

SAAKNOMMER: CC 482/85

DELMAS

1987-06-02

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

HOF HERVAT OP 2 JUNIE 1987.

OUPA JOHN HLOMOKA, v.o.e. (Deur tolk)

MNR. FICK : Al die beskuldigdes is teenwoordig. Daar is n moontlikheid dat beskuldigde nr. 14 dalk n geneesheer moet gaan sien. Ons sal dit net bevestig.

VERDERE KRUISONDERVRAGING DEUR MNR. FICK : Mnr. Hlomoka, ons het laas gestop by 3 September 1984? -- Ja, dit is so.

Was daar kantbeamptes, "marshalls", aangestel vir hierdie optog? -- Ja, ek het hulle gesien.

Op watter stadium is hulle aangestel? -- Ek het nie (10) gesien nie. Toe hulle aangestel is, was ek nie by nie, maar ek het van hulle teenwoordigheid bewus geword tydens die optog.

Het u van die kantbeamptes geken? -- Nee.

Het u nie vir IC.8 gesien optree as n kantbeampte die dag nie? -- Ek het hom nie gesien nie.

Ek wil net aan u stel ten opsigte van die plakgate, ons het op n vorige datum met hulle gehandel. Ek wil dit net aan u stel daar was ook n plakkaat gewees met die opskrif "Kill Mahlatsi and brothers." -- Nee, ek ontken dit.

Het u beskuldigdes nrs. 8 en 17 weer gesien na u by (20) die kerk weg is, 3 September 1984 met die optog? -- Nee,

U sê vir die Hof u het ongeveer in die middel van die optog u plek ingeneem? -- Dit is so.

En u het nie vir beskuldigdes nrs. 8 en 17 ook daar in die middel rond gesien nie? -- Ek het nie opgelet nie.

Het u beskuldigde nr. 17 geken voor 3 September? -- Nee, ek het hom nie geken nie.

Terwyl die optog aan die gang is, wat het u gedoen? Het u geloop en sing, het u opgelet wat om u aangaan of het u geloop en praat met die persone langs u? Wat het u gemaak? (30)

Ek/...

-- Ek het die volgende gedoen. Op 'n stadium het ek gesing, op 'n stadium rondgekyk en partykeer met mense gepraat wat langs my was.

Ek stel aan u as daar stadiums was wat u met mense geloop en praat het rondom u, mense uit die optog weggebreek het en 'n kiosk of 'n kaartjieskantoor op die pad beskadig het, sou u dit nie gesien het nie? -- Nee, dit is nie so nie. Ek sou dit gesien het, want as dit plaasgevind het, sou dit plaasgevind het met 'n geraas by, as gevolg waarvan my aandag getrek sou gewees het om te kyk hoekom is daar 'n geraas. Dan sou(10) ek dit gesien het.

U sou dit gehoor het bo die singery van die honderde mense? -- Die persone het gesing, maar as hulle normaal sing kan dit nie verhoed om te hoor wat die ander geraas is wat nou verskillende is van die singery nie.

Die interseksie, by daardie gedeelte, wat, wil u vir die Hof net beskryf wat het gebeur daar by die interseksie toe die voerpunt van die mars die interseksie binnegaan? -- Dit is nie dat ek altyd die voerpunt van die optog onder observasie gehou het nie, maar op die stadium wat ek vorentoe gekyk (20) het, het ek opgemerk dat die voerpunt van die optog by die mense kom wat vanuit die teenoorgestelde rigting gekom het. Dit wil sê die aansluiting van die voerpunte het ek opgemerk.

Hierdie voerpunt van u optog, is dit die mense wat die plakkaat gedra het wat ons nou van praat of is dit ander mense wat die voerpunt van u optog gevorm het? -- Die voerpunt van ons optog was die plakkaatdraers, maar daar was wel ander mense gewees wat voor die voerpunt van ons beweeg het wat die optog beheer het.

U moet meer daarop uitbrei. Hoe het hulle die optog (30)

beheer/...

beheer, die mense wat voor die plakkaatdraers geloop het? -- In die sin, die pas het gewissel. Party plekke was dit vinnig en op ander plekke stadig. Elke keer wat die pas vinnig was, het die persone heel voor dit laat stadig beweeg. Dit is op daardie manier dat ek sê hulle het die beheer uitgeoefen.

Hoeveel mense was hierdie groepie hier voor wat nou beheer oor die optog uitgevoer het? Drie, vier, vyf, meer? -- Ek het nie so goed opgelet hoeveel die persone in getal was nie, maar dit was nie baie persone gewees nie.

Meer as tien of minder? -- Hulle was min. Ek skat onge-(10)veer drie. Ek sê dit nie met sekerheid nie.

Hoe ver voor die plakkaatdraers het hierdie drie persone geloop? -- Ek het opgemerk dat hulle voor die plakkaatdraers was, eintlik by hulle voor. Hoe ver hulle vroeër beweeg het voor hierdie punt kan ek nie sê nie, want ek het net opgelet dat hulle nou besig was om die voerpunt te laat stadiger beweeg.

HOF : U bedoel hulle was dus direk voor die plakkaatdraers? -- Ja, hulle was direk voor hulle gewees tydens die beheer van die pas van die optog, maar terwyl die optog nou normaal (20) beweeg het, het ek nie opgelet waar presies hulle geloop het nie.

MNR. FICK : Het u enige van hierdie drie persone geken of herken? -- Nee, hulle was ver gewees. Ek kon hulle nie goed sien om hulle te identifiseer nie.

Was hulle voor die plakkaatdraers op die stadium wat die groep van voor af in die interseksie julle optog genader het?

HOF : Nader is 'n rekbare begrip. Jy kan iemand nader op 300 meter of op 400 meter of op 2 meter.

MNR. FICK : Toe julle optog die interseksie ingaan en u (30)

die/...

die eerste keer hierdie groep van voor af sien, was hierdie drie persone voor die plakkaatdraers? -- Nee, ek het nie opgelet waar hulle was op daardie stadium nie. Soos ek sê, ek het eers van hulle teenwoordigheid bewus geword waar dit vir hulle nodig was om die optog stadig te laat beweeg, maar as die optog normaal geloop het, het ek hulle nie gesien nie. Ek kan nie sê waar hulle was voor hulle die optog beheer het nie.

HOF : Maar was dit dan in die interseksie waar hulle die optog laat stadiger beweeg het? -- Nee, hulle het dit (10) verskeie kere gedoen terwyl ons nog opgekom het, dit wil sê voor ons die interseksie binnegegaan het. Dit het hulle gedoen met die oog daarop dat die mense kan by hou met die pas wat die optog beweeg het.

MNR. FICK : Toe u die groep van ongeveer driehonderd wat u genoem het in u hoofgetuienis nou die eerste keer opmerk, hoe ver was hulle van u groep af? -- Ek sal nie kan sê wat die distansie was tussen die twee voorpunte nie, maar hulle was feitlik naby gewees. Dit was net voor hulle by ons voorpunt aangesluit het. (20)

Ek wil graag hê u moet vir die Hof beduie, toe hierdie groep nou by u groep kom, presies wat het hierdie groep van driehonderd gemaak? -- Dit sal vir my moeilik wees om vir die Hof presies te sê wat daar by die voorpunt plaasgevind het, maar wat ek wel kan sê is dat toe die twee punte bymekaar gekom het, het die bewegingspas van die optog stadig geword. By aansluit, bedoel ek ek het by die voorpunt opgemerk dat daar n heen en weer beweging was en toe ek dit opgemerk het, het ek toe verder bewus geword van die pas, dat dit nou stadig geword het. (30)

Laat/...

Laat ek vir u so vra. Toe die groep van voor af by u optog se voorpunt kom, wat het hierdie groep van voor af gemaak? Het hulle verbybeweeg en ingegaan tussen u mense in of wat het hulle gemaak? -- Ek weet nie hoe het hulle ingepas by ons optog nie, maar wat ek wel opgemerk het was dat daar was 'n beweging die mense by die twee punte. Ons plakkaatdraers het nog aanhoudend aangestap.

En julle plakkaatdraers was nog die voorpunt die heelyd van julle opmars? -- Ek sal so sê, ja. Soos ek nou net gepraat het, het ek vir die Hof laat verstaan dat hy het met hierdie(10) plakkaat daar gemerk waar ons punt was. Waar ek die plakkaatdraers gesien het, het ek geweet dit is die voorpunt van ons optog.

Maar dit is nou 'n antwoord wat probleme gee vir my. Die plakkaatdraers wat u sê u gemerk het die voorpunt van die optog is, voor hulle by hierdie groep van driehonderd aangekom het, was daar niemand voor hulle in die optog nie. Is dit reg? -- Ek sê ek het nie gesien nie. Ek weet nie of daar mense voor die plakkaatdraers was of nie.

Hoe is dit moontlik? U sien die plakkaatdraers? Hoe(20) kan u nie sien of daar mense voor hulle is nie? -- Die posisie is so, die plakkaatdraers is baie. Hulle hou die plakgate hoog. Met die gevolg as daar nog nie mense was wat die pas moet beheer dat hulle voor moet kom nie, kon ek nie sien of daar enige mense voor was nie. Dus, die plakgate self was hoog gehou sodat ek kon sien dit is die voorpunt.

Toe u optog hierdie groep van driehonderd bereik in die interseksie, was hierdie groep van driehonderd op die teeroppervlakte netjies opgestel of wat was hulle posisie? -- Ek het hulle op die teer opgemerk. (30)

Was/...

Was hulle opgestel soos julle optog netjies agter mekaar?
-- Ek kon nie sien of hulle beweeg het of nie, maar al wat ek kon sien was dat hulle op die teergedeelte was en hulle was wel gereël gewees in die middel van die pad, dit wil sê die teergedeelte. Om vir die Hof nou te kan sê van waar ek was toe ek hulle opgemerk het dat hulle gerangskik was hoe om te staan, sal ek nie vir die Hof kan sê nie.

h Groep van ongeveer driehonderd mense is h groot groep mense? -- Ja, dit is so.

En soos u loop kyk u outomaties voor u? -- Ja, dit (10) is so.

Nou wat het gemaak dat u hierdie groep van driehonderd nie gesien het voordat julle groep omtrent by hulle was nie?
-- Normaalweg loop h persoon en kyk vorentoe waarheen hy gaan, maar dit is nie altyd die geval nie. Hier is ek in h optog, partykeer praat ek met die mense lang my, partykeer is ek verplig om ondertoe te kyk waar ek loop om nie teen die mense te loop of hulle te pootjie nie. Dus hou ek partykeer my oë na onder op die grond, maar ek kan nie met sekerheid vir u sê wat verhoed het dat ek nie die persone van ver af (20) gesien het nie.

In die interseksie waar hierdie groep van driehonderd was, was dit die enigste groep in die interseksie? -- Ja, daar was wel klein klompies mense aan die kante van die pad.

Was dit blote toeskouers gewees? -- Dit is hoe ek dit gesien het.

En hierdie groep van voor, het hulle enige plakkate gehad of het hulle niks by hulle gehad nie? -- Ja, ek kan sê daar was plakkate gewees, want net voor hulle bymekaar gekom het, dit wil sê die voorpunte bymekaar gekom het, het ek (30)

plakkate/...

plakkate opgemerk.

