

SAAKNOMMER: CC 482/85

DELMAS

1987-06-09

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

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COURT RESUMES ON 9 JUNE 1987.

TEBOGO GEOFFREY MOSELANE, affirms further

COURT : Mr Moselane, before we start, I would like to complete my orientation course. If you would kindly look again at EXHIBIT AAR4. This time we will try it with pins. Could you stick a pin into Mafuba's Liquor Store and then for good measure also a pin into Vuka's Liquor Store. -- (Witness puts pins on exhibit as instructed)

Vuka's Liquor Store is no. 13. We seem to have lost Mafuba again. While we are there put another pin into the(10) beerhall please. -- The beer-hall and the liquor store are at the same spot.

Mafuba? -- Mafuba, yes.

Mafuba liquor store and beerhall will be 14. It will be so indicated. Will you now puts pins into Seme and Holwane Streets, please? -- I am not sure of the names mentioned, by His Lordship of the names of the streets here and therefore I find it difficult to locate them.

We do not want guesswork. So, if you do not know, do not answer that question. Do you know where the United Café(20) is? -- No, I do not know which one is United Café.

Do you know Constable Radebe's house? -- I do not know where it is.-

Seme Street and Holwane Street are streets which intersect Seeiso Street. Does that help you? -- From which direction is this?

Well, the intersect it at right angles? -- There are quite a number of streets which I know to be connecting Seeiso Street or intersecting Seeiso Street. There is one in front of the school, there is one in front of the vicinity of my church (30)

and/...

and there are quite a number of other streets.

MR BIZOS : We would like to inform Your Lordship that Mr Tip saw Mr Harris yesterday, who was unfortunately unable to do it overnight. He had another commitment. I hope that it is not going to be inconvenient for everyone. We have left it with Mr Harris with an undertaking that he would do it today. I think that there is enough other material to proceed.

COURT : You should be able to keep occupied.

MR BIZOS : All the accused are before Your Lordship this morning. (10)

FURTHER EXAMINATION BY MR BIZOS : We were about to start with what you did and saw on the morning of 3 September 1984.
-- Yes.

Do you recall more or less at what time you got up that morning? -- It was before 05h00.

Was there any trouble in your area shortly after you got up? -- Unless you tell me in connection with what?

Was there any rioting or any noise or any burning or anything like that early in the morning of the 3rd, shortly after you got up? -- No, there was nothing. (20)

Did you go out of your home that morning? -- Yes, after some time I did.

Where did you go to and why? -- I went out at about 07h00 going to Vuka.

For what reason? -- I had gone there to go and talk to somebody to accompany me to the synod, because Mr Mphate, the one who was supposed to have been with me at the synod was not able to come along.

Who did you go and see in Vuka? -- I had gone there to see Mr Lekaote. (30)

Was/...

Was he an alternate delegate? -- Yes, he was.

When you went there did you see any trouble along the way? -- No, on my way I did not see anything.

Did you speak to Mr Lekaote? -- Yes, I did.

Did you take him with you or did you arrange to go to pick him up later? -- I did not take him along, but there was an agreement that I would have to pick him up after some thirty minutes.

COURT : Did you go home then? -- Yes, I did.

Could you give us Mr Lekaote's home on this aerial (10) photograph, AAR4, please? -- (Witness puts pin on photograph)

No. 15 will be the house of Mr Lekaote.

MR BIZOS : On your way there and on your way back, did you see any obstructions on the road? -- No, there were no obstructions along the route I followed.

COURT : What route did you follow? -- From my house I followed the direction towards Mafube and then turned to my right to join the tar road which leads me to Seeiso. I continued along that road until at the vicinity of the schools. At that point I turned left. That is at the vicinity of the schools. (20)

Into which street? -- I do not know the name of that street.

Did you ever take Seeiso Street? -- I proceeded along Seeiso Street.

