not know of any committee or branch of AZANYO in the Vaal. I only knew about a member of AZANYO in the Vaal. (30)

Who/...

Who was that for purposes of the record? -- Cosmos Thokoa.

Would you tell His Lordship similarly in relation to AZASM, this is the scholars' organisation, did you consider that organisation as a Black Consciousness organisation? -- That is so.

Was there an AZASM presence in the Vaal as far as you know? -- That is so.

Was it an organisation which was connected with your AZAPO committee or was it subsidiary to it or did it have (10) any organic connections? -- There was no connection between the two, that is my organisation and this AZASM except that they believe in Black Consciousness like we believe in Black Consciousness. At times I used to pass their messages over to them. Whenever I got messages for them in Johannesburg because I was employed in Johannesburg and therefore it happened that I carried their messages from Johannesburg.

COURT : Were they widespread or were they only at one school? -- I do not have a good knowledge about that. All I know slightly is that they were more stronger, that is their (20) presence was more popular in Sasolburg and Sharpeville.

MR BIZOS : For the sake of completeness, do you know whether AZASM confined its membership to scholars or was it extended to students, in the strict sense, university and students, Teachers Training College students and that sort of thing? -- As far as I know, according to my knowledge the membership in the majority was at the universities and high schools, especially with the high schools the matriculants.

COURT : Are there universities in the Vaal Triangle? -- No, there are not. (30)

MR BIZOS/...

MR BIZOS : Are there teachers training colleges at other places beyond matric study? -- I know of places, that is teachers training institutions.

ASSESSOR (MR KRUGEL) : I think the last question was whether AZASM is present at the teachers training college? -- I do not have any knowledge of their having membership at the teachers training colleges. What I know is that they do have members with the universities and they have membership with the high schools in the Vaal. What I am saying is this, they do allow people as members to join them from teachers(10) training colleges, but now I do not have an idea whether they do have any membership from any teachers training college in the Vaal.

COURT : This AZASM was it as active as COSAS? I have heard that COSAS organised commemorative services. Did AZASM also organise commemorative services? -- AZASM was formed in the Vaal towards the end of the year 1983. During the year 1984 whenever we had services we used to invite them and so far I never got to know that they ever organised any service they themselves. (20)

MR BIZOS : Does the name Vista mean anything to you? -- No, I do not know what it means. I just hear about that. If I am not mistaken the information I got was that this was a correspondence school from UNISA.

Do you know whether it had a presence in the Vaal? -- Yes, I do.

COURT : In 1984? -- I do not know, I do not remember exactly when it started in the Vaal, whether it was 1983, but during the year 1984 this was existing in the Vaal.

MR BIZOS : Let us turn to the meeting of the 19th - 19 (30)

August/...

August 1984. You told us that you went into the meeting. Can you recall whether accused no. 1 went in with you? -- No, he did not go in with me.

We will come to the further details later. You told us that you were there before the meeting started? -- That is correct.

And you told us that there was a prayer and that the hymn Riaboka Morena was sung? -- That is so.

Do you recall what the contents of the prayer delivered by Father Moselane, accused no. 3, was about? -- I make a (10) difference between a prayer and a preaching and therefore I cannot remember what his prayer was.

COURT : Did he pray and preach? -- Yes.

MR BIZOS : Do you remember what he preached? -- I cannot remember exactly from what part was this from the Bible, but he was reading about the children of Israel and the Egyptians.

And what did he say about that in relation to more recent times? -- I remember him talking about trust, faith and saying the children of Israel had faith in God.

Did he say anything else, were there any benefits as (20) a result of that faith? -- Yes, he said their benefit was that they were freed.

Did he relate that in any way to the present position of the people present at the meeting? -- Yes, he said we must have faith for the things to be normal in this country.

Do you recall whether he made any comparison between the Pharaoh's and the councillors? -- No.

COURT : You do not recall it or it did not happen? -- It did not happen.

MR BIZOS : Tell me, your personal perception in relation (30)
to/...

to the power or lack of power of the Pharaohs, did you think them in August 1984 to be powerful people or .. (Court intervenes)

COURT : But he said it was not mentioned? How is it relevant?

MR BIZOS : On the probability and credibility of the State witness who said that there was this comparison if in fact there is a perception, a particular perception in relation to the Pharaohs and the councillors are called various other names. (10)

COURT : Should you not first ask him whether he has any knowledge of any Pharaohs and whether he went to church and had it in his lessons and that sort of thing.

MR BIZOS : Do you know whether the Pharaohs were powerful people or weaklings who had no power at all? -- They were strong people because they were in fact the people who were in authority.

This comparison between the children of Israel in Egypt or some of the people in South Africa, is that the first time that you heard of this ... (Court intervenes) (20)

COURT : Did he compare it? There is no evidence of this witness that there was a comparison. It is merely a message about the children of Israel and the Egyptians.

MR BIZOS : Let me rephrase the question. Was at meetings which you attended from time to time, had you heard mention of the plight of the children of Israel in Egypt? -- That is so.

Do you recall whether accused no. 3, Father Moselane related any story about an old woman? -- Not quite, although I remember him giving reasons as to why and how it happened (30)
that/...

that this present meeting was held and he also made mention of the meeting of the 12th.

COURT : So, in relation to an old woman or not in relation to an old woman? -- I do not quite remember. What I can say is, I think he made mention during his reference to the two meetings. Exactly what he said about the old woman that I cannot remember.

MR BIZOS : After the prayer and the preaching, who spoke, who was the chairman of the meeting, would you say? -- Peter Hlubi. (10)

COURT : Can I just get clarity. At this meeting normally do you have a chairman who welcomes the people and then asks the preacher to say a prayer, offer a prayer or do you have the prayer first and then the chairman welcomes everybody? -- At this meeting, I am also not used to this procedure, but what happened here is that Father Moselane started by praying and preaching and later the chairman took over.

MR BIZOS : I just want to carry it a little bit further what His Lordship asked you. Is that usual at meetings which you attend or is what His Lordship suggested the other (20) alternative as a possibility that the chairman calls up on a person to deliver a prayer?-- That is so. It is the chairman who calls upon somebody to prayer.

Then you say that Mr Peter Hlubi took over? -- That is correct.

Do you recall what he said at the outset? -- Yes.

Please tell us. -- He made known to us at this meeting that during the previous meeting which was held, certain resolutions were taken, those being that the increase shall not be paid and the normal rent, without an increase, will (30)

be/...

be paid and that there is a call on councillors - that a call is to be made that councillors should resign.

Did he say how that call was to be made that the councillors must resign? -- No, he did not.

COURT : Who is this Mr Hlubi? To which organisation does he belong? -- No, I do not know. I was seeing him for the first time there.

MR BIZOS : Having mentioned the resolutions that were taken at a previous meeting, can you recall whether he said anything else? -- Yes, he made mention of a speaker of the day, Mr (10) Manthata, that is accused no. 16 and he also made mention of the fact that this person comes from Soweto. That is as far as Hlubi could introduce this person and then he, Hlubi, went and spoke to accused no. 3, who in turn (accused no. 3) then took over and made the further introduction of this person.

Do you recall what accused no. 3 said further? -- Yes, I do. What he said was the following. Mr Manthata is a field worker for the South African Council of Churches and a member of the Committee of Ten and also a member of the Soweto Civic(20) Association.

COURT : Is there a difference between the Committee of Ten and the Soweto Civic Association? -- Yes, there is a difference. I just do not have enough knowledge about the two organisations.

MR BIZOS : Did accused no. 3 then take over the chairmanship of the whole of the meeting or just for the purposes of the introduction of accused no. 16, Mr Manthata? -- No, he did not chair the meeting for the rest of the day. Only for that portion where he made this introduction of Mr Manthata.

What do you say to the allegation that the chairman (30)

of/...

of this meeting was the erstwhile accused no. 4, Mr Lazarus More? -- No, I dispute that. The erstwhile accused no. 4 did not do anything at this meeting.

Did he speak at all? -- No, he did not.

His Lordship saw accused no. 4 for some time. I just want to get some differences between no.4 and Mr Peter Hlubi. What is Mr Hlubi's apparent age? -- He is quite an old person. He is about my age.

COURT : Are you quite old? -- Compared to the former accused no. 4 in this case. (10)

MR BIZOS : And is he a small man or a large man? -- He is slightly taller than me and also slightly has a bigger body build than myself. He is not a person with a big body. He wears glasses and the former accused no. 4 here does not use glasses.

After accused no. 16, Mr Manthata was introduced, did he start speaking? -- That is so.

What do you say to the evidence that before he said anything he raised his right-hand, clenched his fist and shouted "Amandla"? -- I dispute that. Why because since (20) the beginning of that meeting until he was the speaker including himself, nobody ever raised his fist and shouted "Amandla."

Whilst we are about this, we might as well have it complete. What did he do, if anything, at the end of his speech? -- He shouted the same as was put to me just now, but this was done in Sotho with his raised clenched fist.

What is the word in Sotho? -- "Matla."

In what language did accused no. 16 speak? -- Sotho.