Ek stel aan u u hele weergawe oor hierdie groep wat van voor af aangesluit het, is vals. U weet nie, voor daardie groep aangesluit het, of daar mense voor die plakkaatdraers was nie, want u kon nie sien nie, maar u beskryf in taamlike detail van h groep wat voor aangesluit het by die plakkaatdraers? -- Ja, daar is h groot verskil tussen die twee. U praat van h paar persone wat veronderstel was om voor die plakkaatdraers te gewees het en dan praat u van h groot klomp persone wat van voor af kom. Ek kan die groot klomp(10) persone sien van ver af.

So, as daar honderde voor hierdie plakkaatdraers van julle was, toe julle groep die interseksie nader, hulle sou u gesien het?

HOF : Net duidelikheid. U bedoel as die plakkaatdraers nie die voerpunt van die optog gevorm het nie, maar daar honderde ander in die optog was voor die plakkaatdraers as deel van die optog?

MNR. FICK : Soos dit die Hof behaag. -- Ja, dit is so.

Want u sien, daar is gestel aan die getuie IC.8, volume(20) 22 op bladsy 1 070 "And I am going to put to you that as the procession proceeded towards the intersection, there were by the time the front rank of the organised procession had reached the intersection, hundreds of people in front of them." Dan word daar verder gesê "And that this intersection, by the time the front rank or what was the front rank at Small Farms with the poster carriers had reached the intersection, there was almost a mass meeting of people near this intersection." U het nie hierdie opdrag gegee vir hierdie regsvertegenwoordiger dat daar honderde mense voor in die optog(30)

was/...

was nie? -- Dit is presies waarvan ek praat. Ek het ook bygedra om daardie instruksie te gee, maar wat ek oorgedra het toe ek daardie bydrae gelewer het, was die volgende, dat toe die mense van voor af by ons optog aangesluit het, het honderde mense aan die voorkant van die optog, dit wil sê aan die voorkant van die plakkaatdraers gelaat.

HOF : Wat bedoel die antwoord? Praat u nou van die stadium toe die groep van driehonderd al aangesluit gehad het of praat u van die stadium voordat die groep van driehonderd by die optog aangesluit het? -- Nee, ek praat van die (10) driehonderd se aansluiting by die voorpunt van ons optog.

MNR. FICK : Ek sal die punt daar laat met u. U weet hoege-naamd nie waar hierdie groep van driehonderd mense vandaan kom nie? -- Ek weet nie, maar hulle het in die teenoorgestelde rigting beweeg.

Hierdie groep het nou by julle groep aangesluit en wat gebeur toe? -- Dit is wat ek sê. Met die persone se aansluiting het ek opgemerk dat daar 'n klomp mense daar beweeg het voor en dit het die pas van die optog geaffekteer.

En u weet nie of hierdie mense uit die steeg uitgekom(20) het en toe by julle kom aansluit het in die interseksie nie? -- Nee, dit was duidelik gewees dat hulle nie uit daardie steeg gekom het nie, want hulle was op die teerpad gewees en daardie steeg is nie by die teerpad nie.

Maar die steeg loop tog uit op die teerpad? -- Dit is heeltemal reg, maar wat ek sê is, die mense se manier van staan het parallel gegaan met die teerpad en nie in die rigting van die steeg nie.

Waar die - laat ek vir u so vra. Die dag terwyl u daar in die omtrek van die steeg was, het u nie daar rook gesien(30)

trek/...

trek nie? -- Ek het die rook opgemerk toe ek nog in die nabyheid was van die BP Garage.

En u plakkaatdraers, waar was hulle toe u die rook gesien het? -- By die busstop.

HOF : Dit is nou Fowlers? -- Ja, dit is so.

MNR. FICK : U sien, ek wil aan u stel dat in Volume 22 op bladsy 1 074 is daar gestel dat "The planned leaders from the beginning was coming into the intersection. Smoke was apparent from the direction of the late Caesar Motjeane's house." Hier word gestel uitdruklik dat hierdie plakkaat-(10) draers, die oorspronklike voorpunt van die mars, toe hulle in die interseksie gaan, toe trek die rook by Caesar se huis? -- Nee, dit is nie hoe ek dit gesien het nie.

Wat nog meer eienaardig is, op dieselfde bladsy, heel onder aan word gestel "The people in front, the new vanguard", dit is nou die groep wat u sê wat nie daar was nie "of the marchers, that is the people that joined ahead of the original people had already taken the turn or had followed the tarred road past the lane when the smoke first appeared." -- Ek sê dit is nie hoe ek dit gesien het nie. (20)

En toe hierdie stelling nou gemaak word aan die Staatsgetuie, het u vir u regsverteenvoerder gesê maar dit is nie hoe dit gebeur het nie? -- Nee, ek het nie. Baie van ons was by hierdie optog teenwoordig gewees by verskillende punte. Ek sal dus nie weet waar die persone was wat hierdie instruksie gegee het wat so sê nie.

HOF : Nee, maar wat die instruksie sê is dat nadat daar al 'n nuwe groep persone aangesluit het by die optog en deel geword het van die optog en in die rigting van die optog gestap het, daardie nuwe groep wat die voorpunt gevorm het, al om(30)

die/...

die draai was, toe het die rook vir die eerste keer ontstaan?
-- My antwoord op die vraag is dat vir 'n sekere tyd het die mense wat by ons optog van voor af aangesluit het, die voorpunt van ons optog gevorm tot tyd en wyl ons oorspronklike voorpunt mense weer die posisie ingeneem het as 'n voorpunt. Wie ook al dit is wat sê die rook was eers op daardie stadium sigbaar, is hoe daardie persoon dit gesien het, maar ek het dit nie op daardie stadium opgemerk nie. Dit is nie wat ek sê nie.

Waar het die oorspronklike leiers weer leiers geword?(10)

-- Op 'n stadium het ek met Louis Vilakazi gepraat. Dit is op daardie stadium wat ons oorspronklike voorpunt alreeds weer terug was in die leiersposisie, dit wil sê aan die voorkant van die optog, maar net voor hulle die draai gevat het na die poskantoor toe. Ek kan net nie sê hoe ver van die poskantoor was hulle gewees nie.

Maar kan ek nou net duidelikheid kry. Tussen die interseksie en die poskantoor, was daar 'n stuk waar die oorspronklike leiers van die optog nie die leiers was nie?

-- Ja, dit is so. Ek sal net nie kan sê tot by watter (20) punt was hulle nie die leiers nie.

Waar het u opgemerk dat hulle weer die leiers is? -- Hulle was naby 'n "bus shelter" en dit is terwyl ek met Louis Vilakazi gepraat het dat ek weer opgemerk het dat ons oorspronklike leiers van die optog nou weer die posisie van die leiers geneem het voor.

Halfpad tussen die poskantoor en die interseksie, een-derde weg, twee-derdes weg? -- Ek het nie 'n idee nie. As die Hof dalk vir my die kaart kan gee, die foto, sal ek in staat wees om vir u te kan beduie waar dit is. (30)

U/...

U kry nou AAR1. Die bokant van die foto is noord. So, heel bo is Evaton. U kan sien die B P Garage is ook daar gemerk en die pad is gemerk met 'n rooi lyn wat doodloop in 'n T-aansluiting. -- Ja, ek sien dit.

Dit is waar die poskantoor is en die interseksie is waar daar 'n geleidelike knik in die pad is na regs as 'n mens van die BP Garage af na die T-aansluiting toe kyk. -- Hierdie bushalte wat ek van praat is ongelukkig nie duidelik hier nie, maar dit is die nabyheid van die pyl met die syfer 60, as ek reg is, net agter die 33. (10)

Dit is na skatting ongeveer in die middel van die afstand tussen die poskantoor en die interseksie.

MNR. FICK : Op watter wyse het hierdie groep van voor die voerpunt van u optog geword? -- Die ontmoeting van die twee punte, dit is ons voerpunt en die voerpunt van die mense wat in die teenoorgestelde rigting was, ons optog het nog aanhoudend beweeg, dit het nie tot stilstand gekom nie. Dit is op daardie manier dat dit gekom het dat die mense wat aansluit by ons dan voor gewees het.

HOF : Voor die plakkaatdraers? -- Ja, dit is so. (20)

MNR. FICK : Het hulle net voor julle ingeloopt en toe die voerpunt geword of wat het hierdie mense gemaak om die voerpunt te word? -- Ek weet nie hoe die mense presies daar aangesluit het nie, maar wat ek beskryf hier is dat toe hulle aansluit by ons, was ons voerpunt nog nie by hulle verby nie, met die gevolg dat hulle dan aan die voorkant was van ons optog.

HOF : So, basies, toe hulle by u aansluit, het hulle omgedraai en die voerpunt gevorm en teruggestap vanwaar hulle gekom het? -- Nee, wat ek bedoel is dat op 'n stadium was hierdie persone wat van voor af gekom het aan die voorkant (30)

van/...

van ons optog gewees. Nie dat hulle h voerpunt van ons optog gevorm het nie, maar net aan die voorkant terwyl hulle nog by ons optog aangepas het. Ons optog het verder beweeg tot op die punt waar hulle weer die voerpunt geword met met die verbygaan by die mense wat aansluit.

MR BIZOS : Perhaps the gesture made by the witness may be more descriptive than his words. He puts the fingers of his hand, the one into the other.

COURT : Yes, that is an intermeshing sort of action, but that is not how I understood his previous evidence. (10)

MNR. FICK : Hierdie groep van driehonderd, het hulle nie tot stilstand gekom voor u groep, omgedraai en voor julle plakkaatdraers gestaan en toe weer in dieselfde rigting as julle beweeg nie? -- Ek sê ek het dit nie opgelet nie. Wat ek hier sê is, ek was daarvan bewus gewees dat daar mense aan die voorkant van ons optog was. Op watter stadium die mense nou omgedraai het en presies aangepas het by ons optog, tot ons voerpunt van die optog nou weer die voerpunt geword het na hierdie mense aangesluit het, kan ek nie sê nie.

Is dit eintlik nie maar h geval van u kan glad nie (20) sê wat daar aangegaan het in die interseksie nie? U is besig met raaiwerk en spekuleerwerk? -- Ek probeer om te beskryf wat ek gesien het. Wat ek aan u probeer verduidelik is dat op die ou end die driehonderd wat in die teenoorgestelde rigting gestap het, was agter ons plakkaatdraers gewees. Hoe hulle dit gedoen het, of hulle onmiddellik daar omgedraai het en gewag het vir ons voerpunt om verby te kom en of hulle sommer tussenin gestap het tot hulle agter die plakkaatdraers gekom het, is wat ek nie kan sê nie, want ek het nie gesien hoe dit plaasgevind het nie. (30)

Maar/...

Maar hulle het definitief ook nie voor u plakkaatdraers gaan staan en omgedraai en die voerpunt geword nie? -- Dit is so.

HOF : Dit is so, wat beteken dit? -- Dat hulle nie omgedraai het om die leiers te word van ons optog nie, maar in die optog van ons aangepas het.

MNR. FICK : As iemand dit kom beweer het, is dit vals, dat die groep van voor af het gaan stil staan, omgedraai en hulle het die nuwe voerpunt van julle optog gevorm? -- Ek het dit nie so gesien nie. (10)

U het netnou getuig dat ongeveer halfpad tussen die interseksie en die poskantoor, op daardie punt het u oorspronklike leiers weer die leiers geword van die optog?

HOF : Het hy dit opgemerk.

MNR. FICK : Het u dit opgemerk. Hoe het dit gebeur dat hulle weer die leiers geword het van hierdie optog? -- Ek het dit opgemerk omdat ek nou bewus geword het en gesien het dat die plakkaatdraers is weer heel voor. Almal van hulle is weer heel voor in die optog.