But where did you get into Seeiso Street? -- From my residence in the direction of Mafube you will find a tarred road which tarred road leads you into Seeiso Street.

From your residence in the direction of Mafube Store you find a tar road and the tar road does what? -- I do not know the name of that road, but that is the road in the (30) vicinity/...

vicinity of Mafube where it joins Seeiso. From my residence one drives through an open veld and joins the tarred road I am talking about, at which you turn right. Passing Mafube ... (Mr Krugel intervenes)

ASSESSOR (MR KRUGEL) : Just at the police station? -- Just at the vicinity of Mafube along this tarred road I have just mentioned I pass Mafube on the right, which means I leave Mafube on my left, going towards Seeiso, where I join Seeiso.

Where is the school? -- You pass the circle and then the school is further on. (10)

COURT : You drive right down to the school and then what?

-- That is where I turned left.

The name of the school? -- Likwa Shandu High School.

Will you pin that for us as well and at the school you turned left or right? -- I turned left.

Left off the tar road? -- Yes, left off the tar road.

Point 16 on EXHIBIT AAR4 will be Likwa Shandu High School. There you turned left and then? -- I turned left, that is off the tar road, passed the school which was on my left then and then turned right immediately after passing the school. (20)

And then? -- I then drove through the township until I went across Dabula Drive to reach Lekaote's residence.

Will you indicate Dabula Drive on the map, please.

Point 17 is the point where accused no. 3 crossed Dabula Drive.

MR BIZOS : You went there and you told us you did not see any obstructions along the way? -- No, I did not.

And did you come back home the same way? -- On my way back I made a U-turn from Lekaote's house back to the point where I went across Dabula Drive. At that point instead of going across Dabula Drive I turned left into Dabula and (30)

continued/...

continued along that route which is Dabula Drive up until at the circle and then went or drove into Seeiso after the circle. That is the route I followed on my way back.

COURT : And then? -- I continued along Seeiso Street until at the bus stop where I took a right turn off from Seeiso in the direction of the church.

Is it again along Mafube Drive? -- No, that is not along Mafube. This is another street now.

Will you indicate the bus stop on my exhibit, please. Did that bus stop have a name? -- It is known as Rooi Stene(10) bus stop.

No. 18 will be the Rooi Stene bus stop.

MR BIZOS : Did you come back to your home? -- Yes, I did.

Were you preparing yourself to go off to the synod? -- Yes, I was.

When you ready and about to go, did anything happen in the vicinity of your home? -- Yes, something happened.

What? -- Two police vehicles, namely Jeeps came and park in front of my house. That is the immediate vicinity of my house about some 100 metres away. That is in the open veld(20) I have referred to. Some policemen alighted from the vehicles and started firing teargas over my house in the direction of the churches, which surprised me as a result of which I came out of my house. When I came out of my house I noticed the police going back into the vehicles and drove off in the direction of the churches. Where they headed to then, I do not know. I then went to investigate my church, if there was no damage done to it, in the sense of broken window-panes for instance. I moved around in the premises of the church and nothing was damaged. I even investigated the church (30) building/...

building. There was no damage at all. I then thereafter returned home.

May we just pause there for a moment. At the time that the police fired teargas towards the churches, were there any people gathered around your church? -- No, there was nobody there.

COURT : Nobody in the vicinity either? -- No.

MR BIZOS : Did you set off after this? -- Yes, what happened is, I returned home where I got into my vehicle and left.

COURT : Did you go and pick up Mr Lekaote? --- No, I did(10) not.

MR BIZOS : Why not? -- Because I felt I was running out of time, because after 07h30 and I was supposed to be attending the synod, I felt I do not have enough time.

COURT : So, you just left him behind? -- I left a message for him with my wife to inform him that I had left. The reason for that was at the time when I had gone to speak to him about him accompanying me to the synod, he did not say that he was definitely going to accompany me. So, he was hesitant about coming along. That coupled with the fact(20) that I felt I was running out of time, I then decided to leave.