Was it interpreted? -- Yes, it was interpreted into (30)

a/...

a mixture of Zulu and Xhosa.

COURT : By whom? -- I do not know that person's name.

MR BIZOS : I want you to please try and remember what accused no. 16, Mr Manthata said ... (Court intervenes)

COURT : Did you listen to the Sotho or did you listen to the mixture? -- No, I understand Sotho. So, I heard both, Sotho and the mixture.

MR BIZOS : Please try to the best of your ability to tell us what accused no. 16 said at this meeting? -- Because of the fact that his address took some time, for quite a long (10) time, I cannot remember everything what he said in his address. I will try and tell the Court about what I can still remember from his address. I remember him talking about the rights and that he compared with the importance of the vote and I remember him saying people of Sharpeville must have faith, they must not just decide not to do anything or just ignore things. I remember him saying that they must make use of the charitable organisations in order to get out of the problems in which they are. Him making mention of bursaries, that they must make use of the bursaries. I remember his (20) address touching all these heads as mentioned by me.

I want to put to you what the evidence from the State was. The evidence given in chief at any rate was that he said, that accused no. 16 said to the people that because they have the Black power, they had the power to murder the councillors and burning their homes, stoning them and to destroy their property. What do you say to that evidence? -- No, that is not true.

You told His Lordship that you did not remember precisely everything that accused no. 16 said. Could he have said (30)

so/...

so and that you have forgotten about it? -- No, I would not have forgotten such words.

The evidence was further that when he finished you - no, I am sorry, I am misreading the statement. I withdraw the question. I will come back to it. If such words were uttered, would you have participated in this meeting as you did afterwards? -- No, I would not have been participating after that, because I do not go with such deeds.

Do you recall whether or not accused no. 16 had a piece of paper in his hand whilst he was speaking? -- That is so, (10) he did have a note.

Did he tear up that note? -- No, in fact I was under the impression that that is where he had made some notes about the speech he was delivering. The reason for my saying that is that while he was addressing, he kept on glancing at this piece of paper, which is the note he had in his hand.

Did he say anything about pensioners? -- Yes.

Can you recall what he said about pensioners? -- Yes, when he was talking about the importance of the vote, he said those who are elected shall have to consider the pensioners. (20) From where then he made an example from White pensioners. He made mention of what he saw on TV during the time of the elections and in this he mentioned the pensioners, saying something about Dr Lapa Munnik. I cannot quite remember exactly what he said, but if my memory serves me well, he said Dr Lapa Munnik said something about the payment of pensioners or the pay the pensioners receive. He was saying something about R20,00 or 20% that that was sufficient for pensioners to make a living for the period of a month. The opposition parties were not happy about that, it was not (30)

accepted/...

accepted and as a result they got more support which affected Dr Lapa Munnik, his position in the cabinet.

On Friday you told us - will you have a look at AAQ6 before you - that Mr Tom Mathata said two things that are attributed to him in that exhibit in the fourth column. "Mr Tom Manthata, the secretary of the Soweto Civic Association said that if the residents were unhappy with their councillors they could re-elect others and also that in some areas the rents have been suspended because of the reaction of the people and if you do not object the rents will (10) remain." You told us on Friday that he said that?

MNR. JACOBS : As ek reg onthou het hy gesê hy het nie daardie berig gelees nie. Hy het nie daardie koerant gelees nie en ek dink mnr. Bizos het dit daar gelos.

HOF : Ek het verstaan dat hy die Rand Daily Mail wel gelees het. Ons het dan 'n lang verhaal oor hierdie hele berig gehad tot by die einde in die hoofgetuienis.

MNR. JACOBS : Dan is dit seker die Sowetan wat hy nie gelees het nie.

HOF : Ek dink wat hy nie gelees het nie is AAQ21, die (20) Star van 10 Julie 1984.

MR BIZOS : That is so. Can you remember whether Mr Manthata went further and explained in relation to rights? -- That is correct.

What did he say about rights in relation to that? -- What he said was that a candidate will do certain things to attract the voters, that is generally known, not necessarily with the councillors but generally wherever there is a voting to take place. Then he said this will also make promises and therefore there are certain promises which (30)

were/...

were made by the candidates, which promises would result in the electing of these candidates. About the rights then he said the following. As they were elected by the people, they, the people, have the right to elect others as soon as they, the people, feel that they are dissatisfied with the people they had elected earlier.

Did he make any mention that the piece of paper that he was holding was to be burnt? -- No, he did not.

Were you near enough to identify this piece of paper that he had? -- As I have already said, I was seated right (10) up front. I could see that he had a document in his hand. I was unfortunately not in a position to see the contents of this document he had with him.

When he said "Matla" at the end of his speech, did the audience respond? -- Yes.

COURT : By saying what? -- Bokamoso ke jwa Rona.

MR BIZOS : Is that a longer version of "Awethu"? -- Well, people do say that, but Bokamoso ke jwa Rona in Sotho is not an equivalent of Awethu, because if a person says "Matla" and the response in Sotho is that, then that does not (20) necessarily mean "Awethu".

COURT : What does mean? -- Bokamoso ke jwa Rona means the future is ours.

And Matla means? -- Amandla.

That is power? -- Yes.

MR BIZOS : Is this a slogan and a response with which you were familiar? -- That is so.

For how long had it been used to your knowledge? -- I used to hear this slogan at different meetings that I attended prior to this one. (30)

COURT/...

COURT : In 1984 or before? -- Before 1984.

MR BIZOS : How many years or months before 1984? -- For instance with the AZAPO council I heard this slogan being shouted there. In 1983.

And where else? -- Even at our commemoration services which we held.

COURT : Is the Amandla slogan shouted more than the Matla slogan or vice versa or are they equivalent? How are they used? -- Amandla is the common one which is frequently used.

Why would one then use Matla? -- You find that being (10) used in most cases where a speaker was addressing the meeting in Sotho. Although of course some times you will find that this same person who addresses in Sotho will use the slogan as Amandla.

MR BIZOS : The allegation in the indictment is that you were the next speaker. What do you say to that? -- No, that is not so.

Who was the next speaker? -- Accused no. 1 was the next speaker.

You told us that he did not come in originally. Did (20) you notice when he came in? -- No, I did not notice that because accused no. 1 was not known to me. I only became aware of his presence at this meeting when he, accused no.1, was talking to the chairman, that is during accused no. 16's address.

And after accused no. 16 spoke, did the chairman say anything about him, accused no. 1? -- That is so.

Who was the chairman that said that? Was it Hlubi or someone else? -- Hlubi was the chairman.

What did Mr Hlubi say about accused no. 1? -- Mr Hlubi (30) said/...

said there is a person here who is requesting to say a few words. This persons says that he is from AZANYO in Soweto. The chairman then announced the name of this person as to what his name was.

Did he speak? -- That is so.

What do you say to the allegation that he recited a poem or read out a poem? -- That is not true. No poem was read by any person at this meeting.

Do you recall whether or not that he called upon the young people to help the older people to fight? -- No, (10) there were no such words.

Do you recall him speaking about or uttering the words that there is "might in action"? -- No.

I want you to please have a look at AAQ7, the last column "AZANYO's Patrick Baleka said most Blacks were already reeling under the escalating cost of living and could not afford to pay high rents. The delays in receiving unemployment insurance fund payments, the increase in the general sales of unemployment have frustrated most Blacks. The increased rents will be heavy blow to them. He said we (20) are being robbed of our rights." You have already told His Lordship that you have read that shortly after the event? -- That is so.

At the time that you read it or now, what do you say? Does that correspond with what he said at the meeting?

MNR. FICK : Die Staat maak beswaar teen hierdie manier van direkte leidende vrae. Hy moet die man vra wat het hy gesê. Dit is so goed of hy gee die verklaring vir die getuie en sê stem jy saam?

COURT : I raised this with you previously. I am surprised (30) that/...

that you do it again.

MR BIZOS : With the greatest respect if we have the circumstances that we have here. I distinguish this from a statement on the basis that the statement is given as a confidential statement of which is privileged and which is not - let us take the other situation that a person made notes shortly after the meeting. He would have been entitled to refer to the notes and he will say well, yes, I did say that.

COURT : Somebody else's notes?

MR BIZOS : Even someone else's notes if he read them at (10) the time. He cannot use someone else's notes. Assume that one went to a meeting with a companion and one says that I saw my companion making these notes and in wanting to test his accuracy in this instance or because I was interested in what sort of a note taken by my companion at this meeting was, I looked through the notes and they seemed to me to be a fair reflection of what had happened at the meeting. Surely he would have been entitled to say that at the time when events were still fresh in my memory I looked at someone else's notes and I was of the view that they correctly (20) reflected what happened at the meeting.

COURT : On the basis that this evidence is led, you glance through a newspaper, you have a quick look at it and you forget about it. A couple of years later you are asked for the contents of the newspaper. You have not even led him on the way he read it and when he read it. how properly he looked at each paragraph to see whether everything is correct in there. I must accept that everything is correct, because he glanced through it and thought it was correct and now he is led on the basis that it is correct. (30)

MR BIZOS/...

