

(TRANSVAALSE PROVINSIALE AFDELING)

SAAKNOMMER: CC 482/85

DELMAS

1987-06-05

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

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KONTRAKTEURS:

LUBBE OPNAMES  
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COURT RESUMES ON 5 JUNE 1987.

TEBOGO GEOFFREY MOSELANE, affirms further

MR BIZOS : My Lord, accused no. 19, Mr Molefe, is not before Your Lordship this morning. He has been taken to a hospital for some X-rays. We would ask Your Lordship to condone his absence and to proceed on this basis.

COURT : Very well, thank you.

FURTHER EXAMINATION BY MR BIZOS : Father Moselane, we are dealing with the meeting of 19 August in your church. You told us that Miss Nozipo Myeza did not speak. Did any other (10) woman speak? -- Yes.

Do you know who she is? -- Yes, I know what the name of the person is.

What was it? -- Nana was the name of this person.

Do you recall what she said? -- Yes, I recall what she said.

Tell us briefly what she said? -- She spoke after Oupa Hlomoka, supporting the motion which was in fact suggested by Oupa Hlomoka, in which she further said she wished that people unit. (20)

You remember that you told us that a police officer whom you knew to be one, who was present at this meeting and you gave us name, if my memory serves me correctly as Mokgema? -- Yes, I do.

Did he remain present throughout the meeting? -- Yes.

Did he participate in any way in the local politics of the area? -- Yes, that is so.

What part did he take? -- He was a member of the councillors' committee in Sharpeville.

Which councillor? -- Kolisang. (30)

Can/...

Can you recall whether or not there were other members of ward committees ... (Court intervenes)

COURT : Are you leaving Mokgema?

MR BIZOS : Yes.

COURT : This Mokgema, many, many months ago we had a name Mokgema Mokgema. It is not the same person? -- No, it is not the same person.

Do you know the rank of this Mokgema? -- No, I am not certain of what his rank is.

He was at the Vereeniging police? -- Yes. I also (10) noticed him being present in Sharpeville police station.

MR BIZOS : Did you know whether any other ward committee members attended the meeting of the 19th or other meetings during August? -- Yes, I do.

Did they remain at the meetings or were they ever rejected or hindered in any way? -- No, nothing was done to them or was there hindering with them.

Was there any mention of legal action and the petition at the meeting of the 19th? -- Yes.

At what stage was this mention? -- Just before the (20) closing of the meeting.

What was said by whom about it? -- Surely he was the person who made mention of that who was the chairman of this meeting. What he said was that the question of taking a legal action is still being looked at and considered. The same applies to petitions. In fact what he said was, all these things that had to do with an action, are still being looked at.

You told us that you had seen Mrs Buthelezi, the attorney, once. Did you see her again after the meeting of the 19th?(30)

No/...

-- No, I did not see her. What happened is that I telephoned her. During the week immediately after the 19th, which is the meeting day, I telephoned Mrs Buthelezi.

Did you discuss anything with her? -- Yes.

What did you discuss? -- We discussed the steps to be taken as a result of the discussion we had the previous week as to what steps can be taken with reference to that.

Did you discuss the steps on the telephone? -- Yes, we discussed the steps over the telephone.

What discussion took place? What steps did you dis- (10)  
cuss? -- She was saying taking a step with reference to the court interdict there is something which one will have to look into in the law. On that she said those people who may find themselves in the situation of the houses being closed, they will have to be informed about the action which can be taken in order to have an interdict to stop that taking place until such a time when the decision shall have been made as to whether the increase on rent was justified or not.

COURT : What is the advice you got? Did you have a legal(20)  
leg to stand on or not? -- What I told the Court here is what I understood her to be saying. Because of my being a layman as far as lawyers are concerned, she is the person who was going to know exactly whether there was anything I have to rely on from what she was telling me.

Yes, but I do not know what she conveyed to you. Did she convey to you that you had a good case for an interdict or did she convey to you that she was still looking at the law?  
-- She was looking into the law to see if there was any support of the interdict as mentioned and at the same time(30)

we/...

we were still to go and meet with the community to decide on whether we did have the instruction to go on with the matter or what is the feeling of the community.

So, in fact, she had not been paid and she had not done anything? -- On the other hand, that is correct, yes, because we were not an organisation, we were just residents who one could consider as a committee and we did not have money to decide.

MR BIZOS : Let me try and approach it in another way. On the tape, EXHIBIT 40, we see a spiral pad and names being (10) written down. Do you know why those names were being written down? -- Yes, I do know.

Why were they being written down? -- Those were the names of the people who were going to be responsible for the court interdict.

COURT : Costwise or as petitioners? -- I am not clear what the question is.

I want to know, were those names written down so that they could each make a deposit towards the cost of the interdict or were those names written down so that they would (20) be petitioners, that the interdict would be brought in their name or claimed in their name? -- Yes, that their names are going to be used as applicants for the court interdict.

So, did they then at that stage know that they would not be paying and that they would be evicted? -- No decision was taken about that, that some people will have not to pay in order to get that into effect.

MR BIZOS : Whose idea was it that you should get specific names in order to bring - to use your words - the interdict in their name? Whose idea was that? -- Mrs Buthelezi. (30)

COURT/...

COURT : But I understood it that one could only claim an interdict when you are evicted or threatened with eviction?  
-- That is true, that a person shall only apply for a court interdict when he is being evicted or being threatened with an eviction, but otherwise in this case, we were just making preparations for such and therefore that means some of the names which were appearing on that document could have been used for that purpose and it could also be, the possibility, that some of the names be removed from the list of names appearing on that document. (10)

MR BIZOS : In EXHIBIT 40 you are either shown or heard to use the word in English "loophole". Where did you get that from? -- I got that word from the lawyer. In fact those were the words used by the lawyer.

The petition that was to be done, who had undertaken to do that?

COURT : We are back now on the 19th?

MR BIZOS : No, we are between the 19th and the 26th? --  
Nozipo Myeza and Peter Hlubi.

Do you know whether before the 26th that any petition(20) forms were prepared by them? -- Yes.

Was a meeting held on the 26th? -- Yes, there was a meeting.

Was there any publicity in relation to this meeting of the 26th? How did the people know that there was going to be a meeting on the 26th? -- Firstly at the meeting of the 19th an announcement was made to the audience about the meeting which was to be held on the 26th. Secondly, the pressmen were present when this announcement was made and it was therefore also contained in a press report. (30)

Were/...

Were any pamphlets issued for the meeting of the 26th?

-- No.

Were there any special speakers invited to address the meeting of the 26th? -- No.

On Sunday, the 26th, what time did your morning service finish? -- At about 13h00.

Did anyone approach you at the end of the service? -- Yes, I was approached by somebody.

Who were you approached by? -- Mr Kevin Harris, who in fact enquired from me whether I was Reverend Moselane. (10)

And having assured him that you were, what happened? -- What happened then is that he introduced himself to me, he was accompanied by another man, a White man and then he asked me if this was the church building which was being used by the Church of the Province congregation.

Please carry on. What passed between you and Mr Harris? -- He then told me that he was sent there by Bishop Tutu of the South African Council of Churches. He further said that he was sent there to come and record in order to produce a film of the meeting we were going to hold that day. He (20) produced a note which he handed to me to support what he was telling me.

