

SAAKNOMMER: CC 482/85

DELMAS

1987-06-08

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 232

(Bladsye 12 791 - 12 341)

COURT RESUMES ON 8 JUNE 1987.

TEBOGO GEOFFREY MOSELANE, affirms further

MR BIZOS : All the accused are before Your Lordship, save that we have a note to ask Your Lordship to grant leave to accused no. 14, Mr Hlopane, to be taken to a doctor this morning.

COURT : Leave is granted.

MR BIZOS : The other matter before continuing, Your Lordship indicated earlier on, I do not know whether the dates were provisional or not, when Your Lordship would take the (10) winter vacation. It affects a number of people, both in our team and some of the officials here. I have been requested to ask Your Lordship on what dates Your Lordship would take for the winter vacation, because the people want to make arrangements.

COURT : I did notify - I informed my clerk to inform you it would be the whole of July, from the 1st to the 30th. If there are representations to change the dates, you can come and see me and we can sort of amend it either way. We will sit till the last day of June and start on the first(20) day of August.

MR BIZOS : The first working day of August. The last matter concerns this witness's evidence. Your Lordship indicated that we should mark on EXHIBIT 31 where the stops are. We started putting two parallel lines where there is both visual and auditory material and one line where there is only sound. That I would submit would meet that situation. We started listening to the tape in order to mark the - not the tape, the video, in order to start marking the stops and the starts. I then stopped it because we do not want any of us to make(30) ourselves/...

ourselves a witness in this regard. On the other hand we did not want to approach Mr Harris without Your Lordship's leave and the consent of Our Learned Friends. We believe that if that consent is given and Your Lordship grants us leave we would like to go to, Mr Tip will go to Mr Harris and ask him to do just that, so that he will be giving evidence in due course and he will have to answer for any missing or additional or any other stops.

COURT : Yes, it would be safer, I think. Any objection, Mr Jacobs? (10)

MNR. JACOBS : Geen beswaar nie.

COURT : Yes, do that, Mr Bizos.

MR BIZOS : I will ask Mr Tip to see Mr Harris this evening and if we could have leave again to uplift EXHIBIT 40.

COURT : Certainly.

MR BIZOS : We were at page 18 of EXHIBIT V31.

FURTHER EXAMINATION BY MR BIZOS : Will you please have a look at page 18 of V31. You are there recorded as having said that you appeal to people to speak up, because they could not be heard if they murmur. Were there people speaking (20) in the hall that could not be heard well? -- Yes, that is so.

I want you to please have a look. At the bottom of page 18 you are recorded as having spoken about the granting of the amount of pocket money to children. What did you mean by that? What were you trying to get across? -- By that I meant to convey the following, that whenever there is something on which a child is not satisfied, a child will always voice that to make the other people aware of the dissatisfaction.

Why did you mention this at this meeting? -- That I mentioned just as an example. Did you consider that to (30)

have/...

have anything to do with the rent increase? -- As an example, yes.

And you then go on to say that, you are recorded as having mentioned the court interdict and the petition and you finish up by saying "if the petition carries weight, we will be hitting them from both sides from all sides." That is on page 19. What did you mean by this hitting? -- By that I meant a court interdict from one side and a petition from the other side is that what I meant by saying hitting from both sides.

You are also recorded as having said "He said it this (10) week in the newspaper that if he can get a petition and that is not the petition alone with an accompanying letter properly, a mandate, so I think we are agreed, let us go into the issue of this petition." Who is the "he" that you are referring to here? -- The he referred to here is Mr Mahlatsi.

Is that Mayor Mahlatsi? -- Yes.

Please have a look at the last paragraph of page 19. You are recorded as having said "Let us understand one another. Court interdict means that if the court agrees and says 'do not increase on 1 September until the matter is heard in (20) court.'" Do you recall whether you said that or not as it is recorded here? -- Yes, I do recall that I said this.

You remember when His Lordship asked you what the interdict was for. You answered that only to prevent people from being ejected. Would you like to explain now that you are recorded as having said this, were you clear as to what precisely the terms of the order that would be sought from the court if the application was brought, should be?--Without a full explanation of what in fact was meant by an interdict, as a layman as far as law is concerned, I understood it to mean(30) that/...

that it was only going to be applicable when people were being ejected from houses.

Because again on top of page 20 you are recorded as having said "This means that we say that there must be an order which will add that as from the 1st. That means the lawyer writes a letter saying you, the town council, we are taking you to court. We want to stop you from increasing the rents from 1 September until we get to court." Was that your understanding at the time? -- That was my understanding at the time, yes. (10)

Then Mr Mkwanazi is recorded as having suggested that Sharpeville should be divided into six blocks in the middle of page 20? -- Yes, that is what he said.

We can now tell Your Lordship that it can be seen as agreed on the film.. -- That is so.

I may indicate that if Your Lordship wants us to take Your Lordship's copy during the adjournment we can put the parallel lines in so that Your Lordship has at least that bits in.

COURT : I think we can wait until Mr Harris has completed (20) his and then we can take that too.

MR BIZOS : Very well. Then the petition is being discussed at the bottom of page 20 and 21. I want to deal with the statement which appears both on the film and on the sound by Botha on page 21. You have already told us what you knew about Mr Botha from the previous meeting, but we do not want you to repeat that. Botha is seen saying "Until you have appealed to the court of law I wholeheartedly agree with that, but as I talk we should have an alternative. I agree, proceed with it. You will have our support. We are going (30)

to/...

to proceed with it. Now, the thing is, number one. There is an issue we have avoided. After we have submitted the petition to the Italian, he said then we stop him, telling him that on the said day his buses should not enter. What should then happen if the buses enter." He is recorded as having said that. Did you hear him say that? -- Yes, I heard him.

And you have seen on EXHIBIT 40 the manner in which Mr Botha speaks? -- Yes.

How would you describe his manner of speaking? -- He is a kind of a person who likes to introduce some subjects (10) which were not in fact meant for that meeting and he is a kind of a person, whenever he speaks, always will speak in an influential way or tone to the people. I understand him to be a kind of a person who will ever, whenever he is making a statement, would like to win and gain the confidence of the other people by the manner in which he speaks, that he must be favoured by some of the people, that is the listeners from the audience.

Did he speak coolly and quietly? -- No.

Who is the Italian he is referring to? -- That is the (20) names to the bus owners. They are called Italians.

COURT : Are they in fact Italians or is it just a name? -- That is how they are being referred to in the township. Whether they are in fact Italians, that I do not know.

MR BIZOS : Than Mr Mkwana is recorded as having tried to say something. Do you recall that or not? -- Yes, in fact, he was sort of indicating his surprise by the introduction from the previous speaker.

And Mr Hlubi is recorded as having said "He, Botha, always does this." Do you recall that happening? -- Yes, I (30)

remember/...

remember him saying that.

You are recorded as having said "Beloved of God, let us say order. We cannot just everyone to suggest. I too can come up with anything." Do you recall saying that? -- Yes, I do recall that.

Then Botha is recorded as having said "Why can we not spend one hour for a useful thing?" -- I remember him saying that.

Is that shown both on the film and on the sound? -- Yes, It is. (10)

You are then recorded as having said "We will ask those people who know it to leaders." There are incomplete sentences there as indicated in the transcript. Can you recall what you said on this page? -- Yes, I can.

What did you say? -- I was saying we have now run out of time. We went beyond the time.

What did you mean by saying "We will ask those people who know it to leaders." What does that mean? -- By that I meant those who are capable of leading a song with the people I was requesting to lead us in starting a song. (20) Namely that I wanted them to start Nkosi Sikilele e Afrika. Why I said that was because I was avoiding it being led by different people from different points from the audience. As a result, then it would not be a clear song which could be followed by everybody.

What did you mean by saying "Beloved of God, let us say order. We cannot say just everyone to suggest. I too can come up with anything." What did you intend doing by that? -- I was trying to encourage things to be brought back to normality. This I did as a result of Botha's speech which(30) surprised/...

surprised Mkwanazi and the remark by Hlubi. I then thought it wise to bring order because it would appear that there was no order and therefore trying to make the people aware that what we are doing here is something which is to be orderly.