MR BIZOS : No, it is led on the basis that it appeared to him to be correct at the time when it was still fresh in his memory.

COURT : Well, if he looked at it and said well, I saw the newspapers, they appear to be correct, end of the story. He can be cross-examined on that. Why refer him to the contents if he cannot remember it?

MR BIZOS : Because we have to prove in the best possible way we can what was said at this meeting.

COURT : You have already put it before Court. AAQ7 is (10) before Court. I am sure in your consultation you again looked at AAQ7. If he still cannot remember what is in it, that does not say much for his memory, does it?

MR BIZOS : Let me try and make submissions in relation to my contention that I am entitled to ask witnesses to refresh their memory from things that were published to their knowledge shortly after the event. If the State wants in cross-examination to conduct a memory test, this is also their prerogative to do it, but I submit with the greatest respect where Your Lordship has this fundamental conflict (20) ... (Court intervenes)

COURT : If you had laid a proper basis, no doubt you can do it. You have not laid a basis as far as I am concerned. We do not even know on what basis he read the paper, whether he studied the paper or whether he glanced at the paper. We do not know when he read the paper.

MR BIZOS : Well, I think he did say shortly after the publication.

COURT : How does one read a newspaper? You cannot glance through it and see whether your own name appears on it. (30)

MR BIZOS/...

MR BIZOS : I think that that is a fair observation, but I submit that this is a matter of some importance from a number of points of view. Your Lordship has heard from two witnesses that a call to murder ... (Court intervenes)

COURT : Are you going to call Mr Raboroko?

MR BIZOS : Mr Raboroko is going to be called.

COURT : If he is going to give evidence, he can give evidence on his own notes.

MR BIZOS : I am sure that he will.

COURT : And this gentleman can give us evidence on what he(10) remembers happened at the meeting.

MR BIZOS : I can take it no further. I have done it, but I do ... (Court intervenes)

COURT : You have already put on record that he read the report and that as far as he can remember the report is correct. What do you want?

MR BIZOS : I will leave it at that.

K700

Do you recall who spoke next? -- Yes, I do.

Who was it? -- It was myself.

Who introduced you? -- Mr Hlubi the chairman. In fact(20) this is what happened. After having been to him to ask for an opportunity to address this meeting, he then introduced me. My request to him was that I wanted with his permission to propose a motion.

What do you say to the evidence that you were introduced by the erstwhile accused no. 4, Mr Lazarus More? -- No, that is not true.

COURT : Did you know Mr More at the time? -- No, I did not.

MR BIZOS : You have already told us you had a brief meeting with him at accused no. 3's house before the meeting actually(30) started/...

started? -- That is so.

Was that the first time that you saw him or had you seen him before? -- I was seeing him for the first time.

Did you make any reference to Mr Manthata's, accused no. 16, speech? -- That is so.

What did you say? -- I said I quite agree with him, that is agreeing with his speech.

What else did you say? -- I then said the following. We have agreed and a resolution has been passed that the councillors are to resign. I am therefore requesting that (10) we boycott their businesses until such a time they resign.

Why did you do that? -- That was because what I had in mind was the following, that we were to do something in order to make it clear and indicate to them that we are not at all satisfied about what they are doing. I therefore thought it wise to put it that way.

What in particular were they doing? -- I personally had this opinion that their being present at a place that is occupying a certain position at which they know exactly that they do not have the power for that position, does (20) not help at all.

Were you a scheduled speaker at this meeting? -- No, I was not.

In suggesting that their businesses should be boycotted did you think that you were performing an unlawful act? -- No, I did not think so.

Did you know in August 1984 whether any boycotts were being openly advocated in South Africa? -- Yes, because my organisation AZAPO was once involved in some boycotts, that is encouraging boycotts, which boycotts were in fact (30) effected/...

effected and there was some progress in the boycotts and nothing happened.

COURT : What boycotts were they? -- The boycotting of the shows by the artists from overseas.

MR BIZOS : Any other boycotts that AZAPO was involved in? -- I remember when there was a dispute between the Assurance Workers Union and another company, that is the insurance company. Because of the dispute I have just referred to of the Assurance Workers Union and the insurance company, we came to know in my organisation that there was a certain(10) gentleman who was involved with this insurance company who also is an official of a bank , whether it being a building society or a bank, I cannot quite remember now, but the request was that people must boycott that particular bank. That is boycott doing any business with that bank in support of the workers union involved with the Assurance Workers Union and this was a success. This company was Liberty Life.

Do you remember the name of the person concerned? -- His surname was Gordon. I cannot remember exactly what his first names were. (20)

I think that is enough to refresh His Lordship's memory in relation to those events. You say this was a success. What success did the union achieve? -- I do not know exactly what was the ultimate end of the dispute. What I am saying is the success is that we succeeded in getting people to boycott that business in support of the Workers Union Assurance.

Do you remember how you were introduced? -- I cannot quite remember whether he introduced me as the chairman of AZAPO in the Vaal or a member of AZAPO in the Vaal.

You say that there was a call for the councillors to(30) resign/...

resign. The meeting as a whole, what was its main concern? What was the thing that really worried them? -- It was about the discussing of the increase on rent.

Can you give His Lordship some idea how the people there in Sharpeville felt about this increase in rent? --

COURT : Do you mean at the meeting or in Sharpeville generally?

MR BIZOS : At the meeting? -- They were not at all happy about that.

Do you know whom they considered responsible for the increase in the rent? -- The blame by the majority was put(10) on the councillors.

And when you suggested that the businesses of these councillors should be boycotted, what sort of response did you get from the audience? -- The majority clapped hands. Some making Amandla (witness indicates with a clenched fist).

Do you recall whether you spoke of businesses in general or whether you enumerated businesses? -- I just made references to examples. I did not refer to businesses in general. By making mention of the garages and taxes.

Do you remember whether you said anything about their(20) shops? -- Yes.

What did you say about that? -- What I said was that the people must not buy from the shops owned by them.

Was there any formal discussion on the motion that you proposed? -- After having finished with my motion, the chairman then asked the audience if there was anybody who disagrees with my motion which I was asking for. The majority all responded saying in Sotho Riadumela.

We have had evidence that that is an expression of agreement? -- That is so.

(30)

COURT/...

COURT : So, there was no discussion? -- No, there was no discussion. It was just accepted as it was.

MR BIZOS : Was it put to the vote? -- No.

Did anyone have any objection to the adoption of the motion as a resolution? -- No, nobody.

Can you recall - what language did you speak in? -- Zulu.

And was it translated? -- That is so. Into Sotho.

By the same interpreter? -- That is so.

Who was not known to you? -- That is so.

Do you recall whether anyone spoke after you? -- Yes.(10)

Are you able to identify the person that spoke after you?
-- Yes, a person by the name of Nana. This is a woman.

Do you know her surname? -- I only got to know this person while talking to her that she is Nana and what her surname is, that I do not know.

Was she a scheduled speaker? Did she speak on the platform or did she speak from the floor? -- No, at that time it was open to the audience to air their views on whatever issue they wanted to talk.

COURT : Did she speak from the front or from the floor? (20)
-- She moved from the floor to the platform.

MR BIZOS : Do you recall what she said? -- She spoke about unity, saying to the community there that we would have to unite in order to succeed and further said that if we can really unite, this resolution about boycotting the councillors' businesses can benefit us.

Did you know Miss Myeza? -- I did not know her. I have seen her because we came together from the house of accused no. 3.

Was she sitting amongst the people in the audience or(30)
on/...

on the platform? -- On the platform there were other people who were just seated there. So, she was one of those who were seated there.

How many people were on this platform? -- About 50,60.

Is it an elevated platform or is it a lower platform? -- It is about the same height with the witness stand from the floor.

COURT : 30cm.

MR BIZOS : Did she speak? -- No.

Was Nana the only speaker or were there a number of (10) other speakers that spoke their mind after Nana spoke? -- There were quite many people who spoke there. I remember one for instance who asked a question saying what is going to happen to the people who will go and pay the increased rent when in fact we have agreed that we do not pay the increase on rent? I replied to that question. What I said was people must bear in mind that it is not every resident of Sharpeville who is present at this meeting. Secondly we are aware that there are many people who will be scared that their houses will be closed and therefore shall go (20) and pay.

Did you say anything else? -- Yes, I then requested the people present at this meeting to try and talk to those who were not present at the meeting in order to get their views and how they feel about this.

Did you see Sergeant Koaho leaving early from the meeting? -- No, I did not see him.

Was there any threatening behaviour or any untoward conduct at the meeting of the 19th that you noticed? -- No.

Towards the end of the meeting do you recall whether (30)

Mr Peter/...

Mr Peter Hlubi said anything, whether he summed up or referred to anything? -- Yes, I do.

What did he say? -- He read all the resolutions including this one about the boycotting of the councillors' businesses. He then said well, about the legal action, they are still looking into that.

Did he indicate to you what legal action he was referring to? -- No, he made no indication whatsoever, but I took it for granted that he is referring to the question of the rent because what was being discussed there was the issue of the (10) rent.

Did he say anything in relation to the meeting of the 12th and legal action? -- Yes.