Who was the note from? -- It was from Bishop Tutu.

Did this plan or request to film your meeting, did you know anything about this before Mr Harris approached you? -- It was the first time that I heard of this. I was in fact surprised because I did not know a thing about that.

Did Mr Harris indicate to you how he knew that there would be a meeting that day? -- Yes, he did.

What did he say? -- What he said was that he met (30)

Mr Manthata/...

Mr Manthata, accused no. 16, who told him that he, Mr Manthata, was attending a meeting the previous Sunday in Sharpeville.

Mr Manthata, accused no. 16, told him, Mr Harris, that he was in fact impressed by what was happening at this meeting he had attended the previous week.

Did you give permission to Mr Harris to film in your church the meeting that was to take place later? -- Yes, I did agree to that.

Did you have any discussion with Mr Harris as to what he should film or not film? -- No, we did not discuss that.(10) Therefore I did not tell him what to record in this film and what not.

Did you invite him to your house? -- Yes, I did invite him to come with me, but he said he - unfortunately he cannot make it because he wants to have a look into the church building, that is the interior of the church. That is what he wanted to have a look at and to organise his things and put them in position, that is the apparatus he was going to use in filming the meeting.

Did Mr Harris ask you when the meeting was to start?(20) -- Yes, he did ask me as to when the meeting was going to start.

Did you tell him? -- Yes, I told him what time the meeting was goig to start.

Did you expect to be on time yourself? -- I expected to be there on time but I then made mention to him that if I was not there on time, he can just carry on, because of the fact that there is going to be a chairman who will be chairing the meeting and therefore the chairman was going to accept him in a proper way. (30)

Did/...



Did you ask or did Mr Harris tell you what the film that he was making was going to be about? -- No, he did not, except to tell me that he was filming this for the South African Council of Churches.

Did he tell you where the film was going to be shown eventually? -- Yes, he told me.

What did he tell you about that? -- What he told me was that this film was going to be shown in this country and abroad.

Did you see Peter Hlubi before the meeting of the 26th(10) started? -- Yes, I did.

For a long time? -- No.

How long did you see him before that? -- About two or three minutes.

When you saw him, did you know whether you would make the beginning of the meeting or not? -- It was after I was realising that I would not make it.

What were you busy with? -- There were people who came to see me. I was therefore occupied with those people in my study. This is at my residence. (20)

You have seen and listened to the tape which has been produced as EXHIBIT 40 before His Lordship? -- Yes.

Starting at the beginning, the hymn that is sang has that been translated on EXHIBIT V31? -- Yes, this is the one, that is true.

COURT : The name of this hymn translated here, is that "Reya boka morena"? -- That is right.

MR BIZOS : It is really the first line. The next person to speak is shown on EXHIBIT V31 as P. Hlubi.

COURT : That is the first person to speak? (30)

MR BIZOS/...

MR BIZOS : The first person to speak. Do you agree with that?

-- Yes, I do.

COURT : Were you there? -- No, I was not there.

Then you should not agree to something you were not part of?

MR BIZOS : It was prefaced with you have seen and heard a tape.

COURT : Well, he should not tell us what is on the tape.

I could do that for myself.

MR BIZOS : Except to identify the people.

COURT : Oh, you mean on that basis? (10)

MR BIZOS : On that basis.

COURT : I thought you were leading it on the basis that he was the first person to speak?

MR BIZOS : No, he is the first person who is shown to have spoken, sorry.

COURT : Very well. -- That is so. I identified the first speaker after the hymn as Peter Hlubi.

MR BIZOS : Were you there when the prayer was offered? -- No, I was not.

Do you know P. Thapeli? -- Yes, I know him. (20)

COURT : Is this the same Thapeli as the Thapeli that accused no. 2 spoke of? -- Yes, that is the person.

MR BIZOS : Do you know his voice? -- That is so.

Does his voice appear on EXHIBIT 40? -- Yes.

Where the names of Hlubi appear on page 3, do you recognise his voice?

COURT : Can we not cut it short? He has checked the transcript against the tape and he says that this is Hlubi's voice where Hlubi's name appears.

MR BIZOS : You have heard His Lordship's question. Do (30)  
you/...

you agree with that? -- That is so.

Please have a look at the bottom of page 4. Were you at the meeting when Mr Hlomoka, accused no. 2 started speaking?

-- No, I was not.

Had he finished speaking when you came in? -- No, he had not finished.

Was he still speaking when you came in? -- Yes, he was still speaking.

Can you recall what he was saying when you entered the church? -- Yes, I can. (10)

What was he saying? -- When I came in there, in his speech he was busy making reference to Sebokeng and Sharpeville.

COURT : In what sense? -- When I came in there, what I heard properly was when he was talking about the people of Sebokeng and Sharpeville.

MR BIZOS : Did you remain at the meeting from the moment you came in and you heard accused no. 2 speaking about Sharpeville and Sebokeng? Did you remain at the meeting throughout thereafter? -- That is so.

Have you listened to EXHIBIT 40 and does the voice of (20) accused no. 2 appear on EXHIBIT 40? -- Yes, it does.

Speaking the words in another language appearing from the bottom of page 4 to the middle of page 6 of EXHIBIT V31? -- Yes, that is so.

Do you recollect the speech of Mr Hlomoka or the portion of the speech of Mr Hlomoka - that you heard after you arrived at the meeting? -- Yes, I do.

Did anyone at the end of the speech of Mr Hlomoka stand up and say "Hlomoka, you are speaking with two voices? You told us precisely the opposite at the meeting of the 19th (30)

in/...

in relation to the councillors"? -- Nobody ever did that.

On page 6 Hlubi appears again as he does on page 7. What I want to ask you is this, Hlubi is translated to have said at the bottom of page 6 - I want to read to you what Hlubi is recorded as having said "The question of calling this thing a councillor, we have a clear understanding as to why the government created a thing called a councillor. Again we have a clear conclusion of wherefrom and how far a councillor should function. He would not go beyond what he was told. He would not. He would not do lesser than (10) he is supposed to start. He will be bound to do what he was told to do. Even that which he is told to do, being told by the government do such thing. In other words, these people are supposed to be sent to us as dogs." How did you understand this reference to the councillors as dogs? -- I do not know what he himself had in mind when he made this statement, but my understanding of the statement is as follows that what he means is, a dog will always do what the master instructs the dog to do and therefore in this case, they will do what they are being told by their masters to do by being sent to us (20) to come and do a certain thing.

Towards the bottom of page 7, Mr Hlubi is translated as having said "Let me give Father the opportunity to say two or three words." Did that refer to you? -- Yes, he is referring to me.

And although you were called upon the chairman, it would appear that a female voice has said "Please allow me so"? -- Yes, that is so.

She is referred to her as an unidentified person? --Yes.

And although this particular incident, to the best of (30)

my/...

my recollection, does not appear on the visual part of EXHIBIT 40, does she appear at another place on EXHIBIT 40?

-- Yes.

COURT : As part of the audience? -- Yes, that is so.

MR BIZOS : Have you since learnt her name? -- Yes, that is correct.