I do not recall whether I asked you this question, I am sorry if I already have done so, but I think Your Lordship may have asked you, do you know where Botha comes from? -- He is a resident of Sharpeville.

COURT : What did he do for a living? -- I am not in a position to tell the Court what he does for a living. All I can(10) say is that I frequently see him around in the township, without having specific time of course as to what time usually I see him. Otherwise, I know him to be taking part in consuming liquor.

MR BIZOS : I now want to turn to the spirit of the meeting after Nkosi Sikilele e Afrika was sung. What was the atmosphere, the spirit of the meeting like? -- I noticed that there was a sign of happiness amongst the people who were present there.

What do you say to the allegation that at this meeting,(20) like at the others, the crowd was very excited and ready to fight? -- That is not true. There was no such an indication that people were ready to fight. Again I do not believe that such elderly would be in that position who would be prepared to fight and since these meetings were held, from the very first one, I have never heard that there was a fighting after that meeting up until this very meeting I am talking about.

In your experience, what affect did the song or hymn Nkosi Sikilele e Afrika have on large groups of people in (30) your/...

your community? -- It has some indication especially when people are making a request or putting forward what they feel is to be put forward to their God. Then it indicates some enthusiasm and in fact indicates solemnity.

COURT : I would like to ask you a question on this. In effect it is a prayer, as far as the wording goes. Is it not?
-- Yes, that is so.

In your church, does one pray with raised fists? --
Not necessarily a raised fist, but in the church service they do raise hands as indicated by me, in that form. (10)

Yes, that is outstretched palms, I take it? -- Yes, they do raise fists as well. For instance during the revival services indicating to people that they are taken up by what is happening there at the revival service, then they would raise their fists as demonstrated by me.

Always the right hand? You demonstrate with the left hand? -- It is immaterial. You use any hand. I am using the left hand.

Let us get clarity. Your book of prayers, is there any prayer where you raise your fist? -- No, in a prayer book (20) there is no way in which they put to a person how to put your hands while praying or in fact there is no specific way which is being described in a prayer book as to how one should pray, but it does happen for instance when one is holding some prayer services, that such is done, not necessarily originating from a prayer book.

I want just to know, not what is prescribed in the prayer book. Is it customary if anyone of the prayers in the prayerbook is used to raise your right clenched fist in the air? -- No. What I am saying is, there is no way in (30)

the/...

the prayer book where it is prescribed what one should do while praying. In other words, a prayer can be done by whoever is praying. In any way this person feels this prayer is going to have an effect of some kind.

Yes, you can even stand on your head, but the question is is it customary to do so with any of these prayers? -- It is not customary. What I am saying is, a person praying, to put across the feelings and the spirit in which he is while praying, can do anything to express that.

So, actually what I am leading up to is, Nkosi is no longer a prayer, but is a political statement? -- I do not agree with that, because if the wording is Nkosi Sikilele e Afrika in Xhosa and then in Sotho saying Morena Boloka Sechaba sayiso, that denotes the belief of the people.

In what? -- In Morena, Modimo, which is God.

For what purpose? -- To seek the Saviour of God.

MR BIZOS : Perhaps I should ask you one or two questions about this. Your church is part of the Church of the Province. Are there churches which call themselves independent churches, indigenous churches? -- Yes, there are. (20)

The practices of these independent or autonomous churches which are not bound with the churches that, we will call them the original churches established by the Whites having come to South Africa and which are still in existence, excluding the Anglican, the ... (Court intervenes)

COURT : Should we not do it the other way round. Name the churches and then deal with their practice, otherwise it becomes very vague. There are hundred and eleven I believe.

MR BIZOS : These independent churches, have they stuck to the liturgy and practices of the non - the older churches? (30)

Let/...

Let me just put it that way without trying to give the least possible offence to everybody concerned? -- Yes, they carry on Christianity and the belief in God like all the other churches, except when we come to liturgy, then they differ. Liturgy is not exactly on one's state. It changes, it varies here and there even with out churches which we call mainline churches. It also differs here and there.

I want you to please, if you do know, tell us, you can assume that we may know the main practices of the mainline churches, but I want I want to ask you ... (Court intervenes) (10)

COURT : I do not think the witness should assume that I know all the practices of all the mainline churches.

MR BIZOS : Let me put it the other way round. Let me deal with some of the practices of the independent churches. Do they play - these are the independent churches - drums as part of their service? -- Yes.

Do the congregations in some of these independent churches I do not want to use the word "dance", but do they move rhythmically during the church service? -- Yes, it happens that they move according to the rhythm of the drums. (20)

Do the women ululate during the service? Yes, it happens.

The people that came to your meetings during August 1984, were they all members of the mainline churches? -- Not all of them were members of the mainline churches.

COURT : When you speak of mainline churches, do you mean churches which have some origin in Western Europe? -- Yes.

MR BIZOS : We noticed on the film, EXHIBIT 40, that you yourself do not raise your clenched fist during Nkosi Sikilele e Afrika although I think it would be fair to say that the majority of them do so? -- Yes. (30)

Would/...

Would you like to say to His Lordship why you do not and why you think the people there do? Had you any thought on that subject? -- Firstly, the raising of the clenched fist is solely at the discretion of the person who does that. Nobody is compelled to do that. As I have already said, it only depends on the person who raises the fist.

You do not find it necessary to do that in your church? -- Yes. There is something that I would like to clarify. We have just passed it.

COURT : Yes? -- What I wanted to explain is, that even (10) with the Church of the Province services, it happens that people ululate and even dance as it is being called a dance and the raising of fists, whenever a person feels like doing that and there are drums as well, which can be used. Why I mention this is because the drums and the other things, the dancing et cetera by the other churches we referred to as not being the mainline churches, have influenced the mainline churches as well to an extent that some of the practices they do are also now being done in the mainline churches. Like for instance the music which is used to be music (20) for Black people has now been transplanted to the Whites as well, in such a way that one will find that a musical play like for instance Gaps and Kente's play has been transmitted to some Whites who accepted it as music. For instance, why I say this, you will find that some chantings which were being done overseas of a kind of music are also applicable on Kente's Musical Play musics.

Are you now talking of these practices being taken over in special occasions or are you speaking of these practices being taken over as part of the normal service in your (30) church/...

church? -- With all the services, not only with a special does this influence the service.

ASSESSOR (MR KRUGEL) : Does this practice also include the shouting of Amandla Awethu as is shown here on V31 on page 22 at the bottom, that is immediately after Nkosi Sikilele e Afrika? -- Not in church. I have never been to a church service where those words were used. That is Amandla Awethu.

Could you please, I do not know whether we have had this before, but "Iswe Lefu", what does that mean? -- That is a mistake there, the spelling. It is "lethu". That I(10) understand to mean "Our land", meaning the land in general and "ours" meaning the people in general living on that land. irrespective of the colour.

That would be the same then as Mayibuye Afrika? Or would it not be quite the same? -- There is some similarity in the two. It is just like what is written there behind Your Lordship "Unitate Veritate ". It means it is for people and it is not for a specific person. It is meant for people.

MR BIZOS : In relation to the practices that have been (20) adopted in the church, when predominantly Black people or a Black choir sing say in the Cathedral in Johannesburg, do members of the choir clap hands when the hymn is an appropriate one for the clapping of hands in their view? -- Yes, there is a clapping of hands.

What about the rest of the congregation? Do they follow the choir or do they dissociate themselves with the choir? -- It will depend. For instance, those who know the tune and how to sing that particular song will take part and join the singing and those who do not know how to sing that (30)

song/...

song will keep quiet. It depends.

But what about the clapping of hands? -- All take part in that, even those who do not know the wording of that particular song as to how it is to be sung.

Do I understand you that this happens in the Cathedral in Johannesburg? -- It happens there.

Is the congregation just Black people? -- No, it is mixed. It is Black and White.

Did I understand you to suggest that at any stage, that what happened on the 26th was a church service or a meeting?(10) -- It was a meeting.

After the meeting of the 26th, did you have an interview with Mr Harris? -- Yes.

Have you listened to EXHIBIT 40? -- Yes, I listened to that.