What? -- What he said was they had promised to look into this on the 12th and they are still looking into it up to now.

Was there anybody at the meeting who said anything untoward there? -- I would not say it was something untoward. This person I just spoke about, his name is Botha.

COURT : What did he say? -- That is the person I said asked the question what is going to happen to the people who were (20) going to pay the rent.

MR BIZOS : Who were going to pay the rent or the increase? -- The increase on the rent.

What was the response?

COURT : His response is given. Any other response?

MR BIZOS : Was there anybody else other than yourself responding? -- That is so. Accused no. 3. In reply to this accused no. 3 said that he, accused no. 3, did explain to this meeting as to how did it come about that this meeting was held? -- What he said was that this meeting was held (30)

because/...

because of the people who were receiving food parcels from his church. That is accused no. 3's church. These people are the people who complained that they cannot afford to pay the rent which has been increased. It was as a result of that complaint by these people that this meeting was held. He then requested the community there that on whatever we agreed here about the rent, we must take those people in consideration.

The general atmosphere of this meeting, was it threatening in any way to anyone? -- No. (10)

How did the meeting finish off? -- It finished off in a normal way. A national anthem was sung, namely Nkosi Sikilele.

After that, did anything happen in the hall whilst the people were milling around the hall or in the yard? -- No, nothing happened. The people left.

In a dignified or righteous manner? -- In a dignified manner because I remember going to wait for a taxi not far from where this meeting was held. I could see the people leaving normal. (20)

Was anything said during this meeting as to whether this was the last meeting? -- There were no such indications that this was the last meeting.

Were there contrary indications? -- Yes, an announcement was made that there was going to be another meeting in the following week.

After the meeting, after Nkosi Sikilele Afrika was sung, did you see any papers being handed out or circulate? -- No.

You say you went off to get a taxi? -- That is so.

Did you stay there until all the people had dispersed(30)

or/...

or did you go hurriedly to the taxi-rank? -- No, I was not in a hurry. I left normal with the other people who were leaving the meeting there.

Did you make any decision as to whether you were going to attend the following meeting? -- That is so.

When was it to be? -- On 26 August 1984.

That would be the following Sunday? -- That is so.

Did you in fact go to the meeting of the 26th? -- That is so.

Did you go there alone? -- That is so. I was alone.(10)

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

OUPA JOHN HLOMOKA, still under oath

MR BIZOS : My Lord, I would like a directive from Your Lordship on a small matter that has arisen. During the interval Mr More turned up to court. We are not sure what to advise and what the State's attitude is going to be and what Your Lordship's attitude is going to be. Obviously whilst we were dealing with the meeting of the 19th, it would have been advisable for him not to be in court. He may be called(20) as a witness. He is not involved with the meeting of the 26th or the other evidence that is going to be given by this witness. So, I do not know what Your Lordship's attitude is.

COURT : I would not have any objection to him sitting as a spectator in court. I think you can warn your colleague when he is about to be involved and in cross-examination also you can be warned when he is to be involved and then he can leave the court.

MR BIZOS : Thank you, My Lord.

FURTHER EXAMINATION BY MR BIZOS : We were about to deal (30)

with/...

with the meeting of 26 August 1984. -- Yes.

Did you go to this meeting from the beginning of it? --
When I arrived there there was some singing going on. This
was a hymn Riaboka Morena which was sung.

When you arrived, did you go and take a seat at some
place? -- That is so. I went and took a seat amongst the
audience.

Who was presiding at that meeting? -- Mr Peter Hlubi was
presiding as chairman.

After the hymn Riaboka Morena was sung what happened? (10)
-- Accused no. 3 was not there, that is not present at this
meeting and Peter Hlubi requested one of the parents there
to open the meeting with a short prayer. A Mr Thapedi then
opened the meeting with a prayer.

Do you recall what the prayer was about? -- No.

COURT : This meeting was held at the same venue? -- That is
correct.

MR BIZOS : You told His Lordship that Father Moselane,
accused no. 3, was not there. Did he remain absent from the
meeting altogether or did he come later? -- He did come (20)
later.

But the first part of the meeting was conducted in his
absence? -- That is so.

After the prayer, did the chairman do anything? -- Yes,
he did.

What did he do? -- He read the resolutions.

Which resolutions did he read? -- That the increase on
rent would not be paid. What is to be paid is the usual
rent without this increase and that a call shall have to be
made for the councillors to resign. (30)

COURT/...

COURT : Could I just get clarity. This has been used often before. Is it meant that a call is made for the councillors to resign, that is here we make a call for them to resign or is it meant that somebody is going to call on them to tell them they must resign? -- As far as my understanding is concerned I understood it to be that a call was to be made in the request that they resign.

Who was going to make that call? -- Later in the same meeting a resolution was passed that there was going to be petitions. (10)

MR BIZOS : So, we had the first that the increased rent would not be paid and that the councillors would resign. Which other resolution did he read out? -- That their businesses shall have to be boycotted.

And having read the resolutions, did he ask the meeting anything? -- Yes, on the question of boycotting businesses he asked a question from the audience as to whether does it happen that businesses successfully or businesses are being boycotted. A reply to that indicated that it does not happen. (20)

COURT : So, what he asked the audience are you in fact doing what we resolved at the last meeting? -- That is so.

MR BIZOS : And you say that there was a response that it was not happening? -- Yes, there was very few people saying it happens, but the majority were saying no, it does not.

Would you say that there was a mixed response on this question but that the boycott was not taking place - those saying that the boycott was not taking place were the majority? -- That is so.

Did he anything about this mixed response from the (30)
audience/...

audience? -- No.

Did you yourself speak at this meeting? -- While I was sitting there with the audience, Peter Hlubi sent Nozipo Myeza to come and call me to the platform. When I came to the platform he, Peter, enquired from me if I had anything to say, on which I said, yes, I do have something to say.

When you started speaking, had accused no. 3 come to the meeting or not yet? -- He had come already.

What did you say? -- I explained the resolution about the boycotting of the councillors' businesses. (10)

What did you say? -- I explained to the community that by this resolution this does not mean that people must adopt an attitude towards the councillors which attitude must bring them to a conclusion of saying that these people are being hated. I further explained to them that this is being done with a view of making them aware that we do not agree with the increase and we want them to understand and see the seriousness of it. I further made it clear to them that by so doing we are not creating the impression that we, the people who are speaking at this meeting, are the (20) people who are going to take over by being active or being involved in the town council activities. I then made a further request to the people present there that they must not be taken up by this resolution and therefore act as a result of that.

Did you say anything else about that?

COURT : What does this mean? Does it mean that they should not do what the resolution proposed they do? -- What I was trying to say to them was, as a result of what I heard about the resolution that it was not being carried out according (30)

to/...

to the resolution which was taken by the meeting, I gave it the following interpretation that it was as if it is being understood by the community that there is some hatred which is being created between the community and the councillors. That is why they did not support the resolution of the meeting.

MR BIZOS : And what did you say about that?-- I then said to them in so doing, we are now indicating our responsibility and therefore if the community was taking part in that, that would mean that the community is indicating its responsi-(10) bility by acting towards something which is not good for the community.

Do you recall anything else that you said? -- I remember at the end of the address saying I was asking for a unity and co-operation in order to succeed in what we wanted to carry out.

Did anyone else speak after you? -- Yes, that is so.

Who? -- I remember a certain granny informing the meeting that something unacceptable happened during the course of the week in Sharpeville. In this she indicated that there(20) were some youths who attacked the buses with stones. She said even if she does not know what the reason was by the youth to stone the buses, but she is requesting the youth not to be involved in the question of the rent, because the parents are there to look into this problem of the rent. Also accused no. 3 had much to say about that.

COURT : About what? -- About the youth which is not to involve itself in the whole issue because the parents are there to face this issue. That is the question of the rent.

MR BIZOS : Can you recall whether accused no. 3 spoke about(30) anything/...

anything else except to support the grandmother that you have spoken of? -- Yes.

What do you recall him saying? -- He spoke broad about the petition and the court interdict.

When you say broad, what do you mean? Broadly, at length? -- What I am saying is that he said a lot in motivation for the petitions and making mention of the court order.

Do you recall whether or not he mentioned an attorney? -- What he said was that an attorney shall have to be seen in order to explain whether a court interdict can be (10) applied for or not. He then explained what the court interdict is. He said that means taking the council to court in order to suspend the increase on rent until such a time the court has decided on that.

You also said that he made some mention of petitions. What did he say about that? -- He explained that according to the newspaper report the mayor said there that he, the mayor, will not resign until the people who elected him, the mayor, ask that he resigns. He then said with a petition it will be indicating that we are asking them to resign. (20) This petition will also serve as a proof to the lawyer who will be asked or given an instruction to apply for the court interdict, that the people talking to him are here on the mandate because of the petition he will be seeing.

Let me see if I understood it correctly. Did he mean that persons who went to the lawyer and they had these signatures, would be able to show that they are representing other people? -- That is so.

Do you recall whether anyone else spoke at this meeting? -- There were quite many people who spoke at this meeting. (30)

I/...