What is her name? -- Mrs Mokati.

Shall we refer to her as Mrs Mokati from now on. Mrs Mokati is translated as having said "Concerning the children - we spoke well last week." How did you understand this (10) when she spoke? What was she referring to? -- I understood her to be saying what she is going to talk about is the children and in fact this has been discussed already. Am I right in saying you read the two sentences concerning the children, we spoke well last week?

When she said "We spoke well last" What occasion is she referring to? Do you know? -- She is referring to the resolutions of the previous meeting.

Is that of the 19th? -- Yes, that is so.

Were there any children at the previous week's meeting (20) on the 19th? -- No, there were no children.

And was there any discussion on the 19th about the behaviour of children at the meeting of the 19th? -- No, nothing was said pertaining to children.

Then she is translated of having said "My children do not vite. The government is not fighting and the law is not fighting. Leave the buses alone and take heed of last week's advice. Then it was stated that we are asked for rent increase we do not have any money. Now children are doing what they like. Secondly, I did not go to work. I reprimanded the (30) children/...

children. My children did not destroy buses. There is nothing wrong with them. The fault is with us, mothers and fathers." Did you know at the time that this was being said by Mrs Mokati what incident she was referring to? -- Yes, I knew what incident it was that she was referring to.

Could you please tell us what you knew and how it came to your knowledge, this incident that she is referring to as the stoning of buses? -- I came to know what was happening in the township as a result of a telephone call which was made to me by a woman who was reporting an incident which(10) was taking place in front of her house.

COURT : When? -- This was on a Monday, the 20th of August 1984. The report by this lady was that there is some stone throwing in the vicinity of her house which is in fact situated in a vicinity of schools in that environment. There is a bus route passing through that area and she further reported to me that some children from a higher primary school in that vicinity got arrested by the police, as a result of which I requested her to find out whose children are those that had been arrested for us to take some steps in either getting(20) them released or informing their parents about what happened. She agreed that she will do that and she later informed me whose children were those and will furnish me with the information she will get.

Where was this stoning incident? In what part of Sharpeville? -- Along Seeiso Street at the area called Rooi Stene.

Do you know a place called Vergenoeg? -- Yes, I know where it is.

Where is Vergenoeg? -- Vergenoeg is the houses facing the police station. It is on the southern side of the (30) police/...

police station.

On the photograph CA14 is it visible? -- No, it is not.

MR BIZOS : Who was this woman and why did she phone you? -- Mrs Mochadibane.

Why did she phone you about this incident? -- She was a member of my congregation in Sharpeville. She then got married and therefore ceased to be a member and she was informing me because of her having a knowledge about my being a priest and having known me prior to that.

You say that she told you that children had been arrested for this stone throwing? -- Yes.

From a senior primary school?

COURT : Higher primary school.

MR BIZOS : Higher primary? -- No, it is a lower primary school. It is not a higher primary.

COURT : So, you were incorrect when you said a higher primary school? -- It was a mistake when I said higher primary school.

MR BIZOS : Do you know the name of the school from which these children were - the name of the school these children were attending? -- I cannot quite remember what the name of the school is..

Was it necessary for you to take any further action or not in relation to the arrest of these children? -- I did not take steps about that.

Why not? -- Because when she later phoned me again, the information given by her was that those children were released.

COURT : Could you have a look at EXHIBIT AAR4 please, the aerial photograph and tell me which street is Seeiso Street?

-- (Witness indicates on photograph where Seeiso Street is)

Now will you indicate to me on this aerial photograph(30)

where/...

where Vergenoeg is and where is Rooi Stene? -- (Witness indicates on photograph where Vergenoeg and Rooi Stene are)

Do you live in Rooi Stene? -- Yes.

MR BIZOS : Page 8 of V31. Mr Hlomoka, accused no. 2, referred to Mrs Mokati as the grandmother or a grandmother or old lady referring to the same person. You were asked by His Lordship whether this incident a rent related incident. Did you refer to this incident as a rent related incident? -- No, I did not regard it that way.

If there was a suggestion that this incident arose as (10) a result of what was said at your meeting either of the 19th or of the 12th, what do you say to that? -- I would say that is not true. This had nothing to do with our meetings.

I do not recall any State witness having said that there was anything said about buses on the 19th, but do you recall whether there was any talk about buses by anyone at your meeting of the 19th? -- No, nothing was said about buses. All the speakers of that meeting were talking about the question of the rent, because it had a bearing on the people who were at this meeting. If you look at what Mrs Mokati (20) said in her speech, she is making it clear that we were discussing the question of rent and that we did not have money for rent. No buses are being mentioned there.

And Mrs Mokati made the appeal obviously "My children do not destroy buses, there is nothing wrong with them" and because of the stone throwing of buses she was unable to go to work on Monday, the 20th and that was her complaint? -- Yes, I understand here to have spoken to the children she met, that they must leave the buses alone.

COURT : What was the cause of the incident if it was not (30)  
rent/...



rent? -- I will say it was done by irresponsible children which had no bearing to the question of the rent whatsoever.

There was no cause at all? -- I do not know. I was not there at the time.

MR BIZOS : Is it your experience that some times children throw stones at things for no particular cause or for a cause of their own? -- Yes, I will tell you why. You will find small groups of children standing, milling around in the streets and then they do anything at any time for no reason whatsoever. For instance, I find my window-panes (10) of the church windows broken and we always have to replace them. The cause being the stone throwing. They make use of catapults. Hitting birds with catapults. Something like that.

COURT : A lower primary school is that up to St. 3? -- Yes, it is up to St. 3 as far as I know.

And a higher primary school is up to St. 5? -- Yes.

MR BIZOS : You deferred to Mrs Mokati to speak first even though the chairman had spoken to you and had asked you to speak? -- Yes. (20)

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Then the first thing you said is "First I would like to explain about these two gentlemen: They are not from the SABC, they are not from the South African Broadcasting Corporation." Why did you say that? --

COURT : Are we going to lead this witness's evidence on the basis of the video or is he going to give evidence of his own? I was just wondering what the procedure is going to be. So, if you base his whole evidence on the video and the video is later rejected, you sit with no evidence at all.

MR BIZOS : Then I will cover that. Thank you for the (30) guidance/...

guidance. I will ask him whether he said that and if so, what did he mean by it.

COURT : That would be leading evidence?

MR BIZOS : But if in fact it was made contemporaneously in his presence ... (Court intervenes)

COURT : Sure. At the moment it is still disputed.

MR BIZOS : Then it is suggested that we should wait until the State has done what it wants to do.

COURT : I do not think we should, but at the moment you are referring him to a transcript of a translation of a video (10) tape. His actual words were in a different language and in fact what you are doing is you are leading him on the basis of something else. I have no particular objection. I just thought I would warn you, because if the video is later found to be defective and goes out by this Court or by another Court, I do not know what will be argued, then you will have no evidence at all.