Maar u het nie gesien hoe dit gebeur het dat hulle (20) daar kom nie? -- Ek sê ek het dit nie opgelet nie. Wat ek wel sê is dat ek het gesien dat die voerpunt van die ander optog by hierdie een van ons aansluit en ek het gesien dat die mense nou daar inpas. Op 'n stadium het ek met Louis gepraat. Toe ek opgekyk het in die rigting, het ek toe gevind dat die plakkaatdraers van ons nou weer leiers geword het. Dit wil sê die voerpunt geneem het.

HOF : Die Louis, is dit Louis Vilakazi? -- Dit is so, ja.

MNR. FICK : Waar het hierdie Louis Vilakazi vandaan gekom? -- Hy was een van die klompies wat op die kant van die pad(30)

gestaan/...

gestaan het.

Was hy 'n man wat wou aansluit of was hy een van die nuuskieriges? -- Nee, ek weet nie, maar hy het nie by die optog aangesluit nie. Wat ek wel van weet is dat hy woon nie ver van hierdie punt af waar ek hom ontmoet het nie.

Aan watter organisasie behoort hy? Weet u? -- Ek weet nie. Hy is aan my bekend as 'n persoon wat nie 'n lid is van 'n organisasie nie.

HOF : Het u hom voor of na die interseksie gesien? -- Na ons deur die interseksie was. (10)

MNR. FICK : Waar het hierdie Louis Vilakazi gestaan toe u hom gekry het? Daar by die punt waar u opgemerk het die voorpunt of u leiers is weer die voerpunt van die optog of daarna? -- Nee, ek sê ek is na Louis toe. Na ek by Louis was, het ek opgemerk dat ons oorspronklike leiers van die optog, weer die leiding geneem het, hulle is weer heel voor.

Hoe ver na die laan, die steeg het u vir Louis gekry waar hy gestaan het? -- Dit wil sê aan my regterkant soos wat die optog beweeg het regoor die derde huis vanaf die steeg na die steeg, het ek by Louis gekom waar ek met hom gepraat (20) het.

Wat het u met hom gesels? -- Ek het van hom verneem hoekom is daar so baie mense of hoekom is daar mense, wat gebeur hier.

U het by hom verneem oor waar is watter mense? -- Hoekom ek van hom verneem het is omdat toe ons met die optog gekom het, het ons nie soveel mense gekry wat aan die kante van die pad was in vergelyking met dié wat ons in die interseksie gekry het nie. Hulle was meer by die interseksie gewees. Dit is hoekom ek van hom verneem het. (30)

HOF/...

HOF : Dit is nou die mense wat langs die pad gestaan het? --
Ja, die mense wat langs die pad gestaan het.

MNR. FICK : En wat het hy vir u te sê gehad? -- Hy sê toe
aan my daar is 'n huis wat in die oggend aangeval was en sê
toe dit is Caesar se huis, wat nie aan my bekend was nie.

Hoe het hy vir u gesê? Het hy gesê Caesar se huis is
die oggend aangeval of het hy gesê wie Caesar is? -- Ja, hy
het gesê Caesar is 'n raadslid.

En u het toe seker probeer uitvind wat het gebeur dat
hy aangeval is? -- Nee, ek het hom nie uitgevra nie. Dit (10)
het my vraag beantwoord. Ek het toe verstaan wat die antwoord
was hoekom daar op daardie punt so baie mense was.

Maar u stap nou hier, soos u vir die Hof sê, in 'n vreed-
same optog en hier kry u nou inligting op 'n vraag wat is hier
so baie mense en nou sê hy maar hier is 'n raadslid se huis
aangeval. Is u nie nuuskierig om te weet wie het hom aange-
val, hoekom is hy aangeval nie? -- Nee, ek wou nie verder
geweet het daarvan nie, want die optog gaan voort en dit
het niks te doen met die optog wat daar gebeur het nie en
die optog het nie weggedraai vanaf die pad wat hy geloop (20)
het nie. So, wat daar plaasgevind het, het niks met my te
doene gehad nie. Ek sal u sê hoekom ek dit so stel, want
u vra vir my van 'n vreedsame optog. Dit wil sê u betrek nou
die optog by die aanval. Die antwoord is, die optog het
niks te doene gehad met die aanval wat u van praat nie en
dus, as die optog niks te doene het met die aanval nie, dan
het dit niks met my uit te waai om nog verder uit te brei
om te verneem hoekom dit gebeur het nie.

Het Louis nie vir u gesê hoe die huis aangeval is nie?
-- Nee. Ek het hom ook nie gevra nie. (30)

Hy/...

Hy het ook nie vir u gesê wie die huis aangeval het nie en u het hom ook nie gevra nie? -- Dit is so.

U het hom ook nie gevra om u te neem na die plek toe om te gaan kyk nie en hy het ook nie aangebied om dit te doen nie? -- Ek sou nie daarvan verneem het van hom of daar iemand dood is as ek nie weet of daar iemand dood is nie.

U was nie nuuskierig om enigiets uit te vind van hierdie aanval waarvan hy vir u vertel het op 'n raadslid nie?

MR BIZOS : Did he tell him that there was "n aanval op 'n raadslid" or "n aanval op 'n raadslid se huis"? (10)

MNR. FICK : Raadslid se huis? -- Ek wou nie geweet het nie, want dit het ek nie met die optog betrek nie. As dit miskien by die optog betrek was, sou ek belang gestel het om te wou weet.

U het mos in AZAPO 'n kampanje gevoer teen die verkiesing van die raadslede en daar is baie gepraat oor die verhoging van die huishuur deur die raadslede, het u nog nie belang gestel om uit te vind hoekom het dit gebeur nie? -- Nee, ek wou nie geweet het nie, want vroeër toe ons weg is, ek en IC.8 en die ander het ons by 'n raadslid se huis verby-(20) gegaan. Dit is die raadslid wat hier getuig het en hy woon naby my. Ek het geen rede gehad om die raadslede te betrek by die hele ding wat ons later gesien het nie, want dit het niks met hulle te doene gehad nie.

ASSESSOR (MNR. KRUGEL) : Watter raadslid is dit? -- Mnr. Piet Mokoena.

MNR. FICK : Toe u vir Louis Vilakazi daar gesien het en met hom gepraat het, was hy alleen? -- Nee, daar was ander mense naby hom gewees, maar ek het net met hom alleen gepraat.

Nee, wat ek vir u vra is, Louis Vilakazi, het hy (30)

alleen/...

alleen daar gestaan of het hy 'n metgesel gehad wat spesifiek saam met hom was? -- Ek weet nie of die mense saam met hom daar was nie, maar toe ek daar by hom gekom het en met hom gepraat het, het ek net met hom gepraat. Daar was wel mense gewees wat by hom gestaan het, maar hulle het nie deelgeneem aan dit waaroor ek met hom gepraat het nie.

Die heelyd wat u met Louis Vilakazi gepraat het, was u en hy alleen? Of het daar iemand by julle aangesluit?

HOF : Kan 'n mens in 'n menigte alleen wees?

MNR. FICK : Het u en Louis alleen die gesprek gevoer of (10) het daar op 'n stadium iemand bygekome en kom deelneem aan die gesprek? -- Maria Mahlatsi het daar opgedaag. Ek kan net nie sê of sy daar opgedaag het en ons toe oor hierdie ding gepraat het of nie, maar wat ek wel kan sê is, sy het opgedaag.

Hoekom kan u nie vir die Hof sê of sy ook gepraat het oor hierdie aanval by Motjeana se huis nie? -- Want ek het haar die laaste gesien daardie dag.

Ek verstaan glad nie wat u nou bedoel nie. Het u dan later weer vir Louis Vilakazi gesien en met hom gepraat? -- Ja, ek het hom hier by die Hof gesien toe hy sy broer kom (20) sien het.

Toe het julle weer gepraat oor hierdie voorval by die interseksie? -- Nee, al wat ons gepraat het hier was dat ons het mekaar laas gesien daardie dag waar ek hom gesien het by hierdie punt, maar om nou te gesels oor presies wat daar plaasgevind het, het ons nie.

Het u vir Maria Mahlatsi voor 3 September 1984 geken?
-- Dit is so.

Van waar? -- Sy woon in Gebied 7.

Behoort sy aan enige organisasie wat u van weet? -- (30)

Ek/...

Ek ken haar nie as 'n lid van 'n organisasie nie.

Waar het sy vandaan gekom toe sy daar by u aangesluit het? -- Van die optog.

Het sy uit die optog uit weggebreek en met u kom gesels? Is dit wat u sê? -- Dit is so.

Wat wou sy gehad het? -- Sy ken beide van ons, ekself en Louis.

Maar wat het sy kom maak? Wat het sy kom praat? -- Ek sê ek kan nie meer onthou toe sy daar gekom het of ons besig was om oor Caesar se gebeure te praat of nie. (10) Wat ek wel kan onthou is dat ek en sy het weer na die optog toe gegaan.

By dieselfde plek het julle weer aangesluit by die optog? -- Ja, dit is so.

HOF : Dieselfde plek, fisies op die terrein of dieselfde posisie in die optog?

MNR. FICK : Ek sal dit beter formuleer. Het u en Maria saam gestap na waar die optog is en op dieselfde plek binne-in die optog u plek ingeneem bymekaar?

HOF : Bedoel u posisie in die optog of bedoel u plek op (20) die terrein? Daar is vierhonderd vyf-en-sewentig mense voor hom. Was hulle weer op vierhonderd ses-en-sewentig in die optog of bedoel u daar voor die derde huis waar hulle gestaan het, het hulle weer daar aangesluit of op 'n ander plek?

MNR. FICK : Nee, ek wil by die getuie weet of hy en Maria dieselfde tyd by die optog aangesluit het, dieselfde geleentheid.

HOF : Saam by die optog aangesluit het?

MNR. FICK : Saam aangesluit het? -- ja.

Waar by die optog het u aangesluit? By u oorspronklike (30) posisie/...

posisie of agter die optog? Waar het u gaan aansluit? -- Terwyl ons daar gestaan het, het die optog verder aan beweeg. So, ons het net aangesluit daar vanwaar ons gestaan het weer by die optog. Dit wil sê agter die punte waar ons oorspronklik was by die optog, nie heel agter nie, dit wil sê die stert nie.

Vir watter tydperk was u uit die optog toe u na Louis gegaan het tot u weer by die optog aangesluit het? Hoe lank het dit geduur? -- Ek weet nie hoe lank dit was nie, maar dit was 'n klein tydjie gewees. (10)

Toe u nou oorspronklik uit die optog uitbeweeg het en met Louis gaan staan en praat het, het die kantbeamptes, die "marshalls", nie enige - u gekeer nie? -- Hulle het my gekeer.

En? Wat het toe gebeur? -- Ek het toe aan hulle verduidelik dat ek nie die optog verlaat nie, maar ek wil net 'n gesprek gevoer het met daardie persoon.

Hoekom het u weer by die optog gaan aansluit? -- Omdat ek Houtkop wou bereik het.

Ek stel aan u u hele weergawe oor wat daar gebeur (20) het by hierdie interseksie is vals. Ek wil aan u stel daar was geen groep van driehonderd wat by u aangesluit het voor by die groep nie. U het glad nie geloop waar u sê u geloop het in die optog nie, want u was voor? -- My antwoord daarop is, ek beskryf aan u wat ek weet en ek praat van wat ek weet daar plaasgevind het.