I remember an elderly man speaking. This man was talking about the ward committee members who resigned because the councillor for that ward agreed to the increase of the rent.

ASSESSOR (MR KRUGEL) : Ward committee members? -- Ward committee members.

What do you mean by that? -- By that I mean the committee serving under that particular councillor who is in charge of that ward.

A committee of the electorate? -- What I am saying is this. As far as I know this councillor represented a (10) ward and then this ward has a committee serving under this man who is a councillor. Those are the people I am talking about who were members of the committee in his ward that he represented that resigned.

MR BIZOS : Are these ward committees people who are supporters of the councillors at the time of elections? -- That is so.

You say he said that some had resigned as a result of a councillor agreeing to the rent increase? -- That is so.

Do you remember this elderly gentleman's name? -- No, I do not. (20)

Do you recall whether he said anything else in relation to the rent? -- What he said further was that the rent in the Vaal is higher than all the other Black townships of this country South Africa as a whole.

Did he refer to the petition at all? -- Yes, he indicated that he was in agreement with the signing of the petition.

You recall that you told us that a man called Botha had spoken or had asked questions at the previous meeting of the 19th. Was he there again at the meeting of the 26th? -- Yes, he was there. (30)

Do/...

Do you recall precisely what he said? I am sorry, did he say anything at the meeting of the 26th? -- Yes, he asked a question. He said "I would like to know if a petition was made and this was sent to the bus company in which petition it was being said that the buses are not to enter the township on the 3rd and if the buses happen to be operating in town on that day, what was going to be done?"

Did anyone answer him? -- Yes, accused no. 3.

What did accused no. 3 say? -- On that accused no. 3 said he was requesting the community not to introduce (10) things that were never discussed in this meeting as it was there.

How did you and if you know the others at the meeting of the 19th and at the meeting of the 26th, in what light was this Botha regarded? -- To me most of the time Botha appeared to be under the influence of liquor. Incidentally it was not my first time to meet Botha at these meetings which were held about the rent. During the time when we were campaigning against the elections of the town councillors we once chased him away from our meeting because of his (20) behaviour at the meetings.

This meeting of the 26th, what sort of people attended it? -- It was just like the previous meeting of the 19th. The majority of the people there were elderly people.

The general conduct and the atmosphere of the meeting, was that any different to what you have described in relation to the meeting of the 19th? -- It was the same.

You have told us that at the meeting of the 19th there were a number of Amandlas and Awethus and Matla and the response. Was this done at the meeting of the 26th? -- Yes, it is (30)

correct/...

correct that that happened.

Were there more or less Amandlas on the 26th than there were on the 19th or was the atmosphere more or less the same? -- It was the same.

These petitions that they were speaking of, was there any evidence of any petitions at the meeting of the 26th? Any papers? -- Yes, I remember a certain paper which was circulating and which paper was signed by the people, but I did not sign on it.

Any reason why you abstained from signing? -- Yes, I(10) did not sign it, because I do not live in Sharpeville.

Were these papers being signed by a number of people? -- Yes, in fact I only saw one paper which was circulating.

I want to ask you what do you say to the allegation that at this meeting of the 26th there were resolutions passed that there should be a stay-away and a march on 3 September? What do you say to that allegation? -- No, that was not discussed there.

Did this meeting finish up with the singing of any particular song? -- Yes, Nkosi Sikilele e Afrika was sung.(20)

COURT : When did the meeting start? -- At about 14h00.

When did it end? -- I am not certain. I estimate it to have finished at about 16h00.

MR BIZOS : And the people that dispersed, did they disperse in riotous groups? -- No.

What do you say to the allegation that this meeting of the 26th was a meeting in furtherance of the conspiracy. I do not want to say the conspiracy which the ANC and other organisations were involved in? -- No, I dispute that.

What do you say about your organisation AZAPO was (30)
involved/...

involved in a conspiracy in the calling and the conduct of the meeting of the 19th and of the 26th? In furtherance of that conspiracy? -- I dispute that because I have already said that AZAPO was no where involved in arranging or organising those meetings.

The meeting of the 26th, were there placards or banners or stickers on the walls? -- No. The only banner which was there is the banner which was at the previous meeting of the week that had passed, which read "Arina tjelete Asinamali."

COURT : Was that at the later meeting as well? -- That is so. (10)

MR BIZOS : Was there any substantial difference between the meeting of the 19th and the 26th? -- No.

Were there any pamphlets of hand bills? -- No. Nothing was there except for the piece of paper I spoke about which was circulated to be signed. Otherwise there was nothing else.

When the meeting of the 26th finished, was there any announcement or any understanding as to whether or not there would be another meeting? -- I do not recall any announcement being made about a meeting to be held after this one, (20) except that there was an announcement that there were petition forms that are going to be made available to circulate within the community which forms were to be returned on the following weekend.

Did that carry any message for you as to whether or not there would be a further meeting? -- That is so.

What was the message? -- I got the message as follows, that there is going to be some petition forms signed already and what is going to happen there is that they are going to be discussed the following weekend. (30)

COURT/...

COURT : Where? -- At the same venue, which is the same church the following weekend at a meeting.

MR BIZOS : You speak about weekend. Do you think that it might be on Saturday? -- No, because of the meetings which were held on Sunday, I took it it was going to be a Sunday.

Did you go to the meeting that was held on September 2nd 1984 in Sharpeville in the Anglican Church? -- Yes, that is so.

COURT : Again in the afternoon? -- That is so.

MR BIZOS : Did you go alone? -- Yes, I was alone. (10)

Did you see IC.8 before you went to this meeting? -- No.

Did you in any way tell him to come to this meeting?

-- No.

Did you at any stage give him any idea that this meeting to use his words was going to be of the organisations of the Vaal as a whole, namely AZAPO, COSAS and the Vaal Association? Did you say anything about that? -- No, I never said that.

My Lord, my attention has been drawn that I dropped the word Civic. I was referring to the Vaal Civic Association. As far as you were concerned, whose meeting was it on 2 Sep-(20) tember? -- It was a meeting called by the Sharpeville Anti-Rent Committee.

Was there any differences in relation to the organisers of this meeting as far as you were concerned, about the meeting of the 2nd and the meeting of the 26th and the 19th that you had attended? -- No, there was no difference.

What do you say to the allegation that at this meeting the speakers from the platform propagated a mass stay-away on 3 September 1984 or a mass march to the council offices on the same day. What do you say to that allegation? -- (30)

That/...

That is not true.

Was there any talk about there being a march or a stay-away on Monday 3 September? -- Nothing was said about a march at this meeting. About a stay-away something was said at this meeting.

Was it by a person from the platform? -- No.

Who did it come from? -- This came out when Nana from the audience said to the meeting that there was a pamphlet which announcing a stay-away on 3 September, which was the following day. If my memory serves me well, this refers (10) to a pamphlet AN15(ii). This is how mention was made of the stay-away of the 3rd.

Just describe in detail if you can what it was that this person said or did at the meeting of the 2nd? -- She said that there should be nobody going to work the following day and no child going to school. Saying this was contained in the pamphlet.

Did she have one there? - She had the pamphlet which she showed to us. She had it in her hand.

Did she have any suggestion to make as to whether (20) this call should be answered or not? -- Yes, she said that she as a person is requesting that that announcement be accepted.

Who was presiding at this meeting? -- Peter Hlubi was residing.

How did you feel about this proposal of Nana's? -- I as a person was in agreement with the suggestion of a stay-away but I wanted the meeting to make a resolution of its own and it must not be influenced by somebody who is coming with the idea of a resolution. (30)

Did/...

Did you speak at the meeting? -- Yes, I did.

What did you say? -- After having assessed the behaviour of the people at the meeting as a result of this announcement about what was contained in a pamphlet, I then said to the meeting let those who agree with this, that is the announcement which is contained in the pamphlet, come to church tomorrow, meaning the following day, which was the 3rd about which the announcement was being made. That was a request from me.

You say after assessing how the people felt. Had a (10) number of people expressed their view? -- After this was made known to be contained in a pamphlet that there is going to be a stay-away on the 3rd, which stay-away involved workers and children going to school, there was a response from the audience which response was just being made by the audience there without having been asked to comment on this. Some saying yes, some saying no as a result of which then I felt there are people who agree with this, that there be a stay-away on the 3rd and some are not in agreement with that. That is how I assessed the people's feelings there and there- (20) fore suggested that those who are in agreement with the stay-away should come to church the following day. That is the day of the stay-away. I as a person did not believe that the stay-away was going to be a success.

Had AZAPO, you as a chairman of AZAPO been consulted at all about this apparent decision announced by Nana at the meeting that there should be a stay-away? -- No.

As you had not been consulted, did you - what was your view, had the stay-away call been properly organised or not? -- No, it was not properly organised. (30)

And/...

And you thought that it would not be a success? -- That is correct.

In relation to that and in view of a question asked by His Lordship earlier on, had there been any previous calls for a stay-away? -- Yes, that is so.

When was the last one that you remember? This is the one prior to this announcement by Nana at the meeting of the 2nd? -- June, the 16th in 1983. From then backwards. That is earlier than that.