And have you seen the transcript EXHIBIT V30? -- Yes, I have.

Could you please tell us whether your voice appears on that as well as - whether your voice appears on that and whether the voice of Mr Hlubi appears on that? (20)

COURT : And I take it that of Mr Harris?

MR BIZOS : And that of Mr Harris? -- Yes, the three voices can be heard.

Would you please turn to page 5 of EXHIBIT V30. For the sake of completeness, do the voices belong to the people that is set out there? -- Yes.

You see that Mr Kevin Harris asked "Can you tell me who the various - Peter, your name again." And then he gives his name as Peter Hlubi. Then Kevin Harris says "Hlubi". Then he says "And what are you in this?" Hlubi(30)

says/...

says "On this, well we are just a sort of steering committee strictly because ..." and then your answer is "People have called us an anti-rent committee." Peter Hlubi echoes you and says "Ja, anti-rent committee" and some - it is described as laughter, giggling, can be heard. What was that for? Can you recall? -- This happened inside the church building and people were busy walking, that is leaving the church building and there was then that sound by those who were moving out.

COURT : So, is the laughter, laughter not of those people(10) speaking on the tape but of others? -- Including the speakers there. It happened almost the same time.

Why were you laughing then? -- It was not a laughing in the proper sense of a person laughing. It was just a manner of expressing what was happening there.

But now, is it then incorrect to say "Laughter" on the transcript? -- No, it is not incorrect. As I say, here are people talking there and then you hear some laughing. We do not see the expression of the person laughing. So, therefore you are quite correct in saying that there was some (20) laughter, because you do not know what the expression was.

I was not clear whether it was somebody else not participating in the conversation or the three participants that were laughing. So, I asked you and you said no, it was the three participants as well. -- According to what I can tell the Court here, the following happened. Hlubi started explaining what our body was which was in charge of the meeting and while he was explaining, I explained it differently saying that people are calling us the anti-rent committee and then Hlubi also add to that saying "Ja, anti-rent (30) committee/...

committee" and as a result of the remark by Hlubi after he had said something else, then there was a laughter amongst the three of us. At the same time there were people passing there who also happened to be laughing.

I want to know why. Was there something funny about anti-rent committee? -- The laughter here I would say came as a result of this man asking now what is your name, what are you being called and then instead of us saying to this person "We are known as a steering committee or as an anti-rent committee" we are saying "We are called by other people (10) as a steering committee or anti-rent committee." As I originally said that we were known as an ad hoc committee of the parish. When this was explained by Hlubi in answer to the question, he said that we are known as a sort of a steering committee, which I said no, people call us anti-rent committee and then Hlubi changes again from his original statement saying "Ja, anti-rent committee." That is what resulted in the laughing according to me. Because the newspaper people were calling us names.

MR BIZOS :

Which you had not given to yourself? -- Yes. (20)

And then someone is reported to have said "You know that we are just concerned." Do you know who said that? -- I do not know. All I can say is that I remember that being said but by whom I cannot recall.

Then Mr Hlubi explained some of his motivation. In the middle of page 6 Mr Harris asked "Who was that man in the jersey, in the green jersey?" "Oh, he was one of the trade unionists. I forget his name unfortunately." Do you recall who was wearing a green jersey that day? -- Mr Mkwanazi.

Did you know his name at the time? -- No, I did not know (30)

what/...

what his name is. All I knew is what he was doing for a living.

What was he doing for a living? -- He was employed by one of the firms in town. He was further known to me as being a participant of unions, a person with a better experience in communicating with people.

Did you have any meetings or any discussions, about your meetings in August with the person with the green jersey? -- No.

Did Peter Hlubi, your fellow ad hoc committee member report to you whether he had any discussions with the man (10) in the green jersey at all in order to arrange what should happen at the meeting or anything like that? -- No.

Then at the bottom of page 6 you are recorded as having said "There was a consultation of the churches and the trade unions to see about this, so that the churches look in from one side and the labour." Were there any churches involved in your meeting? -- No, there were no churches involved.

Were there any trade unions involved other than the one in which Peter Hlubi and Nozipo Myeza were involved? -- No, they are the employees of a trade union. (20)

COURT : Did they act here in their personal capacity or did they act here on behalf of the trade union? -- They acted in their personal capacities, not on behalf of the trade union.

MR BIZOS : Mr Hlubi interrupts you and says "And a trade union from the other side of the labour movement." And then you come in "So, because he is in the labour, he also in the labour, the union and I am a priest" and then again there is this laughter. If we take the bottom of page 6 and the top of page 7 together, did you intend to convey to Mr Harris (30) that/...

that more than one trade union or more than one organisation or more than one church were involved? -- No, what is intended to be conveyed to Mr Harris there was that I am a priest and the other two members which whom I am serving in the committee are employees of a trade union.

Did you notice Peter Hlubi saying on page 6 "Ja, from the community or from different organisations." Other than your church and these two persons whom you knew to be members of the trade union, do you know of any organisation that was involved in your meeting." -- No. (10)

Then it goes on "Which union are you in?" and Hlubi says "Orange Vaal General Workers Union." Kevin Harris says "I see." Peter Hlubi adds together with her. Who is the "her" that he was referring to? -- Nozipo Myeza.

Kevin Harris says "So, the workers in the church came together" and Hlubi answers "Ja, we told them they should actually come out strongly." -- Yes, that is correct. That is what Hlubi said.

Do you recall what document was being referred to that Mr Harris asked for at the bottom of page 7? -- Yes, I do. (20)

What was it? -- That is the document which was in fact supplied in the township by the Lekoa town council which document contained the increase of rent.

If my memory serves me correctly it is AAQ19, but I will just check. Yes, it is 19.

COURT : Is that the one to the house owners, not to the employers?

MR BIZOS : To the house owners.

COURT : Because there is one that is addressed to the employers. (30)

MR BIZOS/...

MR BIZOS : Is this the document you are referring to? -- This is the document.

COURT : It consists of two pages, two separate pages, AAQ19(i) and AAQ19(ii). Which one do you have there? --

MR BIZOS : Can you recall of how many pages that document consisted? -- It was only two pages.

COURT : Is it AAQ19(i)? -- This one is marked 19 only.

Just have a look at mine. That one is incorrect? -- This one is the document AAQ19(i) that we are talking about.

MR BIZOS : In the rest of EXHIBIT 30 you and Mr Hlubi (10) apparently in your presence, did you try to give Mr Harris some idea of what the meeting was about? -- Yes, that is so.

We can see for ourselves that there is nothing in there about a stay-away on the 3rd or a march on the 3rd? -- Yes, that is so.

Was there any decision alleged by the State calling on people to stay away on the 3rd or to take a march on the 3rd on the 26th at your church? -- No such a decision was taken there.

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Did you and Hlubi and Myeza meet after the meeting of (20) the 26th? -- Yes, we met.

Did you have any discussions as to what you should do? -- Yes.

What were those discussions? -- The discussions were about the two issued which were discussed there and some other resolutions as to how to proceed with that.

What were you going to proceed with? -- This was to discuss as to what was to be done in order to proceed with the petition and the court interdict in view of the fact that it was already said that there was going to be another meeting (30 during/...

during the following week.

COURT : When was that said? -- There was an announcement made at this meeting just before the singing that there was going to be another meeting which will be held next week, meaning the following week.

The 2nd? -- Yes.

2 September 1984? -- Yes.

MR BIZOS : Whilst we are back there. There was this suggestion about dividing up Sharpeville. Do you recall who undertook to do that? -- Yes. (10)

Who undertook to do that? -- Nozipo volunteered to take down the names of the people who will be the leaders of the different areas after Sharpeville had been divided.

Can you recall what was happening in and around your church at the time you were having this interview with Mr Harris? -- The people who were supposed to take around the petitions, particulars were being taken down by Nozipo.

And during the week after the 26th, you say that you had this meeting and it was agreed that you should carry on with these two actions that had been agreed upon? -- Yes. (20)

During this week, between the 26th and the 2nd, was that a peaceful and pleasant week for you? -- No, not at all. It was not.

What happened? -- There are two incidents which occurred in that week.