Ek stel aan u toe u daar by die interseksie kom het iemand geskreeu iets van 'n hond en u is onder andere een van die mense wat in daardie steeg ingegaan het in die omgewing na Caesar Motjeane se huis toe? -- Wat die gebruik van die (30)

woord/...

woord van "hond" betref, het ek dit nie gehoor nie. Wat Caesar se huis betref, ek weet nie eers hoe lyk sy omheiningsdraad nie. Dit wil sê ek was nooit by daardie straat gewees nie.

Ek wil net volledigheidshalwe aan u stel dat u het daar gesit en kyk tydens die aanval op Caesar se huis en toe sy werknemer en Caesar vermoor is? -- Dit is nie die waarheid nie. Ek dra geen kennis daarvan nie. Dat Caesar dood was, het ek oor die radio gehoor.

Later toe die polisie die optog gestop het, u weet nie(10) wat daar gebeur het tussen die polisie en die voerpunt nie, u was te ver? -- Ja, u is reg, maar dit was n opdraand gewees wat ons daar geloop het. Vanwaar ek was kon ek sien waar die polisie was en waar die mense in die optog was weens die hoogte wat hulle gestaan het.

En dit is al wat u weet wat daar gebeur het tussen die polisie en die voerpunt, dat u kon sien waar die verskeie groepe is? -- Ja, dit is so. Soos ek alreeds gesê het, ek kon sien waar hulle was.

Nou stel ek aan u dat die gebeure op 3 September en (20) wat daarna gebeur het is die direkte resultaat van die vergaderings en die toesprake van AZAPO, uself en die VCA, COSAS en die vroue-organisasies in die Vaal gehou het teen die raadslede? -- Ek stem nie saam met die stelling nie. In die eerste plek, by al die vergaderings waar ek teenwoordig was, het niemand iets gesê of wat ek gesê het het regverdig dat die voorvalle van die 3de plaasgevind het nie of die voorvalle daarna.

Ek stel aan u AZAPO het saam gewerk met die VCA en die ander geaffilieerde organisasies van die UDF asook met UDF (30)

om/...

om die gemeenskap in die Vaal op te sweep teen die raadslede en die raadstelsel? -- Dit is nie die waarheid nie. Indien daar so 'n samewerking was, dit wil sê tussen AZAPO, VCA en die geaffilieerdes van UDF of UDF self, was ek die eerste persoon gewees om daarvan te weet.

Ek stel aan u dat die opsweping van die massas in die Vaal onder andere het geskied deur die uitbuiting van die griewe van die gemeenskap? -- Ek weet nie wat u daarby bedoel nie. Die gemeenskap praat self van wat gebeur tussen die gemeenskap. As hulle daarvan praat, verstaan u dit as opswep (10) van mense as hulle self melding daarvan maak? Ek verstaan dit nie so nie. Dit is nie 'n opsweping van mense as mense self daarvan praat nie.

Ek stel aan u AZAPO het niks gedoen om die griewe van die mense in die Vaal te gaan bespreek met die raad of met die owerheid nie? -- Ja, dit is so. Dit is vir die gemeenskap om dit self te doen of om mense te kies wat namens die gemeenskap sal optree.

En ek stel aan u die doel van hierdie opsweping deur AZAPO en die UDF geaffilieerdes in die Vaal was om die (20) massas tot geweldpleging te laat corgaan sodat julle die Swart plaaslike besture in die Vaal onder andere deur die geweldpleging onwerkbaar kan maak en selfs tot niet kan maak? -- Dit is nie die waarheid nie.

Nog net twee aspekte wat ek met u wil opklaar. Matsidiso, die persoon Matsidiso, was hy op 3 September 1984 'n kant-beampte, 'n "marshall"? -- Ek het nie die persoon voor die dag geken nie, maar ek het aanvaar dat hy een van die kant-beamptes was.

HOF : Het u hom daar gesien? -- Ek het nie die persoon (30) geken/...

geken nie. Ek het die persoon eers vir die eerste keer gesien by die klomp wat die poskantoor met klippe wou bestook het. Dit is waar ek vir die eerste keer bewus geword het van hierdie persoon se teenwoordigheid daar. Andersins het ek hom nie vantevore geken nie.

Hoe het u geweet sy naam is Matsidiso? -- Ek het gehoor toe die mense hom geroep het.

Watter mense het hom geroep? -- Die mense by die optog het vir hom op hierdie naam geskreeu.

Om wat te doen? -- Toe ek gehaas het na die toneel toe(10) van die poskantoor, het mense van die optog die naam van Matsidiso hardop geskreeu, as gevolg waarvan hierdie persoon gereageer het deur sy hand op te lig, soos ek aandui.

HOF : Linkerhand oop palm.

MNR. FICK : En wat gebeur toe? -- Dit is terwyl hy met die klein klompie persone, die vyf of ses persone, gepraat het.

ASSESSOR (MNR. KRUGEL) : Dit is die klipgooiers? -- Ja, dit is so.

MNR. FICK : En wat het hy met hulle gepraat? -- Toe ek daar gekom het, was hy besig om vir die persone te sê hulle(20) moenie daar met klippe gooi nie, want dit sal lyk of die mense van die optog dit toegelaat het dat die plek met klippe bestook word.

Wat het u gemaak? -- Ek het dit ook herhaal en gesê hulle moet asseblief dit nie doen nie. Ons is nie daar om dit te doen nie.

Het iemand ook gesê hulle moet nie die poskantoor aanval nie, want daar is van die gemeenskap se briewe ook daar in?

-- Nee.

Wat ek glad nie verstaan nie, u is toevallig op hierdie(30)
optog/...

optog. Waaroor het u die vyf of ses jeugdige gaan keer?

-- Ek het dit gedoen omdat Maria my aandag op die persone gevestig het, dat ek moet sien wat hulle wil doen en tweedens, ek het dit verkeerd gesien dat mense iets van daardie aard moet doen. Dus het ek opgetree in die sin dat ek hulle moet gaan keer.

U het nie n kantbeampte gekry en gesê "Gaan kyk wat maak die mense" nie? -- Nee, ek het nie daaraan gedink nie.

Het u terwyl die mars nou aan die gang was op 3 September 1984 die oggend, nie ook in Gebied 12 gesien n huis brand (10) nie? -- Nee, ek het nie opgelet nie.

En het u ook nie opgelet of selfs gehoor daar in die optog dat daar in Gebied 7B ook n aanval was op n huis en dat die huis aan die brand gestek is nie? -- Nee.

Het niemand in daardie optog vir u gesê of gepraat daarvan dat sedert 06h00 die môre op 3 September is daar al busse aangeval, met klippe gegooi en die polisie aangeval en met klippe gegooi nie? -- Nee, nie in Gebied 3 nie, want ek woon in Gebied 3. Niemand het my daarvan gesê nie.

Niemand het ook vir u gesê dat daar busse aangeval (20) was op die hoofpad, die Sebokeng hoofpad die oggend van 3 September voor die optog nie? -- As u praat van die hoofpad van Sebokeng, neem ek aan u praat van Gebied 13? Ek woon in Gebied 3.

U het nêrens gehoor voor of tydens die optog dat die mense praat van dat die busse aangeval is daardie oggend in Sebokeng en dat die polisie geskiet het op die mense nie? -- Nee, dit het ek nie gehoor nie.

U het ook nie op die pad soos u geloop het klippe gesien lê, padversperrings, waar die mense padversperrings vir (30)

die/...

die busse opgesit het nie? -- Dit het ek eers gesien na die optog uiteen gegaan het. Op pad huis toe het ek dit opgemerk.

Ek stel aan u dat hierdie oggend van 3 September is daar gemarsjeer onder andere na Caesar se huis toe? -- Ek ontken dit.

En ek stel aan u dat 3 September was gereël deur AZAPO en die ander organisasies in die Vaal, VCA en UDF geaffilieerdes vir 'n wegbly-aksie sodat julle die grootste massa mense bymekaar kan kry vir geweldpleging? -- Ek ontken dit. Ek sal u sê van 'n organisasie wat ek weet AZAPO, indien (10) AZAPO nou so iets kan organiseer, dan wil AZAPO 'n vyand word van die mense, want dit bring mee dat mense beseer moet word. Dus sal hulle vyande word van die organisasie. Dit ontken ek, ek sê dit het nie gebeur nie.

Nadat u op 3 September gehoor het terwyl u met 'n optog besig is dat Caesar se huis aangeval is en hier wou mense die poskantoor aanval, hoekom het u nog by die optog gebly en nie weggegaan nie? -- Ek het gesê Caesar se huis het ek nie betrek by die optog nie en tweedens, die mense wat die poskantoor aangeval het, was ook nie van die optog gewees (20) nie. Hulle het uit 'n steeg gekom. Die steeg kom deur na hierdie hoofpad toe, dit wil sê dit lei hulle tot by die poskantoor.

Dan wil ek aan u stel dat u het in 'n poging om IC.8 te werf vir AZAPO 'n kasset gespeel vir IC.8 by sy huis en het vir IC.8 onder die indruk gebring en gesê dit is die onderhoud van Libon Mabaso en Satch Cooper met Freedom Radio? -- Dit is nie die waarheid nie. Ek sou dit nie gesê het nie, want ek was daarvan bewus dat daar geen so 'n onderhoud gevoer was tussen Libon Mabaso en Satch Cooper nie. Ek sal verder (30)

aan/...

aan u verduidelik, Libon Mabaso was net een keer uit die land uit. Dit wil sê uit Suid-Afrika. Satch Cooper was nog nooit uit die land gewees nie. Dit wil sê in daardie tyd wat dit beweer word.

Die goed wat u nou sê het u geen persoonlike kennis van nie. Is dit reg? Net ja of nee? -- Ek het kennis.

U het geen persoonlike kennis van die feite wat u nou gee nie? -- Ek weet nie van watter kennis u praat nie, want ek sê u nou volgens my kennis was Satch Cooper nog nie uit die land nie. Dit wil sê op daardie tydstip was hy nog (10) nie uit die land gewees nie. Libon Mabaso het in 1983 aan ons verslag kom doen nadat hy teruggekom na hy uit die land uit was. Dit was in 1983 by die nasionale raadsvergadering.

Behalwe as u altyd, die hele tyd, saam met hierdie twee here was, kan u nie kom sê dat dit die enigste tyd is wat hulle uit die land uit was nie? -- U praat van dat hulle miskien die land kon verlaat het sonder my kennis. As hulle miskien die land onwettig verlaat het, sal ek dit nie weet nie.

Laastens, BEWYSSTUK 25, u was nie teenwoordig met die (20) onderhoud nie. Al wat u weet van die onderhoud wat op BEWYS-STUK 25 weer gegee word, is wat self op die kasset staan. U het geen persoonlike kennis van die onderhoud nie. U was nieby nie? -- Ja, dit is so, ek was nie by Capital Radio se studio teenwoordig nie.

RE-EXAMINATION BY MR BIZOS : Mr Hlomoka, you were asked a number of questions about the constitution and policy and documents of AZAPO and were referred to various sections. I would like you to please have a look at document B1 section 2 paragraph 6. I will read it to you page 3. The one (30) paragraph/...

paragraph that was not read out to you is number 6 "The aims and objects to work towards the unity of the oppressed for the just distribution of wealth and power to all people of Azania." How do you understand that? Does that exclude any of the people living in South Africa at the moment? -- No, it does not exclude anybody. This is referring to the people living in South Africa.