What was the fate of this call for a stay-away on (10) 16 June 1983? Was it responded to? -- It was not a success much as I was also at work.

Did you think on the 2nd that there would be any greater success on 3 September? -- No.

Just to make it absolutely clear, when you say that it met with no success at all, are you talking about the country or just the Vaal? -- I am talking about the Vaal.

Were any - let me put it directly. Did anybody have anything to say about the status or genuineness of this pamphlet that Nana waved in the air? (20)

COURT : Did Nana wave it in the air?

MR BIZOS : That Nana produced? -- Yes, people were asking where this comes from, that is the pamphlet. Some saying from Sebokeng, some saying no, we do not know where this comes from.

Did anyone refer to any other pamphlet that he or she might have seen dealing with the same subject? -- Yes, somebody who was just next to me there was not talking to the meeting about it.

What did he say about the pamphlet? (30)

COURT/...

COURT : Did he tell you privately? -- Yes, he spoke to me about it privately.

MR BIZOS : What did he say about that? -- This person said to me that he got a pamphlet that morning which pamphlet was contradicting the contents of the pamphlet which is being announced here, meaning the pamphlet which Nana had, which read as follows "Workers, Residents unite. Do not work tomorrow. Do not support the radicals who are being paid by the SACC."

COURT : Did you see this pamphlet? -- Yes. I got a pam-(10)phlet that is at home in Sebokeng which read exactly as I had just told the Court what the contents of the pamphlet was and then later in the day at the meeting, there was this person who told me about a pamphlet which was directly contradicting the pamphlet which was being made known by Nana. This person repeated the contents of the pamphlet he knows about, which happened to be identical to the pamphlet I came to know about in the morning. That is the one I got in Sebokeng which was also in direct contradiction with what Nana said was contained in the pamphlet she had. (20)

I want to take you back to June the 16th 1983. Do you recall whether the Trade Unions or the workers gave any reason why they did not respond to the stay-away call?

MNR. FICK : Die Staat maak beswaar. Hier is geen getuienis dat die vakbonde nie reageer het op die "call" van wie dit ook al mag wees nie. My Geleerde Vriend lê woorde in die getuie se mond.

COURT : People did not respond. That is all it was. Where do the Trade Unions and the workers come in?

MR BIZOS : I thought that the greater included the lesser, (30)
but/...

but I will take the point.

COURT : Well, I have often seen the word people used where large sections of the community are not included.

MR BIZOS : I do agree that terminology is unfortunately part of the - yet another division that we would have to deal with. Be that as it may, I will make it clear. Were there any reasons given by anyone as to why they did not respond to the call for a stay-away in June 1983? -- Yes.

What sort of people and what sort of reasons did they give? -- I was a member of the South African Chemicals (10) Workers Union. That was during 1983 where they said a call for the stay-away for something which does go accord with the work without them having been informed about what the aim of the stay-away is, this they are not going to accept.

COURT : Who made the call in June 1983? -- I cannot quite remember, but if my memory serves me well, AZAPO was also involved in that. It was a national call.

MR BIZOS : You then told His Lordship that you thought it would not be a success and those people who wanted to answer the call should come to the church the next day? -- That is(20) so.

What did you expect the people that gathered at the church the next morning to do, that is the morning of the 3rd? -- Because it was clear at the meeting of the 2nd that the petitions were not completed and therefore I took it for granted that that is one of the things in which they can involve themselves by carrying it out.

Did you have in mind or did you say that the people must gather at the church the next morning in order to go off on a march to Houtkop? -- I did not say that and I would(30)

not/...

not say it either.

You told us that the meetings of the 19th and the 26th consisted mainly of elderly people. Was the meeting of the 2nd any different? -- Yes, it was the same.

And the general atmosphere of the meeting, was that the same as the 19th and the 26th or was it a different atmosphere? -- It was the same.

How far is the Anglican Church in Sharpeville from Sebokeng? I beg your pardon to Houtkop? How far from Anglican Church in Sharpeville to Houtkop? -- I estimate (10) the distance to be about 15 kilometres.

From your assessment of the age group of the grandmothers and other elderly people there, did you believe that a call to march to Houtkop from Sharpeville would have been answered? -- No, they would not make it.

You have spoken about these petitions. If in fact many people stayed away on the morning of the 3rd and the stay-away call was answered, did you have any idea as to what you might suggest on the morning of the 3rd? -- Yes.

What did you have in mind? -- What I had in mind was (20) because the day of the 3rd was the day on which the people who are concerned with the rent are working, it was then therefore according to me the day which was suitable for steps to be taken in order to go and talk to them about this rent issue. Like for instance the petitions which had been made. It was then the time, a good time for them. That is for these petitions to be taken to the superintendents. and/or for the superintendent to be informed about the intentions of the community as to what steps is the community intending to take. (30)

At/...

At the meeting of the 2nd, was there any mention of the petitions and of the legal action that had been mentioned at the meeting of the 26th? -- Yes, there was.

Was accused no. 3 at the meeting? -- That is so.

Did he speak about that? -- That is so.

Do you remember what he said about it at the meeting of the 2nd? -- Yes, I do.

What did he say about that? -- What he said was that he was attending a synod where there are lawyers for the church. This will enable him to inform the lawyers about the steps (10) we intend taking pertaining to the interdict.

Did he say when the synod of the church was to be? -- I cannot quite recall whether he mentioned this at the meeting, but he did tell me.

When was it according to the information you received? -- To me he said he was leaving that same afternoon.

COURT : Where was the synod? -- Johannesburg.

MR BIZOS : Did he indicate to you for how long the synod would last? -- I cannot remember what he said for how long this synod was going to last. (20)

Was the following day, that is Monday, the 3rd, going to be a synod day or not as far as you remember? -- Yes.

When the suggestion was made that the people should gather at the church, what was accused nos. 3's attitude to that suggestion? -- No, he did not object to that.

How did accused no. 3 come to tell you that he was going to be at the synod? Was there any reason why he told you? -- Yes, it is because of his having told me that he wanted this meeting to be very short, because he was supposed to leave that same afternoon. (30)

ASSESSOR/...

ASSESSOR (MR KRUGEL) : Which meeting are you talking about?

The 2nd or the 3rd? -- The 2nd.

MR BIZOS : Did he indicate to you as to whether or not he would be present the next morning if the people were to gather at the church? -- No, he did not tell me.

Did you understand who was going to be in charge of the meeting of the people who may have decided not to go to work the next morning? -- Well, I took it for granted that there is a committee which was in charge for the previous meetings which were held and therefore they will take (10) charge of the people who will gather at the church the following morning. It was also my wish to be present there.

Just briefly, were there other speakers at this meeting of the 2nd? -- Yes, the speaker for that meeting was Kehla Mthembu. Thereafter, after Kehla Mthembu, the meeting was open to anyone who wanted to say anything.

Did Mr Kehla Mthembu say that AZAPO would provide the legal defence for those who were dismissed from work if they did not go to work? -- No.

Did he speak before or after AN15(ii) was produced? (20) -- It was before, because as I say he was the speaker of that day and therefore he made a speech before anyone else could say anything.

Did you have anything to do with arranging for him to be a speaker? -- No, I was surprised in seeing him present there.

Can you recall any portion of his speech in relation to the rent? -- What he said was that people from Sharpeville will have to unite whenever they are having difficulty in order to succeed and then he gave an example with (30)

reference/...

reference to Ratanda and Mohlakeng.

COURT : Tell me, where is Ratanda again? Is that Boksburg?
-- Heidelberg.

MR BIZOS : And Mohlakeng is Randfontein? -- That is so.

What did he say about that? What success did the people have? -- What he said about Ratanda was that the community came together and succeeded in uniting. Being united they spoke to the councillors where they said the councillors must resign and the councillors resigned.

And did they have to pay the increased rent? -- No. (10)

Can you remember what he said about Mohlakeng? -- About Mohlakeng he also made clear that the community was not happy about the increased rent, as a result of which the community united and they made known what their complaint was. At the end of all that the increase on the rent was not put into effect.

COURT : And the councillors, did they resign? -- No, there was no call made to councillors to resign in Mohlakeng.

When did all this happen?-- I do not know exactly when this happened. I only have an idea about Ratanda. If not (20) July it was August 1984 that this happened.

And Mohlakeng, about the same time or long previously?
-- No, that I do not know.

WITNESS STANDS DOWN.

COURT ADJURNS.

COURT RESUMES.

K702

OUPA JOHN HLOMOKA, still under oath

FURTHER EXAMINATION BY MR BIZOS : What do you say to the allegation that you were a member of the Sharpeville Anti-Rent Committee? -- I dispute that.

What do you say to the allegation that you told the (30)
people/...

people at the meeting of the 2nd that they must not go to work on Monday, but that they must march to Houtkop? -- That is not true.

What do you say to the allegation that during the meeting of the 2nd you sent in a relation to the councillors Mabafe? -- That is not true.

What was your attitude to the councillors between the 19th and the 2nd? Did it remain the same right through or did it change on the 2nd? Was it different on the 2nd than on any other day in August? -- No, it never changed. (10)

You said that you explained at the meeting of the 26th that the boycott of their businesses did not mean that you hated them ... (Court intervenes)

COURT : Are you repeating evidence that we already have, Mr Bizos?