When did the first of these two incidents occur? -- It was on a Tuesday, the 28th at about 21h00 when the councillors came to my residence.

How many councillors came to your residence? -- Those known to me could be five or six in number. Otherwise the (30)
total/...

total number of the people present there as councillors were about twenty. Of the twenty I have just mentioned, this includes the Municipality police, not only the councillors. It is twenty plus, is my estimation.

All in all. Could you please tell us who were the councillors you recognised as councillors? -- The mayor Mahlatsi, Mpondo a policeman who also serves as a member of the council, he is a member of the security branch in Vereeniging, Mphulenyane, Shale, Jokozela, Caesar Motjeane. Those are the six people I knew. (10)

Were you at home or did you find them at your home? -- On arrival there some of them were in the yard and some were in the house.

And what happened as soon as you arrived? -- I arrived there in the company of two other people. We entered the house. Those of them who were outside after having opened the door, they also entered the house.

Please carry on and tell His Lordship what happened. -- We were sitting in my sitting-room. When I talk about us being in my sitting-room, that is the sitting-room of my (20) house, I mean we were all standing in that room and at some stage I invited these people to take seats, as a result of which Mahlatsi said they were not there to stay. They then said that they came there to discuss something with me, they are not going to be long. All they want is just to discuss that thing with me. Mahlatsi then said this to me that I am busy involving people's lives into a difficult situation. After that statement by Mr Mahlatsi, the late Mr Caesar Motjeane then said he is a tsotsi himself.

COURT : Referring to whom? -- He, himself. Referring to (30) himself/...

himself

He said he, Caeser, is a tsotsi? -- Yes, referring to himself. He knows how to fight. If I want to fight, I can be engaged in fighting with him. After that statement by the late Motjeane Mpondo said he has got the authority of detaining me, he can detain me immediately and I can even be ejected from the house in which I live in Sharpeville and be endorsed out of Sharpeville. As I was standing there, Motjeane was on my left, standing on my left as I was facing them. The next person next to Motjeane was Mahlatsi and (10) Mpondo was at an angle to my right. I was not given a chance to say anything because of the fact that when one finished what he wanted to say, then the other one would just start talking and therefore there was no chance for me to say anything. The position of our standing there was as follows. I was facing the front door of my house. We were then standing in the positions as described by me. Shale and Jokozela were a distance from us in the vicinity of the door which is the front door leading into the house. They moved away from this group in front of me, sort of disassociating themselves (20) with those who had been with me. This happened after Shale said "the person you are doing this to is my priest." When Shale said that, Mpondo said to Shale that he, Shale, must be quiet, meaning that he must keep quiet. That was their behaviour in my house and Mpondo further uttered the following words that it would appear that I am the one who is going to cause fighting in the township and I must never again hold meetings in my church.

Did he say anything relating to what might happen if he did hold further meetings in the church? -- Yes. (30)

What/...

What did he say? -- What he said was, I may find myself having no church, meaning that he was talking about the leasehold, that I will be dispossessed and further saying that I will be endorsed out of the township of Sharpeville.

Was he still an officer in the security police, Mr Mpondo, at that time? -- According to my knowledge, yes.

Did you take these threats seriously or did you just let them pass? -- No, I took them to be serious threats.

Did you report them to anybody?

COURT : Was this the end of the conversation? (10)

MR BIZOS : Yes.

COURT : Did they then leave?

MR BIZOS : I am sorry. Can you recall whether anything else happened at your house when this group of people came to your house? -- I cannot recall, except to say that it was a confusion there, I did not know what was happening.

Did anyone give you an explanation as to why it was necessary for twenty people to come to speak to you or over twenty people come to speak to you? -- No, nobody. It was just what they said to me there that I have just related (20) to the Court.

Did you report this incident to anybody? -- Yes, I did.

To whom? -- To the following people, my bishop and the archbishop. I reported this to my bishop, Bishop Timothy Baven and the archdeacon Peter Wilson and I reported this to the police in Sharpeville, laying a charge and I also made a report to the newspaper people, namely the Sowetan and The Star.

Did anything happen later in the week? -- Yes.

What happened? -- The Thursday evening I got a message (30)

that/...

that I was being wanted at Vereeniging by the security police there.

The Thursday would have been the 30th? -- Yes, that is the evening of the 30th.

August 1984? -- Yes, that is so.

You say you got a message to go to the security police. Was a time given to you to be there? -- Yes, it was said that I was to report there the following day in the morning at about 08h00.

And who were you to see there? -- When I came there (10) I was supposed to have met the then Captain Steyn.

When you got the message that you should go to the security police, did you report that fact to anyone? -- Yes, there is somebody I reported this to.

To whom did you report this? -- To my archdeacon Peter Wilson.

Was he your immediate superior at the time? -- Yes.

Did you ask him or did he offer to do anything about that? -- I requested him to accompany me on this day of the 21st to Vereeniging to go and meet this person I am supposed (20) to meet on that day.

Why did you want your archdeacon to come with you? -- As a result of the threats which were made to me and the fact that I knew Mpondo to have been a member of the security police in Vereeniging, that is why. Another reason is because Archdeacon Wilson was in charge of a church and I wanted him to be present there so that they can see that the superiors of the church are aware of what is happening and they are in fact there to be on my side about what was to happen.

ASSESSOR (MR KRUGEL) : So, you wanted the authorities to (30)

see/...

see that what was happening in the church, had the blessing of the church, of your senior in the church? -- Yes.

MR BIZOS : Did Archdeacon Wilson favourable respond to your request? -- Yes, he agreed to accompany me.

WITNESS STANDS DOWN.

COURT ADJOURNS. COURT RESUMES.

TEBOGO GEOFFREY MOSELANE, affirms further

FURTHER EXAMINATION BY MR BIZOS : Did you go to the security police headquarters in Vereeniging on the morning of 31 August 1984? -- Yes, I did go there. (10)

Did you go alone? -- I was accompanied by Archdeacon Peter Wilson.

Where is Archdeacon stationed, so to speak? Where is his church? -- Randfontein.

And did the two of you arrive together? -- We met just outside the police station.

And did you go up to the security police headquarters? -- Yes.

Together? -- That is so.

Did you announce yourselves at the waiting-room? -- Yes, (20) we did that.

And did anyone come to meet you at the waiting-room? -- Yes. It is not in fact a waiting-room. The security branch offices in Vereeniging are on the second floor of the building. What happens is, you go up to the second floor. There you will find a gate with a bell. You ring the bell. Then somebody will come and meet you at this gate. That is what happened.

Did someone come to meet you at this gate? -- Yes, we were met by somebody. (30)

Who/...

Who came to meet you? -- Mr Steyn.

The one who testified here in court? -- Yes, that is the one.

Who is now Major Steyn? Apparently he is now a colonel. He was a major when he gave evidence? -- Yes.

Did he know you or did you introduce yourself? -- We introduced ourselves to him. We were clad like priests with collars on.

You introduced yourselves presumably as Father Moselane and Archdeacon Wilson? -- Yes, that is how I introduced (10) ourselves.

Did you both go in to the then Captain Steyn's office? -- He refused Archdeacon Wilson entering.

To pass this gate? -- Yes, saying that he wanted to speak to me alone.

Did he give Archdeacon any reason why he wanted to speak to you alone? -- No, all he said was that he wanted to speak to me alone without the company of Archdeacon Wilson.

Insofar as the then Captain Steyn in his evidence may have tried to implicate to His Lordship that he wanted to (20) appeal for your co-operation for the peace and security of Sharpeville, what do you say to that? Or let me put it in another way. What effect did the refusal to allow Archdeacon Wilson to accompany you have on you? -- That gave me the impression that this is not just going to be a discussion about a minor or a general thing. In fact I got the impression that there was something which I did not know about which was coming to be discussed here.

At the time that you went there, did you know whether any other priest had been called in by the security police? (30)

Yes/...

-- Yes.

Who? -- Father Peter Lenkoe.

Where was he stationed at the time? -- St Michael's Sebokeng. That is in Zone 13.

ASSESSOR (MR KRUGEL) : Was this at the same time or before?