Before I make reference to the following document or the following passage in B2 page 16, do you distinguish between collaboration and co-operation? Do those words have (10) any distinguishing feature to you? -- No, I do not see any difference between the two.

You were asked questions about the pre-conditions that have been set by members of AZAPO in various documents. Do you consider that the imposing of those conditions is a complete rejection of co-operation? -- If that is with reference to the pre-conditions of the national convention then I do not take that to be a condition which excludes.

COURT : Excludes what? -- What I mean by that is, the pre-conditions set out there I do not take them that they will (20) be there permanently. What I understand is that there is going to be some discussions about some of the preconditions or the preconditions as such and later, as a result of the discussions, there may be some changes on the preconditions themselves.

MR BIZOS : You were asked a number of questions and it was put to you that AZASM is the child of AZAPO or the other way round, that AZAPO was the mother of AZASM. In paragraph 4 on page 2 of AP9 was read to you, but the last sentence of that paragraph was not read to you. On top is "Class (30) and/...

and race" and then (4) "Relations with organisations." The last sentence in paragraph 4 "In its relations with other organisations AZASM shall retain and maintain its independence and direction in terms of policies, principles, programs, ideologies." Is that how you understood the position? -- That is so. In fact, that is how I know it to be working. For instance they hold their own council meetings alone and they hold their own congresses alone by themselves.

I want to refer briefly to document AP5 which is the program of the funeral of Comrade Jabu Samson Shabalala and (10) you were cross-examined, you will recall, why was he called a soldier of the people with a suggestion possibly in it that he was really a soldier in the true sense of the word. What was the affliction that the late Mr Shabalala suffered from? -- He was hard of hearing. I do not know whether to describe him as a deaf or dumb person.

From your experience would any army have him?

COURT : Should you preface that remark by saying from his experience? Do you have experience from the army?

MR BIZOS : The little experience that you may have. I (20) think I withdraw the question. In terms of this program the Chamber of Commerce was also invited to be represented. Was there any reason for that? -- Yes, there was a reason as to why we had somebody to represent them according to the program. It is because they gave us an assistance on quite a number of things in arranging for this funeral. For instance this was with reference to food and other material things which were required in arranging for the funeral.

COURT : Was this the Black Chamber of Commerce? -- That is correct.

(30)

MR BIZOS/...

MR BIZOS : Is that a socialist organisation? -- No.

You were asked what you thought the position would be in the Vaal if the councillors resigned and that there were no further elections and what would happen then, with the suggestion that there would be a vacume, there would be no one to administer it. You told His Lordship that you had read in a publication of the Institute of Race Relations that the Minister could do something. Do you recall that? -- Yes, I do.

I want you to please have a look at the 1983 survey (10) of Race Relations. I have marked it on page 254. I want you to please read that paragraph and tell us whether you recall that this is what you read or something to a similar effect? -- Shall I read it into the record?

No. Please tell us whether you have read that or words to that effect? -- The contents of this paragraph is identical to the one I read before. The one that I was referring to.

COURT : Do you want it in as an exhibit?

MR BIZOS : As Your Lordship pleases.

COURT : The number will be DA11. (20)

MR BIZOS : Your Lordship might have noticed that one of the persons before Your Lordship was one of the researchers. That is accused no. 22. I think also I should draw Your Lordship's attention to the fact that the publication itself, although it is 1983, is published in 1984. Do you recall when there was this talk about the Minister's power to do that?

COURT : Just to set the record straight. What we have taken in is a document consisting of two pages. The one is the front piece of the Survey of Race Relations in South Africa(30)

1983/...

1983 issued in 1984 and the second document is page 254 thereof.

MR BIZOS : Do you recall when you read something to that effect, whether it was in 1983 or 1984? -- I came to know about this during the year 1983. I just cannot remember exactly whether I got it from the surveyance book of the Race Relations or whether I got it from the newspapers, but again in 1984 I had this knowledge.

You were told or it was put to you that because you were against the Black local authorities principle and (10) because the UDF was against the Black local authorities principle, therefore there must have been co-operation or a conspiracy between AZAPO and the UDF. Do you know of any organisation which other than AZAPO or the UDF that took a stand against the Black local authorities? -- Yes, I know of Inkhata.

Has anyone ever suggested that AZAPO was in conspiracy with Inkhata? -- No.

Did you know whether Mr George and you will forgive me if I do not pronounce it properly Wachope was a member (20) of the Committee of Ten or the executive of the Soweto Civic Association after 1980? -- What I know is that George was a member in one of these organisations from the 80's. Up to now I have not heard that he has resigned or he has terminated his membership from whichever of the two he is a member.

You said that the organisations that were restricted on 19 October 1977 were Black Consciousness organisations. Do you know whether they were all Black Consciousness organisations or do you not? -- I only hear that being said that (30)

the/...

the most of the organisations were banned on that day and it is being said that they are Black Consciousness organisations.

You do not know whether the Christian Institute was a Black Consciousness organisation? -- No.

Thank you, My Lord, we have no further questions.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

OUPA JOHN HLOMOKA, still under oath

ASSESSOR (MR KRUGEL) : Mr Hlomoka, you have been in the (10) witness-stand for a long time, but I do have a few questions. I would like you to think back to your commemoration service of 16 June 1984. That was the service where there was trouble with COSAS? -- That is so.

You had a service arranged for the Small Farms church? -- That is so.

And the notices were put up there by apparently COSAS people? -- That is so.

I want you to think carefully about this meeting. Can you remember who arranged this meeting? Yourself or a (20) committee? -- I would say I arranged this meeting, the commemoration service, because as I said earlier in May we were supposed to have had a meeting in Sharpeville and Small Farms. So, there was a pamphlet which was printed which was advertising those two meetings. What happened is the following. In Small Farms this day of the meeting, that is in May, after everything was over, then this commemoration service was discussed by the committee present there and other members where I was given the mandate by the people present there and the committee to go on with the arrangements, that is (30)

the/...

the necessary arrangements for the commemoration service to be held on this day of the 16th June. The idea there was that we wanted all the AZAPO branches in the Vaal to be present at this same venue.

What arrangements did you make? -- The arrangement I was to make was to get a venue for this commemoration service and then after that I was supposed to inform all the branches.

Did you arrange for speakers? -- No, I did not. I took it for granted because of the agreement that we wanted (10) all the branches to meet at the same venue that seeing that they will be represented there, they will each have a speaker
COURT : When you say each have a speaker, does that mean that a committee member of that specific branch would speak?
-- No, a speaker from that branch, not necessarily a committee member, but a speaker that the branch decided on.

ASSESSOR (MR KRUGEL) : Who would have chaired the meeting?

-- Modise Lehoko was supposed to have been the chairman.

Apart from this commemoration service on 16 June 1984 did you have any other meeting on that day? -- I am not clear (20) there. Does Your Lordship mean on the 16th?

On 16 June 1984? -- No, there was no meeting at all, save for this was that was a commemoration service for the 16th.

Will you please look at AP4. Was this found in your possession? -- That is so.

What is it? -- This is a letter - in fact a note from Modise Lehoko.

Did you actually sit as chairman there at this meeting?
-- That is so. (30)

COURT/...

COURT : So, he did not turn up? -- No, he did not.

MR BIZOS : May I just draw attention to the fact that the evidence I think is that the meeting never really got off the ground. Presumably he was going to be chairman, because of the hi-jacking so to speak by COSAS, I think his evidence is that the meeting did not actually take place.

ASSESSOR (MR KRUGEL) : We could perhaps just put it to the witness, but my impression was that the church was almost full.

COURT : There were no persons standing but virtually all(10) chairs were occupied at the meeting? -- That is so.

NO FURTHER QUESTIONS.

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MR BIZOS : The next accused to give evidence will be accused no. 3, but we are seeking Your Lordship's leave in terms of the provisions of Section 150(1)(b)(ii) to interpose a witness who is not an accused. The witness is a professional film maker who was present at the meeting of 26 August 1984 at St Cyprians. Your Lordship has a discretion, we are asking Your Lordship to exercise it in our favour to allow us to call the witness. The section says(20) that we will have to show good cause. The good cause is this, that we submit that this evidence may well have the effect of shortening the cross-examination in relation to that meeting and also in relation to other meetings. It is partly visual and partly sound and it will have the effect in my respectful submission of putting something before Your Lordship, obviously Your Lordship will have to assess the weight of the evidence of the film maker and the film itself but it may have an effect in our respectful submission of
shortening/...

shortening the proceedings. It may also have the effect of avoiding having to call accused no. 3, his giving evidence on the matter and then having to be recalled afterwards to identify people on the film, to identify voices that are recorded and that will merely duplicate matters, whereas Your Lordship seeing the visual material first, having the persons identified ... (Court intervenes)

COURT : So, what he wants to testify on is "I took a video of a film and I took a sound-track and this is what I took in that church on that particular day"? (10)

MR BIZOS : On that particular day.

COURT : And what other meetings?

MR BIZOS : It is only that meeting.

COURT : It is only the St Cyprians meeting on 26 August?

MR BIZOS : Yes.

COURT : And the gentleman is?

MR BIZOS : His full names are Kevin - he has got two other names - Harris. Arthur Robert. Kevin Arthur Robert Harris. We ask for that leave.

MNR. JACOBS : Die verdediging plaas ons eintlik in 'n baie (20) moeilike situasie. Ons is glad nie voor die tyd gesê dat daar so iets gaan wees nie. Ons het nie kennis dat daar so 'n opname geneem is nie. Dit is nie vir ons beskikbaar gestel dat ons kon vasstel of daar veranderings aan die ding aangebring is nie. Ons weet nie of dit 'n outentieke stuk is nie. Ons weet nie of dit volledig is nie, of hy geredigeer is nie. Ons sal in 'n moeilike situasie geplaas word. Voordat hierdie getuie gekruisvra kan word, sal ons graag die materiaal wil hê en voorlê aan dr. Jansen en by hom hoor wat die geaardheid is op die betrokke band of bande wat dan ingegee gaan word. (30)

So/...

So, met alle respek, ek maak beswaar op hierdie stadium dat dit so op hierdie wyse ingehandig word en h mens sou ver wag dat die verdediging vir ons die geleentheid gegee het om hierdie getuie wat nou kom behoorlik te kan kruisvra op grond van sy eie band, want dit gaan net weer gebeur dat ons sal nie op h later stadium hom kan kruisondervra op die band as daar miskien veranderings aangebring is aan die stuk of nie.

COURT : Mr Bizos, would we not run into a difficulty here in the sense that the State will say "Well, we would like(10) to have a look at this tape" and it will take us a week or two and in the meantime we sit without work or would you like to lead his evidence-in-chief and then another witness, because I do not think that would be very satisfactory?

MR BIZOS : I actually anticipated this and I would submit with respect, let us take Mr Harris's evidence-in-chief, because I think that what he has to say will be of importance to Dr Jansen. I anticipate that, as to how he went about it, what his purpose was and what he did and he can have the evidence and he can have this. I would then have no (20) objection to calling accused no. 3 after this has been shown and it has been explained what it is that is on film and on the track and then, if My Learned Friends want Mr Harris to stand down until they have information in order to put to him things, we would have no objection, we certainly do not want two weeks' adjournment or any adjournment, but I think merely handing them over, the material, they are going to be in the dark and if I remember Dr Jansen's evidence correctly that the circumstances as described must be taken into consideration as a lead of authenticity(30)

or/...

or otherwise. So, we will have no objection to either the whole of the cross-examination or a portion of the cross-examination standing over in order to facilitate the State in this regard.