MR BIZOS : By way of introduction. Did you feel the same about it on the 2nd? -- That is true. I did not mean that.

What do you say to the allegation that accused no. 3, the Reverend Moselane said that Mahlatsi must be taught that he can no longer play on people's heads? -- I dispute that (20) as well.

I just want to get some idea of the sequence of events at this meeting of the 2nd. You told us that the look alike of AN15(ii) was produced after Kehla Mthembu spoke. Who was the first speaker at the meeting of the 2nd? -- Kehla Mthembu was the first speaker on the 2nd.

Did you see IC.8 at this meeting on the 2nd? -- I did not see IC.8.

If he in fact came towards the end of the meeting as he said, would he have heard Kehla Mthembu's speech at all? (30)

No/...

-- No, he would not have heard him.

Did the people at the meeting of the 2nd sing Siyaya Siyaya? -- At this meeting only two songs were sung. The other one being Riaboka Morena which is a hymn and Nkosi Sikilele Afrika.

COURT : At this meeting or at all these meetings? -- At all these meetings I am talking about including this one of 2 September.

MR BIZOS : Did anyone shout Amandla on 2 September? -- Yes.

Did the meeting break up in riotous and excited manner(10) or in an orderly fashion? -- In a normal fashion.

Did you go away after this meeting? -- That is so.

I want to deal with the night of the 2nd to the 3rd. Did you expect any trouble during that night? -- No, I did not expect that.

Did you expect any attacks on councillors' homes or any publicly owned property? -- No, I did not expect all that.

You lived in Sebokeng at the time? -- That is so.

What time did you get home more or less? -- I arrived(20) at home at about 17h30.

And what did you do during that evening? -- I was home for the night with the family watching TV.

Did you and your family make any plans as to what you might do the next morning? -- We briefly discussed the stay-away issue.

Who would it have affected? -- It was affecting myself, my wife and my mother as well as my sisters who were still at school.

Did you come to any final decision? -- That is so. (30)

What/...

What decision did you make? -- I said I do not believe that this stay-away is going to succeed on which then they told me that they have seen a pamphlet which is being said to be from VCA, which pamphlet announces that the stay-away has been cancelled. All that contributed to a confusion so that we did not know exactly what was happening.

Did you decide what you were going to do the next day? -- Yes, the decision was that we were going to see what is happening the next day, otherwise we will see on the outcome of the stay-away whether it was a success or not. (10)

And what would you have done if the stay-away call was headed, if it was being listened to? -- We were going to support it.

And if it was not going to succeed? -- They would go to work.

What about you? What demands did your work make on you at that time?-- I was reporting only on Fridays and Mondays, sometimes when we have a special thing to attend to on a Monday, then I would report. Otherwise, besides that I was working according to my own planning. (20)

I do not recall whether we put the occupations of your mother and wife on record. What did they do? -- They are both employed by shops. My wife is employed in town at a shop. My mother in Boipatong.

ASSESSOR (MR KRUGEL) : The town, would that be Vereeniging?

-- No, at that time she was in Vanderbijl.

MR BIZOS : The next morning, can you recall more or less what time you woke up? That is the morning of the 3rd? -- Yes, I can recall, it was at about 06h30.

When you got up, had your mother and your wife and (30)
your/...

your schoolgoing sisters made any decision? -- That is so.

What was their decision? -- They told me that it would appear to them that the stay-away is going to succeed. They are also supporting the stay-away, they are not going to work.

And you yourself, what did you decide to do? -- When I got up I was first told that IC.8 was present at my residence and then later after that, they told me what decision they have taken.

COURT : That IC.8 had been present or was at that time (10) present? -- They were waking me up because of him being present.

MR BIZOS : Did you speak to IC.8? -- Yes, that is so. After having washed we had tea together, after which I decided that we go to the shop.

If I recall your evidence correctly before the adjournment you said that you had planned to go to Sharpeville the next morning? -- That is so. But IC.8 told me that he, IC.8, could not go to work because there was no transport.

Just public transport or other transport as well? -- (20) He was talking about public transport.

In what category did taxi's fall according to your understanding? -- He was talking in terms of taxi's and buses.

Did that have any effect on your decision as to whether or not you should go to Sharpeville? -- I concluded that I was no longer going to Sharpeville.

How far is your home from Sharpeville, from the church of accused no. 3? -- It is quite far.

Were you prepared to walk that distance? -- No, I would not make it. (30)

Did/...

Did you and IC.8 decide to go out of your home after you had your tea? -- Yes. I intended to go to a shop to go and buy some cigarettes.

Did you go alone? -- Before we left for the shop another person by the name of Sekhenekhe arrived and we then left together for the shop.

How far is the shop from your home? -- About 400 metres, or 400 metres plus.

Is it in the same direction as you would go to the Catholic Church Small Farms or in another direction? -- (10) That is the opposite direction of Small Farms.

As you were going along towards the shop, did you see any obstructions in the road? -- No, there was nothing obstructing the road.

When you got to the shop, did you buy your cigarettes? -- No, on arrival we found that the shops were closed.

COURT : Just give me an idea where you stay.

MR BIZOS : I have reason to believe that he would be able to point out the spot.

COURT : Have a look at AAR1 and tell me near what number (20) is your home. Zone 3 is at the top right-hand corner. -- (As indicated by the witness the first street after the tarred road which tarred road is from the bottom. If you look at point 23 that white line there between the houses. He calls that the tarred road. Going up towards point 23 the first street there, the seventh house.)

Did you make a small mark there? -- No, I did not make a mark.

As long as I know where it is. If we look at point 23 on AAR1 it is 3 S.Mofokeng's business. Then his house (30) is/...

is to the north/west thereof in one of the streets that runs north/south. Correct? -- Yes, that is correct.

And the shops you were going to were in - what shop were you going to? -- That is the only shopping centre near my home. In the upper part of Zone 3.

So, the shop you were going to was where there is a Discount Butchery and where there is a Jackpot Supermarket? -- That is so.

Those are points 41 and 43 on EXHIBIT AAR1.

MR BIZOS : Did you see any damage to any of those shops (10) at that stage when you went to buy cigarettes? -- No.

Were there any people behaving in a riotous way anywhere near those shops at that time? -- No.

COURT : What time were you there? -- Around 08h00 or passed 08h00.

When you say passed 08h00 does it mean you can go up to 10h00 or is it 08h05 to 08h10? -- Between 08h00 and 08h30.

MR BIZOS : Did you notice whether there was - whether people had gone to work or not? -- One would rather say it was a weekend that day, like on a Sunday morning was the situation (20) there.

On a Sunday morning on which people do not go to work? -- That is so.

COURT : And not to church either? -- That is so.

MR BIZOS : What do you say to IC.8's evidence that you went to seek him up? -- No, that is not true.

Having found the shops closed, did you return to your home or did you go somewhere else? -- What occurred in my mind after noticing that the shops were closed, is that I was convinced that the stay-away was successful. I then (30) remembered/...

remembered that in that pamphlet mention was made of a meeting to be held at 09h00. I then suggested to the people in my company namely IC.8, Sekhenekhe and Duke. Duke joined us while we were at the shops saying to them how about us going to the meeting which will be held in Small Farms. We agreed on that and on all.

Did you go to Small Farms on foot? -- Initially we were on foot but we did not reach Small Farms on foot.

COURT : What is Duke's surname? -- I forget what his surname is. (10)

MR BIZOS : You say that you set off on foot but you did not get to Small Farms on foot. What happened along the way? -- In the vicinity of Evaton we got a lift on a van as a result of which then we arrived in Small Farms on the van at the church.

Was the road which was taken by the van from the spot where it picked you up to the Roman Catholic Church Small Farms obstructed in any way? -- No.

Did the van pass anywhere near the Teachers Training College near the Commissioner's office? -- Yes, it went past (20) there on our way to Small Farms.

COURT : It passed? -- Yes.

MR BIZOS : At the time that you passed it, was there anything burning or was there any untoward behaviour at the college as far as you were able to see or near it or any smoke or anything like that? -- No.

COURT : What time were you passing it?-- It was not long before 09h00. Exactly what time it was I do not know.

MR BIZOS : I may indicate, My Lord, that definite evidence is going to be led in relation to that from persons other (30) than/...

than the accused that the first - I am saying it because I have given the State notice of it, it is something that we could have said in the opening - evidence will be and the records of the institute show that there was some attempt to burn it at 22h00 on the night of the 3rd.

COURT : The night of the 3rd?

MR BIZOS : The night of the 3rd and that it was done in, if I may use the expression, some months after that. I am saying it, because we have spent much time on it and we have investigated the matter and that will be the evidence (10) for the defence.

COURT : When you say done in, it means burnt out?

MR BIZOS : Yes, some months after that. In fact April 1985, but there was an attempt on the night, late night of the 3rd.

Did you notice any other untoward behaviour by anyone or any unusual events on your way there? -- No, I did not notice anything.

You arrived at Small Farms? -- That is so.