-- Father Lenkoe was there on the 30th, which was the Thursday and then I was there the following day, which was the 31st, the Friday. The only difference between the two incidents is that Father Lenkoe was visited by the security police at his residence. He did not have to go to the offices. (10) Whereas I had to go there.

MR BIZOS : Can you please tell us once you arrived at the then Captain Steyn's office, did you see anything on his desk? -- Yes, I saw two things there.

What did you see? -- There was a tape recording machine on his desk and a copy of a Sowetan newspaper was also lying on the desk. This was dated 31 August.

Of that very day? -- That is so.

Was the tape recorder on or off? -- When I came in and noticed that it was on the desk, I then paid attention to (20) see what was happening. I noticed that it was running. On the front page of this Sowetan copy I noticed a half photo of mine which was published on that page. Then there was a story there about me and the visit by the councillors and this also was mentioning that I laid a charge.

To the best of your recollection, could you please tell us what passed between you and the then Captain Steyn? -- What he said was that he called me to his office with the view that I must try and stop the meeting to be held the Sunday, which was 2 September 1984. He further made mention to me (30) that/...

that there is a rumour that there is something which will happen on 3 September and in this he said it would appear that people would not be going to work, there is going to be a stay-away. Then he said such things can cause that the police shall have to prevent such. He further said that it is being said that people are doing that as a result of the meetings which were held in my church. When he said that to me, I said to him I do not have that knowledge that people will be staying away from work on the 3rd. I further made it clear to him that no resolutions were taken at the meetings (10) which were held in my church up until with the meeting of the 26th. According to him there were meetings held in my church on the following dates, 5 August, 12 August, 19 August and the previous week, which he said was 26 August. He was saying there was again yet another meeting on 2 September, on which I said it is true that I had a meeting on the 12th, the 19th and the 26th and there is going to be another meeting on the 2nd and I then said to him that I cannot stop this meeting which is on 2 September, because I am not the convener of that meeting of 2 September. It was decided by the people (20) that there be a meeting to be held on that day. He then said if it was to happen that people were stopped from going to work, then the police shall have to act in preventing the stopping of the people from going to work, wherein then the use of fire-arms is possible, which then can create a danger of killing of people on which he then said he can put the blame on me about such incidents and he can detain me.

Did you respond to that? -- In reply to that I said this Sunday, which is 2 September, that afternoon I am supposed to go to a synod in Johannesburg which is my church synod. (30)

I/...

I further said to him I will be away at this synod including Monday, Tuesday and Wednesday, therefore I would not be home. I then said the police act fastly in shooting, on which then he said when there is a reaction of the irresponsible people, the youth, what is the police expected to do. I then said on that if that was to happen that the irresponsible people started throwing stones, my answer to that is that the police shall have to retaliate by doing the same, namely throwing stones, on which I said further that a person cannot exercise a defence which defence is in fact more stronger than the (10) other person against whom he is defending himself. I further said to him that I have seen some defence which is being applied abroad, like for instance when there is something being done by the community against the police, giving an example with a place like Ireland, saying that the police there are using a water canon which is being used for dispersing the people who are against them. On which then I said to him why can this not be done in our country, that if there is such an action, let there be some fire engines to be used, a fire-brigade to disperse the people by means of (20) using water, than to make use of fire-arms whereby a person can find that some people lose their lives, they are being killed.

Did Mr Steyn respond to that? -- He laughed at this, which was an indication to me that he looks as if the feeling within himself was that I am not taking what he is saying seriously. He further said to me should anything happen on the Monday of the 3rd, I must know that he is going to hold me responsible for that. We also in our discussion had something to say about the rent. I then also mentioned to (30) him...

him the manner in which the councillors came to me at my house. That is with reference to the Tuesday and also told him that I have laid a charge as a result of their action as it was reported in that newspaper copy.

When you mentioned that meetings had been held of when Captein Steyn mentioned that meetings were held on the 5th, the 12th, the 19th and the 26th, did he tell you whether or not he had any information as to what was being said at those meetings? -- Yes, he said he has got a knowledge of what was happening at these meetings. (10)

Did he mention what the nature of the knowledge was that he had? -- The knowledge he said he had there was that it was being said that there is going to be a stay away from work on this Monday of 3 September.

Was there any mention by him as to whether or not violence was advocated in any of your meetings? -- Yes, I recall that he in fact put it in that way.

Did you respond to that? -- Yes, I did respond to that.

What was your response? -- In response to that I said the meetings held on the following dates, namely 12th, 19th(20) and the 26th were attended by me, I was present there. At no stage was violence mentioned there and I further mentioned to him that the majority of the audience at these meetings were grown-up people and I then further said to him the use of violence is therefore not being discussed or mentioned by people of that age and I further said to him if ever there was anybody whoever advocated violence at these meetings, I would have stopped that person or alternatively would have chased that person away from further attending these meetings.

Did Mr Steyn mention the name of any person that who(30)
was/...

was supposed to have advocated violence at your meetings? -- I do not quite remember him mentioning anybody's name with reference to that.

The meeting on the Tuesday, you say that you laid a charge. What was the charge that you laid? -- I said I laid a charge against them because of the councillors having been to my house. Their behaviour was such, especially their manner of talking, the use of the vulgar language in my house.

Were there any threats made to you? -- Yes, there were threats. (10)

What were the threats that were made? -- That I can get killed.

Who made that threat? -- I remember that threat coming from the late Motjeana and Mpondo.

You say that you mentioned this to Mr Steyn. Did Mr Steyn take any interest in your complaint?

COURT : Did he mention the complaint or did he mention the fact that he had made a charge - laid a charge or both?

MR BIZOS : Do you remember whether you mentioned what happened to Major Steyn or whether you mentioned the fact that you (20) laid a complaint? Do you remember what precisely you told him? -- I remember having said to him that I have laid a charge against these people and a statement was taken and I intended taking steps about this.

Did Major Steyn take any interest in your complaint against the councillors? -- He did not indicate any interest, except to say that if I have done that, then that is alright.

When were you detained? -- 21 October 1984.

Either before your detention or thereafter, has anybody informed you as to what happened to that complaint of (30)

yours/...

yours? -- I never heard anything up to date when I am standing here.

In your own mind, why did you feel the councillors visited you on the Tuesday, the 28th?

COURT : Just a minute. We are jumping about a terrific lot. have you completed the conversation with Captain Steyn or is there anything else on that? If so, let us write it down and get it over with.

MR BIZOS : The conversation with Major Steyn, was there anything else that you recall happened? -- No, not at the(10) present moment.

Did you come out of the office of Mr Steyn and out of the office and out of the grill door that separates the security police from the rest of the police station? -- Yes.

Did you still find Archdeacon Wilson there? -- Yes, he was there.

Did you report to him? -- Yes, from the police station Vereeniging we proceeded to my residence with him. That is where I reported to him what was happening, at my residence.

Did you report to him that you have been requested not(20) to allow your church to be used on 2 September? -- Yes, I told him that.

Did you receive any direction, order or request from your archdeacon not to allow your church to be used for a community meeting on 2 September? -- No, he did not.

This may be a proper place for me to put the question that I put prematurely or out of place earlier on. When these councillors visited you in such a large number with some of their companions, to use a neutral word, why did you think they had come there to your house at night, at (30)

21h00 in such a number? -- I saw that as a threat.

A threat to prevent you from doing what? -- Not to go on with what I was doing in my church.

COURT : Do you mean the community meetings or your normal services? -- What we were doing, that is myself as a priest and the people in authority of my congregation on behalf of the community.

MR BIZOS : Just to make it clear, they would have no objections presumably to the ordinary services that you had. Was there objections to the meetings that you held? -- Yes. (10)

Did you see any connection between the visit by the councillors and their companions on the Tuesday with the call by the then Captain Steyn in his office on the Friday morning? -- Yes, I saw this to be connected.

In what way? -- Because of this coincidence. Mpondo who comes to me the Tuesday who is known to me to be a member of the security police. He comes in the company of the councillors and immediately thereafter on a Friday, I am supposed to report to the security police and the brand to which this man is attached. (20)

When you refer to this man, who do you mean? -- Captain Steyn is in charge of them. That is in charge of the security branch in Vereeniging. Mpondo is the man I am talking about who had come to my place with the councillors and after his having been there I am then called by the head of his section of the security branch.