MNR. JACOBS : Ek wil net sê dit sal dit bemoeilik om dan daarna vir beskuldigde nr. 3 te kruisvra as ons nie weet wat se waarde kan geheg word aan sekere insidente of gebeure op hierdie "tape" nie.

HOF : Wel, die saak is in elk geval moeilik. So, h bietjie moeiliker maak dit nie baie moeiliker nie. (10)

MNR. JACOBS : Ja, maar ek bedoel h mens sal hom nie behoorlik kan kruisondervra nie.

HOF : Dit hang natuurlik af van sy ander getuienis. Daar is baie aspekte waaroor u beskuldigde nr. 3 wel kan vra. Ja, die aansoek word toegestaan. Mnr. Kevin Harris mag uit sy beurt geroep word.

KEVIN ARTHUR ROBERT HARRIS, d.s.s.

EXAMINATION BY MR BIZOS : Mr Harris, do you live and work in Johannesburg? -- I do.

And what is your occupation? -- I am an independent (20) film maker.

COURT : For a firm or entirely on your own? -- I am self employed.

MR BIZOS : Have you any academic qualifications? -- My highest academic qualification is B.Sc. Engineering Electrical degree.

From which university? -- Natal, Durban.

And for how long have you been involved in film making?
-- Professionally for thirteen years.

Have you always been working for yourself? -- No, I (30)
worked/...

worked for a period of time for the SABC and thereafter I worked for myself as Ken Harris Productions.

For how long did you work for the SABC? -- Six years.

And was film making your fulltime work? -- Yes, I was an English documentary producer there.

During 1984 were you an independent producer? -- Yes, I was.

Did you get a commission from the South African Council of Churches to make a film? -- Yes, I did.

Could you briefly outline your commission by the (10)
South African Council of Churches? -- I was to make a film that would be giving an overview of the social political situation in the country at the time. I would pursue this in that I would cover what appeared to be major instance of developments occurring over that period of time and at the same time look at the churches' response to these instances or these developments in relation to particularly the Black communities' situation with regard to the political developments within the country, the social and political developments. (20)

Were you still busy with this commission during August 1984? -- Yes, I was.

Whilst you were carrying that commission, did you have any dealings with anyone of the persons before His Lordship, the accused? -- Yes, I did.

With whom? -- Mr Tom Manthata and later the Reverend Moselane.

That is accused nos. 16 and 3 respectively. Did you go to Sharpeville on 26 August 1984? -- Yes, I did.

Would you briefly explain how you came to go to (30)

Sharpeville/...

Sharpeville on that date? -- Yes. I wanted to cover, to get film coverage of issues that were manifesting themselves within the Black community at the time. I had on previous occasions consulted with Mr Manthata who was a field worker with the South African Council of Churches and he had acted as my interface with the community or those kind of situations on previous occasions. I had discussed with Mr Manthata my intentions to cover something that would illustrate what was happening in the Black community.

COURT : He acted as your? -- Interface. (10)

MR BIZOS : Perhaps you could explain that. What do you mean by that? -- When - as a film maker I have on many occasions needed to go into for example the Black community where I am not readily known and in a particular situation where I would require an introduction.

COURT : Contact person? -- Contact person who could interface between me and the community as such.

ASSESSOR (MR KRUGEL) : How do you spell this? Interface of interphase? -- Interface, f-a-c-e.

MR BIZOS : I may say it was new to me as well. It must (20) be a trade term. Very well, Mr Harris, you spoke to Mr Manthata, accused no. 16, and as a result of that discussion with Mr Manthata, did you go to Sharpeville? -- Yes, I went to Sharpeville because I had detected - well, I had dedected before a sort of a recurring issue was in fact the rent increases, things that I covered before during the year and on talking to Mr Manthata he mentioned that he had been at a meeting the previous Sunday where increase in rents was the issue that was being discussed and it seemed to be the right kind of situation that I was looking for and he (30)

indicated/...

indicated that there would be a similar meeting held at Sharpeville at the church of the Reverend Moselane on the following Sunday, which was the 26th. I got the particulars from Mr Manthata and that is how I went to Sharpeville on the 26th.

COURT : He did not accompany you? -- No.

MR BIZOS : You went off to Sharpeville. Did you know the Reverend Moselane, accused no. 3, before this day? -- No, I had never met him.

Did you have the name of his church? -- Yes, I did. (10)

That is the St Cyprians? -- That is right.

Did you find it in Sharpeville? -- Yes, I did.

What time do you think you got there? -- It was around 12h30 on Sunday.

Did you go there alone? -- I was accompanied by my cameraman. There were just the two of us.

The cameraman's name please? -- Mr Peter Tischhauser.

COURT : Are you the soundman then? -- I am the director. I was doing the sound on that day, yes.

MR BIZOS : You will explain in due course what you did (20) there. Did you meet the Reverend Moselane in Sharpeville that day? -- Yes, I did meet him.

Where? -- When we arrived there was a church service in progress. So, having established that that was Reverend Moselane's church, I waited with Mr Tischhauser in the Combi until the service was over and when the congregation left I identified the Reverend Moselane. Then I went over and introduced myself to him and presented my credentials.

What were your credentials? -- Well, that I had spoken to Mr Manthata and that he had told me about the meeting (30)

and/...

and indicated that there would not be a problem if I went to Reverend Moselane and introduce myself and further I generally carry a letter from Bishop Tutu just to indicate that I am involved in work for the South African Council of Churches and I presented him with that letter.

Was he expecting you? -- No, not at all.

Why do you say that? -- He was surprised to see us and indicated that he had no idea that there was anybody coming to film.

Did you tell him for what purpose you wanted the film?(10)
-- Yes, I did.

What did you tell him? -- I outlined basically the - what the film was about, that it was a South African Council of Churches project and that I was particularly wanting to film at the meeting to gauge in essence what the issue with Black community was all about and Reverend Moselane, being a priest himself, I wanted to look at the church's response to that grievance, so his conducting of the affairs would also be of relevance.

What was his response? Did he agree that you should(20) do this? -- Yes. There seemed to be no problem at all.

Was there any discussion between you and the Reverend Moselane as to what time the meeting would start? -- Yes, Reverend Moselane indicated that he would - that the meeting would start roundabout 14h00 and we went inside the hall and just had a look around. I just impressed upon him that in no way did I want to intrude or manipulate the meeting or anything like that. That they should just go ahead as they had planned and we discussed also the fact that he should explain to the people who we are. So, that they (30) could/...

could feel at ease and not worry about is and ignore us basically and just carry on with the meeting. That was basically it.

The way you make documentary films as professional film maker, do you use these bright lights or do you use the natural light? -- Well, it depends ... (Mr Bizos intervenes)

Or what did you do on this day? -- It is dictated by the situation. With something like this which one does not want to intrude, one would try and go for available light. The hall was such that there was sufficient available (10) light and so, using high-speed film, we went without putting up any lights whatsoever.

What did the Reverend Moselane do after this discussion between you and him? -- He left and said - we were just beginning to get our equipment ready. He left and I saw him later on that afternoon.

COURT : Would you have a sort of a camera that you carried or did you have it on a tripod? -- It is a 16mm film camera which is mounted on a tripod but you can then take it off the tripod and put it on your shoulder to do what we call (20) hand hold shots.

MR BIZOS : Do you know where Reverend Moselane went off to? -- No.

Did the meeting start at 14h00? -- It started roundabout 14h15 or somewhere around there. It basically started, people drifted in 14h00.

We do not want a description of that because I think we will see it on the film in a short while. Did the Reverend Moselane come to the church or hall, as you call it, before the meeting started? -- No. (30)

COURT/...

COURT : Is it a hall or a church?

MR BIZOS : It is a church.

COURT : Is it a church? -- Yes, it is a church.

MR BIZOS : Could you please tell His Lordship what did you do in the church? You set up your equipment and the meeting started. Did you speak to any person who appeared to be in charge there before the Reverend Moselane arrived? -- Not formally, no. As I say, people drifted in from 14h00 and the meeting got on the way with an opening hymn. There was a man, who I have since recalled was Mr Hlubi. He was (10) conducting the meeting before the Reverend Moselane arrived. I did not have any formal discussion with him, but I would imagine, I cannot recall exactly, that we must have greeted one another because if we had been a problem, he would have confronted us.

Did you intend to make a complete record of everything that happened at that meeting of that afternoon? -- No.

What did you intend to record? -- I intended to capture the essence of what happened there that afternoon, to capture the main speakers or the key figures and also to then be (20) able to portray in edited version the outcome of the meeting. What was discussed, any resolutions, what finally happened, et cetera. So, to capture the essence.

You say you are a director and Mr Tischhauser was the cameraman and did you work in close co-operation during this meeting? -- Yes, indeed.

And who would decide what has to be shot? -- I would.

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The manner in which you make films, is the visual aspect of it and the sound being taken up by the same equipment or are they separate? -- They are two separate machines. The (30) sound/...

sound is recorded on a quarter inch tape on a sound recording machine which is called a Nagra.

COURT : Is that a tape recorder? -- It is a tape recorder, yes. It is a professional tape recorder. The visual is recorded filmicly on an Arriflex 16mm camera.

And do you walk around with the pick-up for the sound and the camera-man may even be at a different spot in the hall and take the film? -- What would happen is that - yes, I would direct the camera-man. I would be with the camera-man. I pre-microphoned the podium. So, there was always (10) a microphone at the podium to cover the speakers. Then I had a roving microphone with me so that I could cover anything that came out of the audience, not from the podium. Then I would move with the camera-man to particular positions. I would stand behind him. I think at this point I should perhaps explain just the technical procedure. Because we are recording film and not video-tape, the film itself is an expensive commodity. So, it is not cost effective in terms of procedure to film continuously, in other words to keep reloading new rolls of film and just keep recording. (20) It would be an enormously expensive exercise to do that. So, my normal procedure when recording meetings such as this, would be to record the sound recorder almost continuously so that I had the sound-track and then I would stand behind the camera-man and anticipate developments within the meeting and tell him to roll and to cut and to roll and to cut.

MR BIZOS : Who controls the recording of the sound? -- I control the recording of the sound.

COURT : You can either take it on the podium or you can (30) take/...

take it here? -- That is correct.

Or at both? -- I could take it at both.

MR BIZOS : This meeting that you attended at Sharpeville what language was it conducted in? -- AS I can identify it it is a sort of vernacular urban mix.

COURT : Can you speak the language? -- No, I cannot.

MR BIZOS : Did you follow this procedure that you have described during that afternoon? -- Yes, I did.

Did you record on the tape recorder the sound during a portion of the meeting that afternoon? -- Yes, I did. (10)

Is the original tape recording still available to you? -- Yes, it is.

Will you please produce it? -- (Witness hands in tape recording)

COURT : This will be EXHIBIT 36.

MR BIZOS : This sound-track, is that everything that you recorded on that afternoon on EXHIBIT 36? -- Yes.

COURT : Are you going to deal with the sound-track?

MR BIZOS : Yes.

COURT : I would just like to know what is recorded from (20) the beginning or from the middle?

MR BIZOS : I will come to that. How did you decide when to switch on and off? -- I started recording at the beginning of the meeting. I would basically record until there was nothing happening. If there was a lull, people just moving about or another speaker coming up and taking his time or people just discussing things. When I ascertained that there was actually nothing relevant happening, I would switch off.