MR BIZOS : There is a distinction where you have the person who was actually present and says "I read what is here, I have heard the Sotho, I see the translation." We can have (20) the Sotho in front of him. We can ask him "Did you say this?" As far as the leading part of it is concerned, I submit that where the person was present, one can ask him whether this is what he said and use it as a memoir as if somebody was taking shorthand notes at this place. Of course, if it is shown that the short-hand notes are defective, or it is a false document, then there may be certain consequences, but I am prepared to take that chance and wish My Learned Friends the best of luck in their research in relation to the provenance of authenticity of this material. (30)

COURT/...

COURT : Let us get started.

MR BIZOS : Did you say to the audience that these people were not from the SABC? -- Yes, I did.

Why did you say that? -- That was because I did not want these people to go home with the understanding that they are going to see themselves appearing on TV screens, those of them who had televisions to look at.

COURT : You were afraid they would rush home to look at the SABC? -- Yes, under the impression that they would see themselves appearing on the screen. (10)

MR BIZOS : And you go on to say that or did you go on to say they are from the Council of Churches, South African Council of Churches? -- Yes, that is what I said.

Did you say "We know that the church is on the side of the poor, the church is on the side of the persecuted"? -- Yes, that is what I said.

"Those who are trampled upon?" -- Yes, that is what I said.

Did you say that the church brings a message of peace and justice? -- Yes, that is what I said. (20)

Did you say "Now the South African Council of Churches which represents the churches generally in South Africa would like to make a film about what is happening"? -- Yes, I said so.

"It also wants other outside countries to know what is happening in this community, what is happening generally in Africa, what is happening in the world?" -- Yes, that is what I said.

And did you explain that on top of page 9 in English presumably for the benefit of Mr Harris and his camera-man?

MNR. JACOBS : Ek maak beswaar teen die manier waarop mnr. (30)

Bizos/...

Bizos nou vrae vra. Dit is gevolgtrekkings maak en woorde in sy mond lê. "Presumably for the benefit of Mr Harris." Ek dink mnr. Bizos kan daardie getuienis self vra vir watter doel hy dit gedoen het. Dit is nie nodig om elke keer dit in sy mond te lê nie. Sy afleidings is nie die getuie se afleidings nie.

MR BIZOS : I apologise if I led the witness as to why this was said in English.

COURT : The witness has looked at this. Presumably he is the author of this transcript. (10)

MR BIZOS : No.

COURT : Well, he said he has checked it.

MR BIZOS : He has checked it.

COURT : Can you not merely ask him "Is this what you said?" end of story and not repeat every sentence which is set out at pages 8 and 9?

MR BIZOS : I will adopt that course. Did you say what appears on pages 8 and 9 and attributed to you? -- Yes, I did say that.

I want to deal with a passage three-quarters of the (20) way down on page 9. Perhaps we should start in the middle of page 9. "The second point I would like to raise is about the scholars. What we need to know as parents is that there are things which divide the community. These are things which do not bring unity. They are things which are not clear. Now about schools. I do not meddle in school matters. I am not a scholar, but I hope that what scholars are doing is lawful, but even if it is lawful, then justice is not done anyhow. Justice in this regard is that this affects all facets of life. Rent increase affects life in general." (30)

Could/...

Could you please to His Worship and the Learned Assessor what you meant by this? -- In this I was supporting the speech by Mrs Mokati. In fact agreeing with her that there were certain children who do things without being responsible. That means that they are acting irresponsible. When I made reference to school children it was with the result that I had some information from what was happening in the vicinity of a school. That is what made me refer to school children.

COURT : Is that now at Rooi Stene? -- Yes. In fact I mentioned that conveying the message as what it has to do with(10) irresponsible, lack of responsibility to children. Which lack of responsibility was bringing about a misunderstanding between the children and the parents. He was making it clear that I am not addressing the people there as a person with a knowledge of what is happening in schools. Merely conveying that it happens when children are engaged in something lawful, at times it is being taken as if it is out of the law. Therefore, even if they do something within the law, the right which they have does not take place in the sense that it is not seen to be a right of the children. In this(20) I was trying to convey the message to the parents to tell their children that one does not just do a thing which thing you think is correct to be done and then do it for you yourself and think it is correct.

Is that the explanation? -- Yes, that is my explanation.

Well, could you put it in other words, because I do not understand it. -- Firstly, this was to support what Mrs Mokati had said, indicating my agreeing with her, in saying that children do things that are lawful, which thing can be seen to be illegal. (30)

You/...

You mean misinterpreted as being illegal? -- Yes.

Yes? -- Because of the lack of responsibility on the part of the children, even if they have done something worth praising and because of our being in a place and being accommodated in an area where there is in fact no place for one to say this is a proper place to be, like when one is to refer to the question of rent and all the other things, for instance the rent, passes and in fact we do not have the right for certain things in the areas where we live.

What has all this got to do with the stoning of buses(10) by children? -- This explanation here is in fact an explanation of what was happening at the time of the throwing of the stones at the buses in the sense that what was happening there was not to the benefit of the community, but it was just an incident which occurred without any improvement to the community.

MR BIZOS : Could we turn to the lower half of page 10 where you say this "Secondly, it is to, I do not want to say that it is not destruction, because they are not mine. They are not what encourages the Black nation to progress." What (20) were you referring to there? -- What I am conveying here is that if a person does something which damages a property, saying this I am doing because the property I am damaging is not mine, that does not bring about any progress to the community.

You then add "Any way, we know that the VTC is in the township to exploit the people." What did you mean by that? -- In this what I meant was that as I say that we do not destroy something because it does not belong to you, it is a known fact that VTC is operating in the townships and it(30)

is/...

is the known fact to anyone that it is there, but it is not there for the benefit of the community. Instead it is causing some problems in the sense that it throttles one.

COURT : How? -- When I talk about throttling, I am using that word with reference to the word here "exploit". By that it means there is nothing known to the community which is being done by VTC which benefits the community like for instance bursaries which many offered by them.

But now, would you rather walk than ride on a bus? Is it exploitation to provide a bus service? -- That is not (10) what I am saying. What I am saying is this, do not destroy an existing property because that does not benefit you. I am not saying people does not ride buses. I am merely saying that what is there can be used but without being exploited.

But that is not what you said. You said any way we know that the VTC is in the township to exploit the people? -- The message in what I am saying there is that it is a known fact, for instance to myself that although people are making use of buses and there is nothing they get in return from the company, which is VTC, by for instance it offering bursaries (20) to the people, being a way of returning something to the community for what they deserve.

But they get transport? -- Well, there must be some sort of working together in the sense that we must be prepared to give and take and from both sides it must come.

What has the VTC and its exploitation to do with a meeting about the rent? -- I said everything that I mentioned here as a bearing to a life of a person. Whether it being schools, VTC, rent or whatever, it has got something to do with a living of a person. (30)

So/...

So, this was a meeting for general grievances? -- No, it was not a meeting for general grievances. It was a meeting which was based only on the question of rent, but when Mrs Mokati introduced this which was entirely a different subject altogether to this meeting, we had to give it attention. For instance, if one was to make an example, say I was in my office busy with some people there being occupied by whoever is there and here it happens that I hear my child hitting another child outside, I would not just be saying "Well, I am busy with somebody else in my office, I am not going (10) to do anything about it", I will have to go out and sort that out or reprimand whoever is to be reprimanded and then come back and go on with my work.