COURT : Was Captain Steyn the head of the White security branch or only a portion of the security branch of which Mpondo was a member? -- I do not know about that, but what I can tell the Court is that Mpondo is a member of the (30)
security/...

security branch in Vereeniging and so is Captain Steyn.

Captain Steyn is a senior official by nature of his rank to Mpondo. I therefore cannot tell His Lordship as to what is the relationship pertaining to their duties in that section.

MR BIZOS : With these two events and what had to follow up, how much time did you have to put into effect the legal action that you were supposed to take and the petition during that week? -- There was no time, that is enough time, satisfactorily for one to attend to that.

What was your state of mind? Did you feel comfortable(10) about your position from the Tuesday evening when the threats were made against you? -- As the days went past, things increased.

COURT : What things? -- When I things were added, I am talking about the incident of the 16th when stones were thrown to my house and the window-panes were broken. Then thereafter I was visited by the councillors on the Tuesday. Immediately after that visit I am being called by Major Steyn or Captain Steyn. That is the addition of matters I am talking about.

MR BIZOS : How lightly did you take the threat by Mr Mpondo?(20)

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-- I took it in a very serious view that this can happen, especially after having been called to the offices by Captain Steyn on Friday.

Who was to be in charge of the petition after 26 August? -- Peter Hlubi and Nozipo Myeza. I was also going to check on it whether it was being carried out or what is happening, whether there is anything in progress.

Do you know whether the people who had taken up the sections or wards of Sharpeville, were doing their work in getting petitions signed? -- I did not get that knowledge. (30)

As/...

As far as the legal action were concerned, did you go back after the telephone call or did you go back to Mrs Buthelezi during this period 26 to 31st? -- I was not able to.

You told us that your synod was going to start off on Sunday evening.

COURT : Was this the Transvaal synod? -- It was for the Johannesburg diocese.

MR BIZOS : Southern Transvaal? -- Yes, that is Southern Transvaal.

Did you hope that anything would happen in relation (10) to this legal action? -- Not before 3 September, only after that.

What did you hope would happen?-- What I had in mind was that in view of the fact that 3 September was going to be the first working day on which people were going to be able to pay the rent, I therefore said to myself we still have a week to ourselves to get our things organised. Secondly, because I was going to attend a synod during the course of that week, it was just a good opportunity for me to meet with the church lawyers in respect of this. (20)

Did you hope to raise it with the church lawyers and what would you ask them to do? Did you have any idea? --It was going to depend on the advice they give me, whether we can proceed with the court interdict. If that was their advice, then what I was going to discuss next was whether they were going to be in a position to start the proceedings.

COURT : Who were the church lawyers? -- Professor Dugardt was the chancellor of our diocese assisted by Mr Bisset.

MR BIZOS : Is he also a lawyer? -- I believe so, yes.

And what is a chancellor? Is a chancellor a legal (30)
man/...

man? -- Yes.

It is not a councillor? It is a chancellor? -- Chancellor.

MR BIZOS : I understand he is the official legal adviser to the bishop, probably from the time that bishops actually had their own principalities. You hoped to raise this question at the synod? -- Yes.

And has the church attorneys that actually do actual legal work for the church? -- Yes.

Do you know who was the principal attorney for the (10) church at the time? -- Mr William Lenney from the firm Bell, Dewar and Hall.

You then - we would like to come to 2 September 1984. Did you ask any speaker to come to the meeting of 2 September 1984? -- Yes.

Whom did you ask? -- Mr Kehla Mthembu.

When did you ask him to come and speak at this meeting? -- I telephoned him the Friday evening during which time then I asked him at his house.

Why did you ask him? -- Because he is a person who (20) was known to me.

Known to you as what to have made him a desirable person to be asked to the meeting of the 2nd? -- He was one of the leaders in an organisation of Soweto known as Youth Alive. I came to know about him for the first time when I was in St John's, that is the Orlando Parish. I since know him from that time.

What year was that? -- From the year 1976 until 1980.

COURT : Was he one of your parishioners? -- No.

He is from Soweto? -- Yes. (30)

MR BIZOS/...

MR BIZOS : You say you came to know him as a leader of Youth Alive? -- Yes.

What was the base of this organisation Youth Alive? Was it a political organisation or what organisation was it? -- It was a youth organisation from the Pentecostalist churches and the Baptist Church also had something to do with that organisation. The leader of this was Reverend Caesar Molebatsi.

He was in a Youth Alive organisation in 1976 to 1980. By 1984 did you still regard him as a youth or had he passed(10) that stage? -- He had to do with the youth, inclusive of the youth organisations.

How old was he by 1984? -- I will say according to my estimation roughly 30.

Did he hold any significant position at his work or not? -- I know that he was holding a high position in his place of employment.

COURT : What was his place of employment? -- He was employed by the insurance company.

MR BIZOS : Do you know in what capacity? -- I am not quite(20) certain but if my memory serves me well, he was a director of an area. I am not quite certain what his position was. All I can say is that he was holding a high position.

What did you hope he would say to the people that would have been present at your meeting of the 2nd? -- What I had in mind was that he was going to address himself with the question of the insurance, how much of value the insurance was to people, because of the elderly people who were the majority of this meeting, who did not have an idea of what the insurance policy means. Instead they joined the burial (30)

societies/...

societies which were in fact the community's burial societies known as Masincwabane. So, he was going to address that in comparison with a life policy insurance and secondly, I expected him to come and relate to us in a form of giving us an idea of what was done in Soweto because it had already happened in Soweto that the rent was increased and therefore we wanted to know what procedure they followed in Soweto.

Just by way of explanation, these societies, in your view, do they really render a proper service to the community or do you feel that they sometimes do not? -- In my view(10) a society is not something one can rely on.

Was this a problem for your church? -- Yes.

Why was it a problem for your church? -- What happened in this society is, say for instance a donation to the society is R1,00 per month.

A donation? -- That is the fee to be payable to the society and this was only going to be useful in assisting for instance in the case of one person dying at that time, otherwise in future this did not have any benefit to the remaining members of the family. (20)

Were these societies always around to pay out when death occurred? -- As far as I know, yes, there were people who used to do that time and again.

Did it happen that they were not around at all times? -- Yes, that is so, but at times it happened that there was in fact no money.

And when there was no money and it was a member of your congregation, what did you do about it? Did you have to do anything about it? -- Yes.

What did you have to do about it? -- Then it would (30)
mean/...

mean that we would have to ask from the congregation to donate something in respect of what is to be done with that particular family in order to meet the financial debts for whatever is to be paid for.

Did you know whether your invited speaker was an office bearer at the time of AZAPO? -- All I knew was that he is a member of this organisation. What position he held that I did not know. The other information I had about him was that he was once the president of AZAPO in the past, but this particular year I did not know what his position was. (10)

Did you attend the meeting of the 2nd? -- Yes, I did.

Did you yourself take part in the meeting? -- Yes.

What part did you take? -- At the beginning of the meeting I opened the meeting with a prayer and thereafter read from the Bible. During the meeting, while it was proceeding, I also contributed by having something to say to the meeting.

Can you recall what you said to the meeting? -- What I said was that we shall have to see to it that we get people in big numbers in support of the petitions, because of us having agreed on that. This I said towards the closing of the (20) meeting and I also made it known to the meeting that because of the fact that I will be attending a synod, I will see to it while being there, that I meet with the lawyers of the church to see what is it that we can sort out and I also assisted Hlubi with reference to a pamphlet which was procured by a speaker, namely Nana who wanted to know what the meeting says about adopting the resolutions contained in this pamphlet or document.

Did you actually see that document? -- Yes, I saw the pamphlet. (30)

I/...

I want you to please have a look at AN15(ii). Did you see such a pamphlet? -- Yes, I saw it.

COURT : Did you only see it from a distance or did you have it in your hand and read it? -- I handled it. I read the contents as I have this one in front of me now.