Did you record everything that was said or not? -- No, I did not record everything that was said. (30)

What/...

What criteria did you use in switching on and off? --
As I said, I was concerned to capture the essence of the meeting. So, I would definitely record any singing or had there been chanting. That is definite stuff that I would have recorded.

Is singing a popular medium subject, so to speak? --
I feel that if you want to capture the essence of something that is happening, if people sing about it or there is singing, it reflects obviously certain feelings or aspirations. It is a third dimension to the visual and the narra-(10)
tive. Yes, it is important for me.

You told His Lordship that you did not know the language. Did you cut out when anything of interest to you as a director or wanted to capture the spirit of this meeting? Did you ever cut out deliberately, or for ever reason other than for your own purposes? -- No, definitely not.

COURT : Well, can one cut out for another purpose than for your own purposes? Do you mean, was there a malfunction of the machinery?

MR BIZOS : I did not intend that. For instance, that the (20)
speech was repetitive or boring, or something like that. That is what I had in mind. You were not assessing what was being said in deciding - before there is an objection. Were you assessing the value or the quality or the lack of quality of what was being said before you decided to switch off? --
In a sense of mood, yes. In other words, I did not know what was coming and I was trying to anticipate what was coming. If I had a speaker who was speaking in a sort of prosaic monotonous way and I had recorded him in this fashion, I will have enough of him, so I would switch off. If at (30)

a later stage the same speaker was back on the podium but was speaking at a higher pitch or a lot more emotionally, I would have then put it on again to record.

COURT : What you wanted is to convey a mood, the mood of the speaker and the mood of the meeting and once you had caught that, you would switch it off until the mood changed and then you would switch it on again? -- Unless the speakers change.

And for every new speaker you had the beginning of the speech? -- That is basically correct, yes. (10)

MR BIZOS : That is as far as the sound is concerned. As far as the visual portion of the film is concerned? -- The same principle would apply, but I would have to be far stricter on the film, because as I say the cost of recording a sound-tape is very little compared to the cost of the roll of film stuff. But having it on sound, I would not miss anything. I have it in my first line of attack as it were. So, even if I started a little bit late with the film camera I would still have it - I would still have the run-up to it, to the instant or whatever sound which I could (20) in perhaps editing with cut aways or whatever before I got to the actual actuality coverage on the camera itself.

And technically are you able to marry the sound to the visual material with a special machine when you are making the film? -- Yes, there is a device in the camera and a device in the recording machine, the crystal that makes both machines run at exactly the same speed.

COURT : Are there numbers then on the film so you can match? -- No, I would have to do that, having been at the meeting, knowing what transpired and I would also talk into the (30) microphone/...

microphone itself to say we are at the back of the hall now, so and so is speaking. I have my identification point at various stages throughout the recording.

MR BIZOS : Once His Lordship referred to numbers, has the film in fact consecutive numbers on it? -- It does have numbers on it, yes, on the negative.

COURT : So, you would have to marry the sound of the film - the sound to the film by means of your editing actually? -- That is correct.

Based on your recollection of what you remember happened(10) there? -- If I may just elaborate slightly?

Yes, please. -- The sound-track is continuous. The events recorded on the camera are consecutive. So, once the camera is switched on and I have synchronised that point with the point on the tape, it will run in synchronism until the camera is switched off. So, once I have identified the beginning point of each of those visual sections, then the rest of that section is in synchronism. So, that is why I through audio identify those various positions and then I would hunt, in other words, after each visual section, until(20) I could find the beginning of the visual section which I would do by lipreading or by an event or by a noise or somebody shouting or whatever and progressively work through it, taking each visual piece as it came.

MR BIZOS : This is because your sound-track is much longer than your visual section? -- That is correct.

Is the negative of the film that you took at this meeting available? -- Yes, it is.

Would you please produce it

COURT : Shall we make that 37. (30)

MR BIZOS/...

MR BIZOS : Is it only on one reel? -- The negative is only on one reel.

COURT : That is EXHIBIT 37.

MR BIZOS : And is that the film which has the consecutive edge numbers? -- Yes.

Did you take any more film at this meeting other than what is on EXHIBIT 37? -- Yes, there are pieces, sections that are not there.

Pieces which were taken out of that? -- That is correct.

Why were they taken out? -- Because I used the meeting(10) as I had intended. I used it in the film that I was commissioned to do for the SACC.

COURT : For another film? -- For the film I was commissioned to make.

For your film? -- Yes. I pulled pieces out of that to use.

The most interesting pieces, I take it? From your point of view? -- It is an edited section that I feel conveys the essence of the meeting, yes.

ASSESSOR (MR KRUGEL) : The section that remains, in other(20) words what is before Court now, is the film that you regard as reflecting the essence of this meeting? -- It is the remainder.

COURT : These are the "scraps" left behind after you made your main film? -- Yes.

So, you took out of this film certain pieces which you wanted to use for your own purposes? -- That is right.

This is the remainder of it. As far as the sound-track is concerned, did you do the same there or not? -- I just duplicated off the original sound-track. (30)

And/...

And used what you needed? -- Yes. The complete sound-track is in EXHIBIT 36. That is the total.

MR BIZOS : I can see His Lordship and the Learned Assessor's concern. The portions that you cut out, have they been lost to us or are they still available? -- They are still available.

But the negative of those portions were taken out of EXHIBIT 37? -- Correct.

And what you used in your eventual film is still available to you? -- Yes, it is. (10)

Are there techniques for you to put - to join the two, that is what is the remainder of the "scrap" and what was actually used, can the two be married together again? -- Yes, they can.

And have you married them together again? -- Yes, I have a positive print of that.

Have you got that positive print available? -- Yes, I have

Would you please hand that in.

COURT : Just before we do that. EXHIBIT 37 is the negative-(20) tive of the film? -- That is the negative of the film.

And EXHIBIT 38 which you are about to hand in, is the positive print? -- Yes, that is what I call the picture assembly.

MR BIZOS : Does what is contained in EXHIBIT 38 - does that contain what is in EXHIBIT 37 plus what you took out for making the eventual film? -- Yes, it contains all the visual material.

Does EXHIBIT 38 contain all the visual material that you took at the meeting of 26 August at St Cyprians? -- It(30) does/...

does, yes.

Did you at our request put together the visual material and the sound material that was available to you and convert it into a video? -- Yes, I did. There is a sound-track to go with the picture assembly.

How did you make that video? -- What I did was I took the original sound-track which is the first exhibit.

COURT : 36. -- 36. I transferred that directly onto a 16mm Sprocket sound-tape which is a magnetic sound-tape 16mm in width. It matches the gauge of the 16mm film. I had that transferred sound-track. I then reprinted from the (10) original negative plus the sections that I had used in the film from that negative a visual print of all the visual material. I then synchronised a picture assembly to the master sound-track, in other words putting in spacing between the visual segments on the picture roll. I would start the two together on a piece of machinery that plays the two, the sound-track and the visual. You start them in synchronism. They will run and where I recorded picture on the day, you will see picture. Where I did not, there is just black (20) spacing. So, as the picture sequences appear, they come up in sequence. That is the picture assembly and the sound assembly which go together.

Which is now the picture and sound assembly? Is that before Court already or not?

MR BIZOS : No. This is the third one.

COURT : Just describe that one exactly. What do you call that? -- I call this the 16mm sound assembly. It is the continuous whole sound-track.

Only the sound? -- Only the sound, yes. (30)

That/...

That will go in as EXHIBIT 39.

MR BIZOS : Having explained that to us, would you please tell us what you did in order to get the video? -- I then had it transferred, the picture assembly and the sound assembly running at synchronism transferred onto a VHS video-tape.

And have you got that available? -- Yes, I have.

COURT : EXHIBIT 40.

MR BIZOS : I may say, My Lord, the video was made because of the facilities in court. Otherwise we would have required very special equipment to show the sound-track and the other(10) together. Has this original material that you took been in any way interfered with or altered or adulterated in any way? -- No.

COURT : Well, except that you cut it out and put it back again? -- Yes. Are you referring more specifically to the ... (Mr Bizos intervenes)

MR BIZOS : Both to the sound and ... -- Other than what I have done with it, no, it was not interfered with.

Are you able to give His Lordship and the Learned Assessor an assurance that whatever you recorded that afternoon appears(20) on EXHIBIT 40, the video? -- That is correct.

Which has recorded both the visual and the auditory part, the visual we can see, the auditory we can hear, in sequence? -- That is correct.

COURT : So, you will have gaps as far as the visual is concerned and a full sound-track as far as the audio part is concerned? -- That is right. Where there is no picture it will just be black.

MR BIZOS : Did you pay any special attention to any of the dramatis personae at this meeting? -- Well, I recorded (30) what/...

what happened in essence. The chief protagonist I certainly recorded, yes. I did not miss anybody.

Was the Reverend Moselane a person who took an active part in that meeting? -- Yes.

Does he appear both in visual and auditory material?
-- Yes, he does.

At the end of the meeting, did you hold an interview with anyone? -- I had an informal chat with the Reverend Moselane and Mr Hlubi.

Did you record that? -- Yes, I did. (10)

In part or as a whole? -- As a whole.

Does that appear on any of the exhibits before the Court?
-- Yes, it is on the master - in fact it is on everything, except of course - it is on all the sound-tracks, yes.

COURT : It is not on film, on sound? -- Yes, only on sound.

MR BIZOS : You told us that you recorded the whole of it?

-- Yes, that is right.

Why did you have this interview or this informal chat if you want to call it that way? -- I wanted to make sure that or find out for research purposes what basically had(20) come out of the meeting to crystallise emotions passed or the issues discussed. It was research material because I would need it when I later write the commentary that we go over the sequence in the film that I was making

In what language was that interview? -- In English.

Or the chat? -- In English.

Have you seen a transcript of your conversation with the Reverend Moselane - was it only with the Reverend Moselane or with someone else? -- No, I said with Mr Hlubi as well.

I may say, My Lord, that we have prepared transcripts(30)
both/...

both of this and the Reverend Moselane will prove the transcript in the vernacular and the translation of it.

In the meantime I just want you to have a look at this transcript. Did you re-listen to the sound-track in English of your discussion with the Reverend Moselane.

COURT : This will be EXHIBIT V30. V30 is now the transcript of what?

MR BIZOS : Of the interview or discussion or chat at the end of the meeting which is in English.

COURT : On which exhibit is it? (10)

MR BIZOS : On EXHIBIT 36, the end of EXHIBIT 36 which is the sound-track. Will you agree with that? -- I will. It is also on the others.

We will only see a blur on the screen but we will hear the sound. It will be also on 39 and 40, but originally EXHIBIT 36. I will read this to you and please tell us whether this was said. "Kevin Harris" does that refer to you? -- Yes, that is right.

You ask "Could you just tell me what the final outcome of the meeting is, Reverend Moselane?" "The final outcome (20) is that there should be actually in terms of rental from next month, we should not pay the increase." That is one.

(2) "We should consult an attorney for his opinion on court interdict whether we can take the Lekoa Town Council to court. The third one is that there should be petitions, that because Mahlatsi himself is the chairman, mayor and he has said that he has not been asked to resign. Now there are wards in the township of which the people in the wards should now actually litigate (that is the actual word that he uses) the said councillors in their wards to resign because that is how (30)

they/...

they got elected and that is why there should be a petition to petition them to resign. The petition is going to be per ward." Could you explain what this note is "Other voices can be heard in the background as Moselane speaks. What they say cannot be heard clearly." Was the meeting still going on or was it finished at this stage? -- The meeting was finished.