MR BIZOS : You are recorded as having said "I do not want to say that it is not destruction because they are not mine. They are not what encourages the Black nation to progress." Were you opposing the view of Mrs Mokati or were you supporting the view of Mrs Mokai that this was not to happen? -- I was supporting Mrs Mokati's speech.

WITNESS STANDS DOWN. (20)

COURT ADJOURNS.      COURT RESUMES.

TEBOGO GEOFFREY MOSELANE, affirms further

FURTHER EXAMINATION BY MR BIZOS : The middle of page 10 of EXHIBIT V31 - you told His Lordship that you were supporting Mrs Mokati that buses were not to be stoned and this was why they are not what encourages the Black nation to progress and then these words "Any way, we know that the VTC is in the township to exploit the people." The audience says "It is true." What I want to ask you is this. Were there difficulties with the community and this company VTC in your (30) community/...



community before this? -- Yes, there was.

Do you know of any industrial disputes that there may have been between its workers and the management? -- Yes.

I do not know if my memory serves me correctly, but I think that Your Lordship may have given a judgment in one of them.

COURT : I would not remember that.

MR BIZOS : I think Your Lordship did on the locus standi of a union to apply for something or other.

COURT : It may well be. (10)

MR BIZOS : Can you remember why you tucked this in about the fact that they are exploiting the people? Can you recall why you tucked it in? -- What I meant was, the busfares are being relatively increased. That is for people travelling between the township and the town making use of the buses.

Then you went on "Therefore those buses are not helping us with anything. If they say who is ..." Whom are you referring to when you say whether they burn is not my responsibility, they are not mine. Who are you referring to there? -- When I say they say I mean the people are saying that (20) they do not care whether they burn is not their responsibility, because they are not owners of the buses.

Then you go on to say that criminal proceedings can be instituted against these people? -- Yes.

Whatever else you may have said on top of page 11 "Now I would like us to agree on this issue. I say to the scholars give the parents a chance. Let us give a chance to the parents to test whether we can take the Lekoa Town Council to court. We must test that." Did you say that? -- Yes, I did say so. (30)

Was/...

Was there any difference between that and what Mrs Mokati was appealing for as recorded on page 8? -- No, there is no difference.

COURT : Let us just pause there. When I read this I got the impression that the bus incident was related to the rent issue or was deemed to be related to the rent issue by those at this meeting, especially or so because you said I say to the scholars give the parents a chance? -- What I am saying there is that because of our having not make mention of the children in our previous meetings and this that is (10) alleged that has happened is being mentioned here now, we are now addressing it at the time because it is being mentioned then.

Yes, but now, did you at this meeting regard the stoning of the buses as related to the rent's issue? -- No.

Well, then, why say speaking of buses and when all that has happened, that a couple of small kids threw a couple of stones at a couple of buses, why say to the scholars give the parents a chance? -- What I am saying there is that the parents must now that this has got to do with us as it is (20) while we are there. What I am saying there is that we as parents must go back to what we resolved to and as parents we agreed on doing something, let us now go back and do that.

I do not understand this that is set down here to mean that, but you can no doubt explain it in cross-examination. -- What was the question again?

My difficulty is this. You addressed yourself to the scholars sayind "I say to the scholars, give the parents a chance." The only scholars we have heard of so far are those scholars that attacked the buses and therefore I got the (30) impression/...

impression reading this that it was with reference to the bus incident that this was said "leave it to the parents, do not take the law into your own hands"? -- Because this was brought to this meeting by this woman and this was an incident which involved children, so, in what I am saying here I am trying to convey the message to the parents present there to tell their children that this has got nothing to do with this meeting, but all the same, they must tell their children that we are dealing with this according to our decision without children being involved in it and what we(10) are busy dealing with here, is what is concerning the issue of the rent.

MR BIZOS : I want to ask you this. If Mrs Mokati had not raised this question of the children, would you have addressed yourself to the question of the children at all? -- No, because it had nothing to do with us.

ASSESSOR (MR KRUGEL) : Could you please say whether my impression is correct or not. When I went through this recording on V31 of the bus incident, I had the impression that the people, the audience, including Mr Botha and of (20) course the old lady and others, knew exactly what was being talked about. -- No, I do not agree with that.

Did the people not know what was being talked about when you referred and when Mrs Mokati referred to the bus incident? -- I do not know. It could be that some of them knew what she was talking about, some did not, in the sense that people do not leave at the same time for work, therefore to be able to see the same thing at the same time. Secondly, I believe this happened between 09h00 and 10h00 and the majority of the people had gone to work already. (30)

COURT/...

COURT : It would appear that the lady was prevented from taking the bus? -- That is what she is saying.

And meaning then that the bus service was disrupted, as it would seem? -- I do not know, but I did not come to know about the buses being withdrawn from the township in order to say yes, the buses were disrupted. Nobody ever said that there were no buses at all.

ASSESSOR (MR KRUGEL) : Was this incident reported in the newspapers? -- I am not certain. It may and it may not be.

Did people talk about it before the meeting of the 26th?(10) -- Yes, as something which was done by irresponsible people.

MR BIZOS : Will you please have a look at page 11. You identified a speaker there as Mr A. Mkwanazi? -- Yes.

Did you know him? -- Yes, I knew him.

ASSESSOR (MR KRUGEL) : I am sorry to interrupt. There is one question that I forgot to ask. Did anybody at this meeting of the 26th ask what exactly happened as regards the buses or was it explained? -- No, nobody ever asked about that. All that was said was that we look into the question of the rents as one will see it appears from what Mkwanazi(20) says in his speech.

MR BIZOS : I want to ask you about this, page 11. You say that you made it clear to the meeting that you were against the stoning of these buses? -- Yes, that is so.

Did anybody stand up and say "Father Moselane, here you were presiding at the meeting of the 19th when the murder of councillors was advocated and you said nothing about that, you associated yourself with that, what are you now speaking with a different voice about buses?" - Nobody ever said anything about what was to happen to the councillors and (30)

therefore/...

therefore there was nobody who had any reason to stand up and say anything about what was said at the previous meeting, which was the 19th on this meeting of the 26th.

You had been told that there were policemen present at the meeting of the 19th. Did you know whether there were policemen present at the meeting of the 26th? -- I was informed about the presence of the police.

Was this on the 19th or the 26th? -- On the 19th.

COURT : Should we now jump about, Mr Bizos? Are we back at the meeting of the 19th? (10)

MR BIZOS : No, I merely by way of introduction asked as to whether he knew that there were policemen at the meeting of the 26th.

COURT : Is the answer no?

MR BIZOS : The answer is no.

COURT : There were none?

MR BIZOS : No, the answer related to the 19th. I do not think that there has been an answer about the 26th.

COURT : As far as the 26th is concerned, what is your answer? -- Mokgema was present on the 26th. (20)

MR BIZOS : On EXHIBIT 40 you identified according to the writing on page 11 the portly gentleman that addresses the meeting as Mr A. Mkwanazi. I do not know whether Your Lordship wants to see the video or whether Your Lordship still has a recollection ... (Court intervenes)

COURT : I do not have the recollection of a portly gentleman but I do not think it is very important what his weight is.