MR BIZOS : At what stage did you see it and read it? -- When Nana got up and produced this document, the pamphlet, I requested to see it.

When you saw it, did you know where it came it? Who was responsible? Who was calling a meeting at the Catho-(10) lic Church Small Farms? -- I did not know where it came from and who was calling the meeting.

Were any - where the resolutions to have a stay-away and to hold a meeting at the Small Farms Catholic Church something that was passed at any of your meetings in Sharpeville? -- No such resolutions were taken in Sharpeville at all these meetings. This was the first time that I saw these resolutions on this document, that there was going to be a stay-away on the Monday.

Had you heard that is besides seeing the document, (20) whether or not there was in fact going to be a stay-away and a march before the meeting of the 2nd? Had you heard any such thing? -- Yes, from rumours.

And of course you have already told us that Captain Steyn had said something about it? -- Yes.

COURT : When did you start hearing the rumours of the stay-away? -- The same Friday when I returned from Captain Steyn.

MR BIZOS : And did you hear anything about the march? -- I cannot quite remember, I cannot recollect hearing about a march. (30)

But/...

But you had heard from Captain Steyn? -- Yes, that is besides him, I did not hear from anybody else that I can remember.

Just as a matter of interest, how far is the area that you are living in Rooi Stene, is it, or any way, Sharpeville as a whole, to Catholic Church Small Farms? How far is it?

COURT : Let us take it from Rooi Stene. It is easier.

MR BIZOS : From the centre of Sharpeville to Catholic Small Farms? -- Approximately between 15 and 20 kilometres is the distance. (10)

COURT : And from Rooi Stene to the offices at Houtkop? -- By car it is about between 12 and 13 kilometres.

And by foot? -- I have never been there on foot.

MR BIZOS : I think what His Lordship means, can you cut across the veld to make a short-cut? -- Yes, if a person knows that place proper, there is a shorter way on foot which cuts a bit shorter.

When you saw this pamphlet, AN15(ii), calling for a stay-away and when you were told by Captain Steyn there was a call for a stay-away, did you believe that there would be a wide-(20) spread stay-away on Monday, the 3rd? -- No, I would not believe that.

Why not? -- In my experience a stay-away is not something that people really take heed to and therefore stay-aways are just no success.

Was this the position in 1984? -- Yes.

Before 3 September? -- Yes, that is so.

Can you recall when the last call for a stay-away had been made prior to the one on 3 September 1984? -- Do you mean in the VAal? (30)

Yes/...

Yes, or more generally if you know of any, but let us start in the Vaal. Do you know of any? -- There used to be calls that there be a stay-away on 16 June, especially when that day is falling within the working days. Despite such a call I would see people going to ride taxi's going to work. For instance, during the commemoration of the Sharpeville incident of 1960. If that day of the commemoration falls within the working days, if there is a call, people just go to work. The same applies to other areas, like for instance in Soweto. It was not many people who would stay at home(10) on those days. In the evening for instance on that day of the stay-away, you would find people walking past, walking long distances in great numbers to indicate to you that it is not the majority of the people who stayed away or who took heed to the call.

Are you describing your experience in Soweto whilst you were in Soweto from 1976 to 1980? -- Yes, even in Sharpeville.

After 1980? -- Yes.

ASSESSOR (MR KRUGEL) : I am not quite with you here. Is(20) what you are saying that people would come together in great numbers and walk long distances? -- What I am saying is, during such days when there are such calls, buses and their routes at different places, that is in the outskirts of the townships, then you would find people from where they alighted from the buses to different places in great numbers.

But why? -- Because of Putco refusing to have his buses around in the townships. That is why they alight them in the outskirts of the townships.

MR BIZOS : Is that what used to happen in Soweto? -- (30)

Yes/...

Yes, that is so.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

K748

TEBOGO GEOFFREY MOSELANE, affirms further

FURTHER EXAMINATION BY MR BIZOS : We were dealing with the meeting of the 2nd and you have before you EXHIBIT AN15(ii).

The woman that has been identified as Nana, did you know her before this? -- Yes, she was known to me as a person who used to attend our meetings during the month of August.

Other than that, did you know anything about her? -- (10)
No, I know nothing about her.

COURT : You do not know her surname or is Nana her surname?
-- I do not know her surname.

MR BIZOS : When she produced this pamphlet and you saw her, what was the feeling of the meeting on the 2nd? -- The meeting had different views about the document because some people at this meeting said they know about the document and some said they did not know and therefore the feeling was just that some did not know a thing about the document.

Can you recall what Nana's view was in relation to the (20) call for a stay-away? -- Nana's view about that was that she looked worried and concerned about the resolution of the meeting as to what is to happen as to what is being put forward on this document, as to whether we accept it or not.

COURT : Yes, now, but did she want to accept it or not? -- She wanted the contents of this document to be accepted.

MR BIZOS : Did anyone have any different views about its acceptance? -- Yes.

Who did? -- Myself and the other people who voiced their opinions on it. (30)

What/...

What did you say about it? -- I did not speak to the meeting as such. I only had a talk between myself, Hlubi and Nozipo, trying to find out if they both knew anything about this document, which resulted in Hlubi finding out from the meeting if they knew where this document originated from. Some were saying this is from Sebokeng, some say no, we do not agree with that, that is this document being from Sebokeng.

Did anybody make any proposal or counter-proposal to Nana's proposal? -- Yes. (10)

Who? -- Oupa Hlomoka, accused no. 2.

Can you recall what he said? -- What he said was, how about if what is contained in this document proves to be correct, that those who will be able to comply with the document, namely not to go to work, that they meet at the church that morning. The meeting being at 09h00, for those finding themselves being available by not going to work that morning.

What did you think of this proposal? -- Is that now Oupa Hlomoka's proposal?

Oupa Hlomoka's proposal? -- I saw it to be a good proposal. (20)

Why did you see it as a good proposal? -- Because of the fact that we had not make any mention about that and that there was a rumour going around in the township with reference to that. I thought it then as a good proposal in the sense that this was going to get those available to come together at the church in order to look into what we can do next.

What do you mean with what you could do next? -- I thought it wise and said it was a good suggestion because I was going to be attending a synod and by the time they meet there, I (30) would/...

would be attending a synod. So, what I had in mind was that there is a possibility of my having found out what the stab would be after having spoken to those I meant to talk to at the synod and then phone through to them what the message is while they are together at the church or alternatively, they were going to have ample time to decide and think of something else at the same time, being together in order to pray.

During the time that you were in Soweto and there were calls for stay-aways, did people gather in the churches? (10)
-- That is what we used to do. That they should come to church in order to pray.

Did you hope that this would have any effect on the situation when you were in Soweto? -- That the people can keep on praying and in fact get a support to themselves by praying all the time.

Did you have any banners or posters or placards in your church on the 2nd? -- No.

You told us what your attitude was about the people who did not go to work gathering in your church. Which view(20) prevailed at the meeting? Nana's or Mr Hlomoka, accused no. 2's? -- Mr Hlomoka's.

Was it then agreed that those people who would not have gone to work should meet at the church the next day? -- Yes, that is so.

Was there any difference between this meeting on the 2nd and any of the other meetings that had been held in your church on the 12th, 19th and 26th in relation to the atmosphere of that meeting? -- No.

Can you tell us more or less how many people there(30)
were/...

were at the meeting of the 2nd? -- At the time of the closing at this meeting, people present there were a thousand plus.

What do you say to the evidence of IC.8 that this was a meeting of the organisations as a whole, to use his words, of the Vaal as a whole consisting of AZAPO, COSAS and the Vaal Civic Association? What do you say to that evidence?
-- That is not true.

Was there any banner whatsoever in your church on the 2nd of any kind? -- There was no banner from any organisa-(10)tion. The reason being that during the whole of that month the paintwork of the church building was being renewed and I therefore would not have allowed that to happen that there be banners or placards which are being put against the wall. The only banner which I permitted which was available there was the one which was made by Nozipo which read "Ha rena Tjelete" in Sotho and "Asina mali" in Xhosa.

COURT : Was this banner at the meeting of the 2nd? -- Yes.