And the noises that are referred to here, what are they? -- Well, people had by this time cleared the church. Basically it was background noises of people moving around, that kind(10) of thing.

(Mr Bizos reads from EXHIBIT V30.) Was Mr Hlubi there and introduced to you as Peter Hlubi? -- I actually asked him, I think, what his name is later on.

Is that how you ... -- I had identified him during the meeting as the chairman.

Your Lordship will see what role he plays in the film.

"The first point is that we pay the rent, but we do not pay the rent increase. We pay the normal rent and we do not pay the increase. The second thing is that we call for the(20) resignation of this community councillors and the other thing is that people feel that there is a bottle-store and other facilities under the control of the community councillors. The people want to know where is the money for that and how it is used. While the other thing ... (Mr Bizos reads from EXHIBIT V30.) Reverend Moselane: So, because he is in the labour, she is also in the labour, the union and I am a priest" and then there is a giggle or a laugh about it. Was there a woman present when you conducted this interview? -- There may well have been. It was not anybody that I

(30)

remember/...

remember significantly.

"Kevin Harris: Which union are you in? Orange Vaal General Workers Union. Kevin Harris: I see. (Mr Bizos reads from EXHIBIT 30) Kevin Harris: You do not have a copy of that?" What were you asking for "a copy of that"? What were you asking for? -- It was a schedule that had been sent round by the council indicating a breakdown of the costs. It was, I think a letter telling about the increases and a breakdown, to sort of indicate why it was necessary.

And you wanted a copy of that. For what purpose? --(10) As a reference.

"Peter Hlubi: I think I have got some here. (Mr Bizos reads from EXHIBIT 30). Kevin Harris: Thank you very much. Reverend Moselane: Right." A few voices can be heard but what they say cannot be heard clearly. Is this the interview or discussion that you had with accused no. 3 and the person that gave his name as Peter Hlubi?-- Yes, it is.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

K732

KEVIN ARTHUR ROBERT HARRIS, still under oath (20)

MR BIZOS : My Lord, accused no. 17 was taken hurriedly to the doctor during the lunch hour. If we may proceed in his absence.

COURT : Certainly.

MR BIZOS : The other matter that we are sorry that we cannot show the video in the manner in which the State videos were shown. We were informed that the machine was removed at the end of last week after having been here for some time. The machine that we have is not compatible with the other equipment. We can show it on one screen, the television. We (30) have/...

have tested from just in front of where Your Lordship is sitting and I understand that it can be seen. By adjusting their positions slightly, the prosecution team can see it, the witness can see it, the accused have seen it before.

So, if we may proceed on that basis.

COURT : Can the accused, especially accused no. 3 see what is going on?

MR BIZOS : Oh, yes. There is no problem with that. What Your Lordship has, there is a National NV370 video recorder VHS/plan in which EXHIBIT 40 has been put and it is being(10) projected on an ordinary television screen. It also has numbers by which it can be spotted.

VIDEO MACHINE IS SWITCHED ON.

FURTHER EXAMINATION BY MR BIZOS : Mr Harris, there is no sound at the moment and a banner made out of cloth is shown St Cyprians Sharpeville. Is that inside or outside the church? -- Inside the church.

Did you notice any banners or any posters or any other material outside the church before you went into the church?

-- There was nothing displayed outside the church. (20)

If there were any posters or any other material, would you have seen it and would you have recorded it? -- I would definitely have filmed it.

Who is speaking there "re rentals"? -- That is myself speaking identifying the tape at the beginning of the proceedings.

The person on that picture will be identified as accused no. 2.

COURT : What is the number now? -- 39.

MR BIZOS : What we would ask Your Lordship to note is that(30)

at/...

at this stage of the proceedings there are certain seats still empty. We will draw attention later on to the fact that they are filled up. Just before number 75. Also we would ask Your Lordship to estimate that the age of the audience is to put it broadly at least middle aged.

COURT : It is not youthful?

MR BIZOS : It is not youthful. We will fast forward to the next bit of visual material that there is. Your Lordship may also note that there is no evidence on the visual material that accused no. 3 was there at that stage. (10)

COURT : We did not see the front part of the church actually where the speakers are to speak?

MR BIZOS : Well, where the two persons are and he is not among those two. It will become clearer. That is 211 and the person will be identified as Peter Hlubi. Your Lordship will clearly hear in English "AZAPO" and "Hlomoka". That is at 219. I do not know whether Your Lordship wants to hear the tone of accused no. 2's address, what will be identified as accused no. 2's address?

COURT : I think I should listen to it for a short while. (20)

MR BIZOS : Number 262. That is a portion of accused no. 2's address. May I indicate that the evidence will be that the whole of his address is recorded. This is a portion. Accused no. 3 appears at 443. Had there been any banners or posters or any other material on the walls, would you have focused on the them? -- Most definitely, yes.

None appear on your film? -- There is one.

Is that the one at the back? -- At the back, yes.

I did not draw Your Lordship's attention to it at that stage because the whole of it can be see a little later. (30)

COURT/...

COURT : Is that behind the speaker?

MR BIZOS : Behind the speaker. "Ha rena Tjelete" but Your Lordship will see it properly in a very short while. At 457 the walls of the church can be seen and Your Lordship will recall that there was some scaffolding there as repairs were going on. Your Lordship may see some materials in the isle of the church. Your Lordship will see just before 488 that people were filling in the seats. Visual material appears at 556 again with accused no. 3 speaking. It finishes at 583. Then a new speaker appears at 590. He will be (10) identified as Mkwazazi. It finishes again at 615. Is that your commentary? -- Yes.

Or instructions? -- To myself, yes.

My Lord, copies of the translation are available.

I do not know whether Your Lordship is going to be assisted if we hand them to Your Lordship at this stage.

COURT : I might read through them, yes.

MR BIZOS : And then, Your Lordship may be ... (Court intervenes)

COURT : It would not be possible to follow them and the (20) video at the same time. It would be impossible, but I would like to take it home.

MR BIZOS : This will be V31.

COURT : Is V31 a translation of the whole video?

MR BIZOS : A translation of the whole sound that is on EXHIBIT 36, except for the interview which is handed in separately as EXHIBIT V30.

PERMISSION IS ASKED FOR ACCUSED NO. 10 TO BE EXCUSED.

MR BIZOS : There is visual material again at 635. Your Lordship would have noticed that the customary Amandla is (30)

a/...

a response from the audience but we would ask Your Lordship to note that accused no. 3 with his back to the camera does not raise his hand.

COURT : Would you play that again. I was looking at accused no. 17 who is returning to the fold. What is the number there?

MR BIZOS : 711.

COURT : Were those people standing at the back because there was no sitting room or was there any other reason?

MR BIZOS : The evidence will be that the hall actually (10) did fill up, but if there were any people standing, they must have been very few, but the church takes 800 seated and it was full. That will be the evidence.

MNR. JACOBS : Miskien kan h mens net notuleer. Hier het ons h taamlike beeld gesien van die mense. Daar is nogal redelike jongerige persone in die gehoor.

MR BIZOS : I would say that I did see three or four people in their twenties, probably the middle twenties.

COURT : There were more than three or four, but any way, the overall impression is it is not a youthful audience. (20) From where was this shot taken? -- From behind the podium at the back of the hall.

Quite some distance back it seems? -- Quite some distance back. It is a wide shot to try and see everything from that perspective of what is happening.

We may as well put on record here that the scaffolding is to be seen here.

MR BIZOS : This is at 714. The space from which this wide shot was taken, would that have been at or near the alter of church? -- From behind it. (30)

From/

From behind the alter? -- From behind the alter.

Is that what the empty space is? -- Yes, you can see the podium just there. In fact where Father Moselane is standing. Behind that there is quite - as I recall there is a space like from here to the hall, where there was nothing. There was nobody seated, there was nobody in there. It is a space behind the podium.

Is the alter within that space? -- The alter defines the edge of that space.

COURT : So, the alter is now where? Where accused no. 3 (10) is standing? -- The alter is behind Father Moselane.

MR BIZOS : And the empty space is in the immediate vicinity of the alter? -- Yes.

And it is empty. There are not people sitting there? -- There is nobody in there, no.

780, the man with the blue pullover, we cannot identify that person. Your Lordship will see an identified man holding forth according to the transcript saying that lawyers do not work without money. According to the transcript, he was making an appeal at 801. Your Lordship will see at 801 the (20) person among the audience but standing in what will become clearer a little later as the isle and Your Lordship will see him in the near future passing a pad around and getting people to write things on it. He will be identified as Mogema. It came to an end at 810 and again it starts at 822. Your Lordship will see at that stage a spiral pad on which some names are being written on at 856.

COURT : What is the pad supposed to be?

MR BIZOS : The person that was really in charge of it is Mogema and Hlubi and there is going to be evidence that (30)

there/...

there were forms, petition forms which were to be signed, but in addition people were putting down their names and their addresses on this pad at the request of Mogema. At 871 it is Mkwanzazi again. That was completed at 880. At 893 it is Mr Mkwanzazi still speaking and Your Lordship will see a person who will be identified as Mogema walking up the isle and tendering that or holding out as if he is tendering that spiral spring pad.

COURT : I could see an outstretched arm. I did not see what he had in his hand. (10)

MR BIZOS : Perhaps we should just play it back. Again at 921 someone else writing his name on the same spiral. Again accused no.3 at 936. Your Lordship will now see the banner behind the speakers and the wording on it. It is "Ha rena Tjelete" and underneath that "Asina mali" and underneath that "Ha rena chelete" differently spelt. The evidence will be that the one is in Tswana and the other one in Sotho. That appears at 945. It can be even more clearly seen at 959. An obviously homemade banner on what appears to be a piece of cloth. The woman without a headgear and a blue (20) jersey is Nozipo Myeza. The number is 962 and Your Lordship will also see that to her left as she is facing is accused no. 2, slightly behind her. Behind Myeza and Hlubi, a row behind, accused no. 2 is seated. Will Your Lordship note that another clergyman is sitting next to accused no. 3 at 968. We have a bit of difficulty with the name at the moment but he will be identified as a clergyman. It finishes at 985. 996 again accused no. 3. It finishes at 1011 and again appears at 1013. It finishes at 1020 and then again appears at 1024. It stops with Mr Mkwanzazi finishing at (30)

1045 and again starts at 1051. That is a matter to which accused no. 2 has referred to at 1062. That is the person who is referred to as Botha. We will play it back. This is Botha. Your Lordship will see later on how he is dealt with, but the applause and the raising of fists comes from the deep right-hand corner as Your Lordship sees the screen. Your Lordship sees the front of the audience where Botha really is, not responding to this but there is some people right at the back where Your Lordship will see - the people immediately in front of him do not respond to this, but a (10) small group right at the back does respond. It finishes at 1090. Accused no. 3 is shown again at 1105. (Singing) I think it is somewhere around here. We want to find it. Your Lordship will recall that one of the grandmothers said children are not behaving themselves. I think that is also sung. I am merely going to ask Your Lordship to note that although a good springclean of the audience both on the platform and elsewhere raised their right fist in salute whilst Nkosi Sikilele has been played, accused no. 3 does not do it. I think that appears. (20)

COURT : A good springclean is an understatement. The majority but I saw some old ladies not doing it.

WITNESS STANDS DOWN.

COURT ADJOURNS UNTIL 4 JUNE 1987.