MR BIZOS : It is merely a way of identifying him.

COURT : Well, if necessary we can look it up. Who is this Mr Mkwanazi? -- He is a resident of Sharpeville who was a (30) speaker/...

speaker on this day. A speaker in the sense that he had something to say like all the other people, not necessarily that he was a chosen speaker.

MNR. JACOBS : Miskien het ek nie 'n deel van die getuienis nie. Mnr. Bizos lei dat hy het hierdie getuie geïdentifiseer op hierdie bewysstuk, maar as ek sy getuienis verstaan het, het hy gesê hy het nie die transkripsie bedoel nie. So, ek weet nie waar dat ek dan iewers gemis het dat hy die mense geïdentifiseer het nie.

MR BIZOS : I thought that we had agreed dealing with Mr (10) Hlubi that he had assisted as it says speakers identified by Reverend T.G. Moselane, but if My Learned Friend wants to see the video again and identify Mr Mkwazazi ... (Mnr. Jacobs kom tussenbei)

MNR. JACOBS : Nee, my punt is, ek het nog nooit getuienis gehoor dat hy gesê het hy het hierdie mense geïdentifiseer nie en dan lei mnr. Bizos sy getuienis "You identified people."

MR BIZOS : His answer is "Did you identify the speaker as Mr Mkwazazi" and he said yes.

COURT : To whom did he identify him? (20)

MR BIZOS : Were you responsible for saying that the words "Because we have given him money" et cetera, are Mr Mkwazazi's words? Are you responsible for that information? -- Yes, because in fact he appears on the screen there and I remember him saying that.

And is it then Mr Mkwazazi, the one who appears on the screen and whose words are transcribed on page 11? -- Yes.

COURT : It would appear that this is not the beginning of his speech? -- Yes, I would say so from looking at this.

MR BIZOS : You were about to tell us who Mr Mkwazazi was? (30)

COURT/...

COURT : Well, he is a resident of Sharpeville who had something to say.

MR BIZOS : What is his occupation? What is his background? Do you know? -- I know him to be employed by the firm in Vereeniging known as Cables. That is not the official name of the place but it is known from within the community as Cables.

COURT : Do you know what he is referring to here "Money handed to somebody, that is in somebody's hands but no longer is in his hands"? -- I do not know what he is referring to(10) here, but if Your Lordship read further down, he is talking about something which happened some two years ago, which two years is counted from 1984 being 1982.

Yes, but he seems to say "you are not holding money. He no longer wants it. He does not want you either." What is it about? -- I do not know what is it that he is talking about.

So, you do not have an independent recollection of his speech so that you can fill us in so far as the first part of it is concerned? -- No, I cannot recollect as to how it(20) came about for him to say all this.

MR BIZOS : On top of page 12 he is recorded as having said "Let us not involve our children because this is a minor thing." Did you consider the rent question a minor thing? -- No, I was taking it to be a very serious matter.

You seem to - on page 13 - be coming in and being interrupted. I want to read to you the first time you appear on page 13 "I hope that because he does not want to respond to us we do not pay it and we should publicise it in the newspapers. Now the fight concerning the increased rental." (30) What did you refer to there? -- There I was talking about that/...

that there was no favourable reply from Mr Mahlatsi and therefore it must be noted that we are going to pay the existing rent without the increase on the rent. Because of his having said he was not going to resign, unless he was being called to resign by the people. We were therefore awaiting the results of the resolutions which were taken there.

Then you say "There is a loophole in the law". You have already told us that Mrs Buthelezi had told you that.

COURT : Well, is that correct. Did Mrs Buthelezi tell you there is a loophole in the law? -- That is what I understood(10) from her explanation that there was a possibility of doing something.

What was the possibility? To do what? -- Saying, I understood it to be that in the case where people are being evicted from the houses because of the failure to pay rent, what can be done then is the court interdict can be applied for.

Did you have that advice at this stage? -- Yes, which advice was given to me over the phone as I said earlier. I telephoned her. (20)

MR BIZOS : One cannot, with respect, contemplate what might well have happened if in fact an application were made having regard to the fact that the notices were put on 17 August.

COURT : Yes, it may or may not be so and we cannot pierce the head of Mrs Buthelezi. So, we do not know what went on in her mind.

MR BIZOS : Or that the notice was issued by the wrong person. Mr Gans instead of the council, but any way, that is perhaps the sort of ex post facto thing that none of us can do anything about. You say they can be taken to court. Where (30)

did/...



did you get that from? -- I got it from her when she was talking about a loophole saying that if that be the case, they can be taken to court then.

COURT : Accused no. 20 is leaving the court with my permission. He has a letter from the doctor, it seems.

MR BIZCS : And then you say "Now, we are supposed to talk about these two things." Can you recall why you said that? -- It is because somebody wanted to say something and then I stopped that person from saying whatever this person wanted to say and in fact brought back our original subject to (10) the meeting.

Do people at your meetings always stick to the agenda or the main purpose of the meeting or do they go off on tangents? -- It is common that people will start talking about something which was not on the agenda.

And then you say "The petition or probably engage a lawyer to make a court interdict." Did you consider those the two topics that the meeting should concern itself with? -- Yes, that is so.

Then someone raised the question of the lodgers and (20) their permits. We want to leave that out. Did that in fact happen? -- Yes, I remember somebody talking about that.

And then your answer to that is "Let us understand one another. Even though I do not know the law very well, but the lawyer says that those people who have houses can insist there is a probability of instituting a court interdict." Did you believe what you said there to be correct at that time? -- Yes, I believed.

Accused no. 20 is back. He will go after the adjournment. The transport arrangements have apparently been changed. (30)

COURT/...

COURT : Thank you.

MR BIZOS : And you also say "It does not mean that permit holders are left in the lurch." -- Yes, that is what I was saying.

Then you are recorded as having said this which I want to ask you about specifically. "It will embrace the whole Vaal, every Black person who resides here will benefit, should we succeed."-- That is true. If the rent was now being withdrawn, the increase was being withdrawn, then it would mean this was applicable to the whole of the Vaal. (10)

And I noticed that the possibility of a success in court also draw shouts of Amandla? -- Yes, that happened.

You did not want to identify anybody with an unlawful organisation.

COURT : Is that a question?

COURT : Do you want to comment?

MR BIZOS : I withdraw the question. Then you are recorded having said "Are you saying something, Sir?" and then unidentified male voice "Our feelings are that we are not paying rent. If they are not able to agree, we shall prove ourselves as being capable of fighting." Have you been able to identify the person who has said this? -- I am not able to identify who the speaker was.

And then you are recorded as having said "Let us understand one another" amidst murmurance from the audience "Quiet, let us not approach things emotionally." Did you say that? -- Yes, I did say so.

And there is a response from the audience "Yes." And then you are recorded as having said "Do not take things up just because you want to be known. Let us take things up (30) knowing that there is someone we can rely on."

COURT/...

COURT : Is it rely or reply?

MR BIZOS : I think it is a typing mistake.

COURT : Could we just ask the witness. What is meant there?

-- Rely.

MR BIZOS : "Let us proceed." What was the effect, what did you want to do by uttering these words? -- There was a person who was talking about some things which were not to be discussed here. In fact what was not on the agenda and I was therefore cutting that person short for us to carry on.