MR BIZOS : What do you say to the evidence of IC.8 that you in your speech said that the time had arrived when Mahlatsi and his company must be shown that they played on your (20) heads for long enough and that they came to their last station?
-- That is not true. I never said that and there was no reason for me to have made such utterances.

And that you said "Away with councillors. Away with high rents." -- That is not true. I never made mention of that and there was no reason for me to have said that.

And that you said that on the following day you would all march to Houtkop to speak to Mr Ganz? -- I never said that. In fact it would not have made any sense to take such elderly people to take a walk of such a long distance. (30)

What/...

What do you say to his allegations that as soon as you finished that what he described as the Black Power salute was given and people shouted Amandla ? -- That never happened. I even never made that sign.

COURT : In your life or at the meeting? -- In this meeting on this particular day.

MR BIZOS : What do you say to his allegation that the audience san Siyaya-Siyaya? -- That is not true. No such a song was sung there. Only the two songs I have already were sung, namely Reya boka and Morena Boloka and Nkosi (10) Sikilele.

What do you say to his evidence that Mr Hlomoka, accused no, 2, spoke and said that the rents must not be paid and shouted out that they, the councillors, should "Mabafe", meaning "let them die"? -- There is no such thing which was said by Hlomoka and that is not true.

What do you say that Mr Kehla Mthembu said that people should stay away on the Monday and that they should not be worried if they were dismissed from work or should not worry if they were arrested, because AZAPO would provide (20) for their defence? What do you say to that? - That is not true and it was never said by Kehla Mthembu and I do not agree with that that AZAPO offered to have such a lot of money to pay for so many people.

What do you say, according to the evidence, that a resolution was taken, that the next morning people should not go to work, but should gather in your church, those who lived near your church should gather in your church and the rest should gather in Seeiso Street in order to march to Houtkop? -- That is not true, namely that it was said that people (30)

who/...

who were going to take part in the stay-away and the march those living near my church, must gather at my church. Nor was it said that people must gather on Seeiso Street for the purpose of the march, but what was said was that those who will be available after having stayed away from work, shall have to gather at the church at 09h00.

Was the petition discussed at the meeting of the 2nd?

-- Yes.

And who was in charge of collecting the petitions? -- Originally we had one person for each and every area after(10) dividing the residential township of Sharpeville, but it was said here that we must have additional people in respect of each and every area. That means, it is either we have two or three people working in an area, that is in respect of each and every one of them. Therefore it was said those were the people who were going to be responsible for the signatures.

After the meeting - was the meeting closed with Nkosi Sikilele e Afrika? -- Yes.

Was it a long meeting on the 2nd? -- No. (20)

Was there any reason why it was not a long meeting? -- Yes, the reason was that I was supposed to go and attend a synod that afternoon.

COURT : What time did you close the meeting? -- Before 16h00, about 15h45 the meeting was closed.

ASSESSOR (MR KRUGEL) : From 14h00? -- From 13h30. By 15h45 I mean it is after everybody has left the church building when we were busy closing the doors.

MR BIZOS : How does your synod open? What is the first thing that happens? -- We are all supposed to be in (30)

Johannesburg/...

Johannesburg by 06h00 and the first thing to be done is that a mass is held.

A mass is held to start off the synod? -- Yes.

Before going off to Johannesburg to be there at 06h00, did you have any discussion with any of the people on your ad hoc or anti-rent committee? -- Yes.

Where did you have this discussion? -- When we came to my house we then held the discussion.

Who was present? -- Peter Hlubi and Nozipo Myeza were present. Mr Mosuoane was also present. He is my church (10) warden.

What did your church warden and the three of you discuss? -- What was discussed there amongst us was the following, that because of the fact that the church warden was going to work that evening, meaning that he was going to be available the following day, he shall have to see to the getting of the keys and opening the church building in the assistance of Hlubi and Nozipo for the people to occupy the church building. What was agreed upon further there was that because of the agreement which was made that those who will be (20) collecting the signatures for the petition, shall have to hand over the petitions signed to their school going children to leave these at my residence on their way to school, so that that can be attended to by Mr Hlubi, Mr Mosuoane and Miss Nozipo Myeza.

Did accused no. 2 or Mr Kehla Mthembu take any part in these arrangements for the next day? -- No, they were not present.

Did Mr Kehla Mthembu come over to your house at all after the meeting? -- Not in the house. He came as far as (30) the/...

the yard from where he took his vehicle.

And Mr Hlomoka, accused no. 2, did he come into your house? -- No, the last time I was aware of his being present is when he was standing there with Kehla. What happened to him later, that I do not know.

ASSESSOR (MR KRUGEL) : Standing in the yard? -- Yes, they were in the yard in the vicinity of the vehicle where Kehla was busy unlocking the vehicle.

MR BIZOS : Do you go off to the synod? -- Yes.

Alone? -- No. (10)

With whom? -- It is myself, my wife and my three children and Mr Mosuoane and Mr Mokhehle. Mokhehle is a parish chancellor who also left with us.

You attended the mass and the subsequent proceedings in Johannesburg? -- Yes.

Is this a business session on a Sunday evening or is it a pray session? -- Yes, in fact what happens is that they pray and then thereafter the election of the officials, like people who will keep records and writing, the secretaries and other administrative part of it. (20)

Of the synod that will probably start on the Monday morning? -- Yes.

Did you have any time to discuss the problem of the proposed increase of the rent with anyone at this session? -- No, I was not able to talk to anybody because the session took some time and by the time we finished with that, it was already late, therefore I could not speak to anybody.

Did you go back to Sharpeville that evening? -- Yes.

What time did you get to the outskirts of Sharpeville? -- It was after 22h00. (30)

On/..

On your way into Sharpeville were the roads obstructed with anything? -- No, there was no obstruction on the road at all. I drove through Seeiso Street right from the entrance of the township up to the area called Vuga where I had gone to deliver Mr Mokhehle.

COURT : Where does one enter Sharpeville coming from Johannesburg? Will you indicate on my EXHIBIT AAR4 and I will then make a mark there or describe it and tell me where the area Vuga is? -- (Witness indicates)

That is the top of EXHIBIT AAR4. There is an arrow (10) indicating north. To the right of that arrow the red line starts, that is to the right of the N, which is Seeiso Street and the indications are that the witness entered there and went right along Seeiso Street along the circle and right down to the bottom left-hand corner of the aerial photograph where Vuga is situated. So, in fact you did the whole length of Seeiso Street? -- No, what happened is, I drove along Seeiso Street right from where I entered the township. I deviated onto Vergenoeg where I delivered Mr Mosuoane first. From where then I proceeded to Vuga and delivered (20) the other man and came back.

Did you come back into Seeiso Street when you delivered - when you dropped these other two persons? When you dropped them, did you take side streets back to your home or did you come back onto Seeiso Street? -- I came back along Seeiso Street, which is joining it from the other end.

COURT : Up to where? -- Up to my house.

That would be a circular route, would it not? -- No, it is not. That is even the best road you can take, because it is the only tarred road which leads me to my house from that (30) point/...

point.

MR BIZOS : When you dropped one or other of your passengers, did you hear whether or not there had been any trouble in Sharpeville? -- Yes, when we came at Mosuoane's place, that is where we got to know that there was something happening there.

COURT : What? -- Mr Mosuoane's house, the window-panes were broken.

At what time? -- It was said this happened that evening just before we came back. (10)

And what time were you there? -- It was about 21h30 when we got there and this had already happened.

MR BIZOS : Was there any indication as to what sort of people had attacked Mr Mosuoane's house? -- A report was made to us by his wife.

COURT : Does Mosuoane live on a main road? -- He is not on the main road itself. There is a street turning off from the main road, which forms a T-junction. When you turn into that street, the third house from the corner.

Will you take my exhibit please and make a small black (20) mark where his house is and also where the house is of the other gentleman that you dropped in Vuga. --(Witness indicates)

Mnr. Mosuoane se huis word 11 gemerk en die ander persoon se huis word 12 gemerk. Dit word so aangedui op die indeks op AAR4 en dit is so aangedui op die bewysstuk.

WITNESS STANDS DOWN.

COURT ADJOURNS UNTIL 9 JUNE 1987.