You have seen the photographs, have you? The coloured photographs which have been put in as exhibits. It is (20) the CA series. Would you please have a look at these coloured photographs and tell us if you see where ... (Court intervenes)

COURT : CA3 is the house of accused no. 5. Are you showing him the photographs of the Roman Catholic Church Small Farms?

MR BIZOS : I was showing him the coloured photographs for him to choose because I have not got a note of it and I was hoping that the witness would take me out of my embarrassment, but If Your Lordship is able to help me in that ... (30)

COURT/...

(Court intervenes)

COURT : I may help you deeper in it. It could be either CA5 or CA6.

MR BIZOS : Would you please have a look at those photographs. -- I recognise photo CA5 as the photo of the Roman Catholic Church.

Keeping that before you for orientation purposes, would you please tell His Lordship what you saw as you arrived near the Roman Catholic Church? -- I noticed that there were many people from the main road on the left of the church (10) premises.

COURT : That is the tarmac road? -- The tarred road, yes. There were people walking in the direction of the Roman Catholic Church Small Farms turning into that dirt road in front of the premises. When we came there on this van which drove into the premises of the Roman Catholic Church this gained access into the premises at that whitish spot lying next to the dirt road between the two buildings.

That is where the gate is? -- That is so. On our arrival in the premises there were many people in the (20) court-yard which court-yard is referred to by the witness the opening between the buildings, that is the building with the red roof and the building on the lower side and the other one which is a longer one on the upperside.

When you speak of many, is it hundreds or thousands? -- I estimated the number of those people to have been plus or minus three hundred.

MR BIZOS : What were they doing there? -- I did not exactly observe what those people were doing, except that I noticed people milling around there. (30)

You/...

You are familiar with the hall there? -- That is the red roof structure.

COURT : And the other structure, the one with the unpainted corrugated iron roof? -- I do not know what is it used for. I thought it was an office, but otherwise I cannot tell.

Or living quarters it may be? -- When one is standing in front of it, in front of the structure, it does not look like a structure which people can use or live in.

MR BIZOS : Is there another large structure there? -- Yes, the one above. (10)

What is that? -- It appears to be class-rooms, but I am not certain.

COURT : Which are they? -- That is the other structure above this one we were discussing.

That is the Esokwazi High School you are talking of or are you talking about the primary school? -- No, I am talking about the structure next to the one I described as a hall, just on the top part of it as one is holding the photo. It is that long structure there facing the one we were just discussing as the living quarters. That is the one I am (20) talking about which looks like class-rooms.

I am not with you now. Could you just on that photograph make a little mark on the building that you are talking of. That is the one we were talking of that I thought was living quarters and you described as not living quarters. Or where you talking of the one next to the toilets? -- Yes, I was talking about the one opposite the one I referred to as class-rooms, the one below.

That is the old supervisor's house before he moved to his new house. Any way, does it matter, Mr Bizos? (30)

MR BIZOS/...

MR BIZOS : No, it does not. You recognise the hall. Did you go anywhere near the hall? -- Yes, when we got off the van, we went straight with a view of entering the hall.

Were you aware as to whether there were people in the hall or not? -- No, we were not, but because of what we thought that there was going to be a meeting according to that information of the pamphlet, that is why we went there.

When you got to the vicinity of the entrance of the hall, what did you observe? -- IC.8 was the person immediately next to me or those in my company. When we got to the door of (10) this hall, we could not gain access into the hall because there were many people at the door.

Did you approach the entrance to the hall alone or in the company of IC.8? -- I was in the company of IC.8 next to me.

Were you able to see into the hall? -- No, I could not because of the number of people that were there.

Could you see the platform from where you were? -- No, I could not.

Could you hear the speakers if they were in fact speaking in the hall? -- At the time of our arrival there I heard some-(20) body speaking. Now I do not know whether it was a person speaking from inside or a person speaking just outside there. By that I mean I could hear a person speaking from inside the hall. What I could not make out is whether this person was speaking from the platform or from the audience, but this person sounded not far from the door although I could not see the person inside.

Could you make out what he was saying? -- Yes.

What did you hear? -- What I heard is that this person said it is now tiome that we go to Houtkop. (30)

And/...

And what happened as soon as that was said? -- People then came out of the hall.

What do you say to the evidence of IC.8 that you actually stood at the door there with him whilst no less than three people made speeches which he says he heard? What do you say to that? -- No, that is not true.

Are you shorter or taller than IC.8? -- No, IC.8 is shorter than me.

There is nothing wrong with your eyesight or your hearing? -- Yes, that is true, there is nothing wrong with (10) my hearing nor is there anything wrong with my eyesight.

And unlike IC.8 you do not wear very dark glasses? -- That is so.

When you heard this "Now let us march" or "Let us go to Houtkop", was this said softly or was that shouted out? -- This person said this loud, because as I say, that is why this person sounded not to be far from the door.

What happened to your other two companions? -- I think they were somewhere around there, although I cannot with certainty say that they were close to us or how far they (20) were from us, but they were somewhere there.

And when the people came out of the hall, did they come out as a disorderly mob or in an orderly fashion? -- They left in an orderly way.

When they came out of the hall, what did they do? -- After some time that they started coming out, I noticed Esau waving an indication that they must come nearer because he wants to talk to them.

Did they come nearer? -- That is so.

Did you distance yourself from this movement or did (30) you/...

you also go nearer? -- No, I also went nearer because I wanted to know what was happening.

Did anyone speak? -- Yes, Esau spoke.

What did he say? -- What he said was the following, that this march was a very important march and it is as well important that this march reaches Houtkop. He then asked the people to behave themselves on the march and they must not allow themselves to be angered by the police and the same applies, they must not anger the police should they meet the police.

What do you say to the evidence of IC.8 that he further(10) said - he gave an order there that property must be attacked, councillors' properties and businesses must be attacked and councillors themselves must be attacked. What do you say to that evidence of IC.8? -- That is not the truth.

Was Mr Esau Raditsela the only person that spoke outside the hall there? -- No.

Who else spoke? -- Accused no. 8 who was not known to me at that time.

Do you recall what he said? -- Yes, I remember him saying that his request was that people must walk normal and not(20) fast because we have elderly people taking part here. He also informed the people there that there were marshalls and therefore he was requesting that they, the people on the march, should respond according to the instructions of the marshalls.

Did anyone other than Raditsela and accused no. 8 speak to the people there outside the hall? -- That is so. Accused no. 17 who was not known to me at the time.

What did he say? -- He was requesting the people to move together normal until the destination which is Houtkop.(30)

What/...

What do you say to IC.8's evidence that accused nos. 8 and 17 also called for violence against the property and the councillors either before or after the march reached Houtkop?
-- No, I deny that.

What do you say to the allegation that the purpose of this march that was been formed was in order to go to councillors' homes and ask them to join the marchers to Houtkop?

ASSESSOR (MR KRUGEL) : Whose allegation is that?

MR BIZOS : The State's. In fairness to them I believe that it appears in a document and it was put that this was the (10) purpose and there is also some reference to it in the indictment and further particulars. --I dispute that because it was never done, nor was it ever said.

I may also say, My Lord, that during cross-examination I think Mahlatsi has said both, that they were going to go to the councillors and then afterwards he said "We were going to go there after we had been to Houtkop." I seem to recall that speaking from memory.

Did the people start forming themselves in a march there in the court-yard? -- That is so. I noticed some- (20) body who was calling by waving the people with placards to come to the front.

COURT : He called on the placard bearers to come to the front? -- That is so. While the people were preparing themselves in the march, this person called the placard bearers to come to the front.

MR BIZOS : And did they do that? -- That is so.

Did the people remain stationary or did they start falling in behind the placard bearers? -- They kept following the placard bearers. (30)

You/...

You yourself, did you join this march? -- Yes, that is so, I did.

As an office bearer of AZAPO or a marshall or anything like that? -- No, I only joined the march as a resident who was going to address the problem of the rent.

Did you look at the placards? -- Yes, I did.

Any particular reason why you looked at the placards? -- Because of my being a member of AZAPO and I did not want to take part in moving behind a placard which promotes another organisation, which organisation is promoting (10) something different.

Let us just test that. Would you have joined the march if there was a placard "Long live UDF" for instance? -- No, I would not, because that is not what I am saying.

Or "Follow VCA"? -- No, I would not join that either.

Different constituency or any other organisation?

COURT : Hurray for the Bafutsane Party. -- No, I would not join.

MR BIZOS : What did the placards say when you tried to find out whether you would be following another organisation? What did the placards say? -- I saw three different types (20) of placards. One reading "Asinamali" and the other one reading "No more rent hikes." Then I saw the other placard reading "Councillors must resign."

Were you - was it acceptable to you to join the march led by such placards? -- Yes, because I agreed with those messages.

Did you see a placard "Kill Mahlatsi and his brothers" as alleged by IC.8? -- No, I did not see that kind of a placard.

Would you have joined the march if you saw any such (30) placards/...

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placards? -- No, I would not.

WITNESS STANDS DOWN.

COURT ADJOURNS UNTIL 19 MAY 1987.