He said "We shall prove ourselves as being capable (10) of fighting." And you told him not to take up things - we must not take up things emotionally and that he must not say things because he wants to be known. Were you firm with this person? -- Yes.

Did you make the disapproval of what he was saying known to the audience as a whole? -- Yes, I made it known to the audience.

COURT : Do you mean outside from the record here or as stated here?

MR BIZOS : As stated. As stated on the record here, did(20) you in fact shut this person up? -- Yes.

Did somebody not at this stage from the audience stand up and say "Father Moselane, last week you were in favour of the killing of councillors. Why do you not allow this comparatively ..." (Court intervenes)

COURT : Are you now addressing me in argument at the end of the case? You can just ask him did anybody comment and the answer is no. So, that is the end of the story. Otherwise you could ask him did anybody have a red custome on or something. It is totally irrelevant, is it not? (30)

MR BIZOS/...

MR BIZOS : With respect, questions were asked of this witness at length about the buses and whether it was rent related or not. We understood this case to be in relation to accused no. 3, accused no. 16 and accused no.2 whether violence was called for on the meeting of the 19th. The State case is that the violence was called for on the 19th and on the 26th and on the 2nd and I am entitled, with the greatest respect as questions were asked by the Court in order to possibly underline the possibility that it was known that the buses were attacked or something like that in order to base some (10) sort of conclusion about something or other. I am entitled to underline by asking questions of what happened and what did not happen as was asked by members of the Court in order to draw out the improbability in the State case.

COURT : You are entitled obviously to ask all sorts of questions you want, but just keep it within limits and not make it so very dramatic. It does not appear on the record in any case.

MR BIZOS : I must apologise if I am being too much of an advocate in relation to it, but Your Lordship will realise(20) that our clients, particularly these three, are very concerned about what was said by a couple of State witnesses that is in conflict with the .. (Court intervenes)

COURT : Obviously there are serious allegations and obviously the accused are concerned and obviously the questions should be put. Just tone it down slightly.

MR BIZOS : I will try.

MNR. JACOBS : Kan ek net iets hier byvoeg. Dit is nie h beswaar wat ek maak nie. Ek dink wat h mens in gedagte moet hou ook hier is die getuienis van mnr. Harris dat hier is (30)

groot/...

groot dele persone wat gepraat het wie se toesprake nie eers in is nie. Mnr. Bizos maak asof dit 'n aaneenlopende ding is. Hy bring nie uit waar is daardie tipe ding nie. Hy steun op hierdie dokument, maar hy bring nie uit waar is daardie plek waar mense gestop is nie en dan skeep dit, myns insiens, 'n verkeerde indruk dat ons weet nie waar is daardie plekke nie, maar dit word behandel as een geheel, terwyl daar getuienis van sy getuie is dat plekke het hy dit afgesit waar mense gepraat het en dan het hy mense glad nie opgeneem nie.

MR BIZOS : I may just say it is in order to avoid that (10) argument that I am asking the questions that I am asking that. Nobody said anything like that.

COURT : Yes, but let us get it straight. The tone of your question was such that it implied only one answer and I do not think that is entirely proper.

MR BIZOS : I will try and avoid it. You told us that you shut this person up and that no one stood up to remind you that you had said anything to the contrary the previous week about fighting, killing of councillors.

COURT : Are you going on to another question? I want to (20) ask the witness something on this record. Mr Moselane, if you look at the record, you will see that you spoke, that is right in the middle of page 14 and then we have "Let us proceed" you said then there was a noise in the audience, what they said cannot be heard. Then we have one Mokgema "Now, this child, when his father arrives from work", is that the beginning of his speech or somewhere in the middle? Has something been left out there? -- I cannot quite remember but looking on this in front of me on face value I would say this is complete. (30)

Can/...

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Can you explain to me what Mokgema meant then? I cannot quite understand what he means saying this? -- What I am saying is to me on face value on what is here, it appears as if he has said what he wanted to say complete, but now if the Court goes on with this what he is saying there, it is clear somewhere that I also stopped him somewhere, not to carry on with what he is saying.

No, I do not think you have stopped him, except on the next page possibly, but I am not sure about the next page. I am still on page 14 where he starts. Could you tell me (10) what is the meaning of the first portion of his speech? -- What he is saying there is "Now, this child."

Yes, I can read what is put out here, but what is meant? -- I do not know what he was driving at.

You see, it seems to me as if something has been left out and that he is reacting to somebody else who possibly said "Well, if somebody goes to work." -- As far as I am concerned, looking at this, this man is just speaking immediately after I had stopped the other one.

Yes, it looks like it here, but then it does not make (20) sense to me. Does it make sense to you, the first part of his speech? -- It does not make sense to me either.

MR BIZOS : Who is this Mokgema? -- As we saw on the video which was shown here, he is the person who is moving around within the audience with a pad in his hand who is in charge of getting the people's name, that is the audience's names.

COURT : But he also a policeman? -- No, he is not a policeman. That is at the time of my arrest he was not a policeman.

Because we have had a Mokgema policeman as well so far? -- I do not know whether they are related. I will tell you, (30)

these/...

these names are common.

MR BIZOS : Then he goes on what is audible "Now to be about that, that is to say one thing only, that is on the day of the 3rd. These sneaks will sneak out. They once sneaked in to instal cables. Either slept in the factory. It is not known how they slept. Others slept at work. Now on that day in question these sneaks will board the buses or these taxi's. All buses and taxi's will be stopped from coming in here. Only when this issue shall have been discussed with those in authority, can they come in to ferry people going(10) to work." Did you know what this Mr Mokgema was referring to? -- I did not know what he was talking about with reference to the day of the 3rd. Even when he made mention of the people who will sneak like the others, who sneaked to go and lay cables. I do not really know what he means by that. Why, because we were not saying anything about the 3rd, nor did we have anything to say about the firm which has got to do woth cables.

What I want to ask you is this, whilst you were there at the meeting of the 26th, did you know anything about a call(20) for a stay-away on the 3rd? -- No, I did not have that knowledge.

Did you know anything about a march on the 3rd? -- No, I did not.

What do you say to what was put to accused no. 2 that Raditsela came to your meeting and moved a resolution, that you should take part in a stay-away on the 3rd and that you should take part in the march to Houtkop on the 3rd and that was adopted as a resolution at your meeting of the 26th? -- I do not agree with that evidence, because Raditsela (30)

did/...

did not come to that meeting.

Was there any resolution moved by anyone else or any discussion about taking part in a stay-away or taking part in a march on the 3rd? -- There was no such a talk on that day to be accepted as a resolution of this meeting.

Did anyone take up anything that was said by this Mokgema in relation to buses or taxi's or sneaks? Did anyone else take it up at that meeting? -- At the end Botha is the only person who made mention of these things and he ended up being stopped by me. That was because he was (10) known as to what kind of a person he is.

COURT : This Mokgema, is he one of your parishioners? -- No, he is not.

What do you know about Mokgema? -- I know him only as a person who frequents the meetings. More than that, no.

Can you recall whether your statement on page 15 is in answer to Mokgema or whether something has been left out? -- This is in reply to what Mokgema said.

So, nothing has been left out? -- Although it appears according to the document before me that there was some (20) interruption at the end of the utterances by me, I believe that these utterances were a full and complete answer to what he was saying.

I sit with a nagging feeling, Mr Bizos, that this transcript may set out exactly what is on the tape, but that it does not fully and at all points identify where the visual material starts and stops and where the tape is interrupted? I think it should be added, because it may create an entirely different picture.

MR BIZOS : We will do that and we will inform Your Lordship(30)  
of/...



of it. In fact that is one of the reasons why we have asked that the tape should be kept back in order to put it in. Could I return to page 15. You first say "I do not know." What did you not know? What were you referring to "I do not know"? -- That I did not know about what is contained in Mokgema's speech.

And then you say "I believe that there is an attractive case which we must probably see how it goes." Is that a continuation of what you were saying on page 13 before these interruptions came in? (10)

COURT : Can you please leave it to the witness to give the evidence?

MNR. JACOBS : Ek maak ook ten sterkste beswaar dat hy, mnr. Bizos, wat hier gesê word koppel aan bladsy 13.

MR BIZOS : I am sorry if I have led the witness. I would have thought that the reading of the document makes it obvious, but I will reframe ... (Court intervenes)

COURT : No, I do not know whether it is obvious, because I do not know what is being left out between pages 13 and 15.

MR BIZOS : Why did you say "I believe that there is an (20) attractive case? -- This I said with reference to what I had said earlier when I stopped this person saying "We are here to talk about the petition, court interdict and this was as a result of the discussion with the lawyer.

You have told us that other - other than Botha trying to raise the question again at the end of the meeting, can you recall whether anyone else spoke about the 3rd or the taxi's or the buses between this period or during this period that you were interrupted? -- Nobody else ever made mention of what they had spoken about. (30)

As/...

As you are about to see how it goes, you are interrupted again and then someone, an unidentified male person speaks about how the attorney should be approached the person is unidentified. Are you still not able to identify him? -- I still did not find out who the speaker is here. That is the unidentified person.

Then you go on to say "Let me respond to that so that we can proceed this matter. I believe last week or two weeks back there was a case in Ratanda." -- Yes.

What were you referring to there? -- There the case (10) is an incident. I am talking about an incident which occurred in Ratanda.

What incident was that? What did you know about that incident? -- That the increase on rent was withdrawn as a result of the actions of the people who had a grievance about that and were talking against that increase.

COURT : Is Ratanda an autonomous body or is it part of a greater Development Board area? -- Does His Lordship mean in Lekoa?

I mean for example Sharpeville is part of the greater (20) Lekoa authority. Ratanda, was it just Ratanda or was it part of a greater authority? -- I do not know. All I know about Ratanda is a township in the district of Heidelberg.

Do you know about the circumstances under which this was withdrawn? -- From the newspaper reports, yes.

Did the council resign? -- No, not immediately until I was arrested, they had not resigned.

MR BIZOS : Did the newspaper reports indicate any reason for the withdrawal? -- Yes, I have already said.

COURT : The reason for the withdrawal being a public (30)  
outcry/...

outcry? -- Yes.

MR BIZOS : Then you go on to say "It is true, we must be reliable. We must not say that it is alright and later turn around and say that the committee will see to finish so that I am no longer paying the increased rent and then disappear. You see you shall be leaving us in trouble. We do not have money. We started by saying we do not have it but now then just that. I do not hear - I did not hear, so you see the thig is." What were you saying there, can you recall, in view of the indistinct nature of it? -- Yes, I do recall why (10) I said this. It was as a result of what was said by that unidentified male speaker who had said that we must be reliable and trustworthy, we must not take resolutions at this meeting and later defy them.

And what is this reference to money? -- The unidentified man was asking now how are we going to pay the lawyers for this. I was saying we are going to discuss that at the end.

Then the paragraph on page 16. I do not want to read the whole of it out, but will you please have a look at it and tell us what you were trying to say to your audience by (20) all this? -- Here I am making a reference in my speech to a firm Massey Ferguson Tractors saying that they have cut down their projects and therefore what I was carrying over to the audience was that the council shall also have to look at that as an example.

What council were you referring to? -- The Lekoa Town Council.

What did you suggest they should do with their projects? -- What I was saying was that they shall have to postpone some of the projects like the others did in the business (30) sector/...

sector.

Why should they do that? What were you trying to convey? In order to do what or to avoid what? -- It was being said that the rent is being increased because of some projects which are to be started and therefore what I was conveying to them here was that they will have to shelve the projects in order not to increase the rent because of the economical situation.

Will you please have a look at page 17. Did Mr Mkwanzazi come in again? Did he start speaking? -- Yes. (10)

What is this "top" that is referred to? -- He is talking about a township before the existence of Sharpeville, which township was known as Top.

COURT : Situated in the same place? -- No, it was not at that place.

And the place called Pelindaba? -- This one is in Sharpeville.

Is it an area of Sharpeville? -- Yes, it is an area of Sharpeville like for instance we have Rooi Stene and Verge-noeg. (20)

MR BIZOS : Again I do not want to read the whole of that first paragraph on page 17. Did you regard this as support for your view about the projects or did you think that Mr Mkwanzazi had an opposite view? -- He was supporting what I was saying.

This first sentence in the second paragraph on page 17, is that the thinking of our leaders. To which leaders was he referring to? -- The Lekoa town Council are the leaders he is referring to.

And the last line "They do not want to wait for those(30)  
things/...

things." Who is the "they" that he is referring to? -- He is referring to the councillors.

I want you to please have a look at page 18. The sentence "They are not consulted even when rent is increased", to whom was he referring to? -- In that I understand him to be saying that the councillors do not even inform their constituency committees about what is happening.

My Lord, there are two procedural matters that I want to raise with Your Lordship, if it is a convenient stage.

COURT : Yes, it is convenient. Have you finished with this (10) speech?

MR BIZOS : Mr Mkwanazi's speech. It has been agreed, Your Lordship will remember that one of the conditions of bail is that none of the accused on bail are to go into the Vaal Triangle. Unhappily Mr Thabiso Ratsomo has to attend a funeral on Saturday, that is tomorrow of a relative. In the way we interpret Your Lordship's order that it is really an administrative matter, but we are bringing it to Your Lordship's attention that these conditions have been agreed on for him to attend the funeral. (20)

COURT : Well, I do not think it is merely administrative, because if there is a breach of conditions, it is a matter for the Court to take up.

MR BIZOS : That is so. That is why I was bringing it to Your Lordship's attention.

COURT : So, these conditions are incorporated in the bail conditions of Thabiso Ratsomo, accused no.22.

MR BIZOS : Thank you. The other matter in relation to Your Lordship's suggestion as far as EXHIBIT 40 is concerned, could we uplift it, because the evidence is any way that (30)

it/...

it is a really a copy of the sound-track. Could we uplift it for the weekend in order to put in the matter suggested by Your Lordship so that it can be made clearer.

COURT : Yes, certainly.

WITNESS STANDS DOWN.

COURT ADJOURNS TILL 8 JUNE 1987.