MR BIZOS : Did you drive out of Sharpeville? -- Yes.

Which way did you get out of Sharpeville? -- The route I described to the Court is from the bus stop to my house. That is the route I followed from my house to join Seeiso Street where I proceeded along Seeiso Street leaving Sharpeville.

COURT : As you indicated yesterday how you came into Sharpeville? -- That is the route. (30)

What/...

What time did you leave your home? -- It was 07h45.

MR BIZOS : When you left your home, were there people at or near your church gathered? -- There was nobody.

As you were driving along out of Sharpeville, were there large groups of people in the streets? -- No, it was just a normal sight which one sees in the vicinity of the bus stop. Otherwise it was not large groups.

Was there any obstructions on the road as you went out? -- No, there were no obstructions on the road at all.

You went to the synod in Johannesburg? -- Yes, I went (10) to Johannesburg.

At 13h00 whilst you were at the synod, was there any news what has happened and what was happening in the Vaal? -- Yes, it was reported on the news at 13h00 as to what happened in the Vaal.

Did your synod continue with its ordinary business? -- No, it did not. There was a motion that we do not continue or it was appropriate that we do not continue.

Did your bishop and other leaders of your church remain in Johannesburg? -- No. (20)

What happened? -- As a result of the motion which was taken after the report over the news, it was decided that we have a prayer with the bishops as mentioned and the priests who were present there. Then it was later decided that from there we will proceed to the Vaal.

COURT : Could we just have the names again? -- Bishop Timothy Bavin, Bishop Sigis Bird Ndwandwe, Bishop Simeon Nkoane.

Who proceeded where after the prayer? -- The six priests and the three bishops mentioned proceeded together to the Vaal after the prayer. (30)

MR BIZOS/...

MR BIZOS : Including yourself? -- That is inclusive of myself.

The names that you wrote down on the piece of paper, is that at the request of the lady operating the recording? -- That is so.

Did you all go to the Vaal? -- Yes, we all went to the Vaal.

To which church? -- St Michael's Anglican Church Zone 13 Sebokeng.

Was a service held there? -- Yes, there was a service(10) there.

From Sebokeng, where did you go to? -- We went to Sharpeville.

COURT : To your church? -- Yes.

For a further service? -- Yes.

MR BIZOS : At this stage, were the roads clear? -- No.

What were the obstructions? -- There were barrocades made of stones, dirt. These barrocades were put broadside the street obstructing the movement.

COURT : What time was this? -- When we left Sebokeng it (20) was at about 15h00 or just after 15h00.

MR BIZOS : What was the position of the streets in Sebokeng? -- The route we used entering and leaving Sebokeng also had some obstructions.

Similar obstructions as the ones you found in Sharpeville? -- Yes.

Did you manage to drive nevertheless? -- Yes, driving while avoiding these barrocades, which means we were driving on the pavement and back onto the road, and again on the pavement. (30)

Was/.. .

Was there rioting going on during the afternoon? -- No, not along the route we followed. There was nothing happening while we were there.

After the service at Sharpeville, what did you do? -- We all proceeded to my residence from the church. That is the bishops and the other priests.

COURT : Did you get people at these services or were there only priests at the services? -- In both instances there were people present. For instance in Sebokeng where we started the service, present there were about thirty people, but (10) at the time of the end of the service, present was about hundred people. In Sharpeville, because I was leading the people into Sharpeville, it was therefore necessary for me to get off the vehicle in order to remove some barrocades to make way for us into the township. As a result, some people came to my assistance in helping to remove the barrocades to open the route for us. At that stage I then invited some people to come to the service we are going to hold, which resulted at our starting of the service being about fifty plus and at the time of the closing of the service, we (20) were about two hundred.

MR BIZOS : Did Bishop Timothy Bavin have any message for the people? -- Yes, he had a message.

What was the message? -- The message was about to encourage the people saying they must know that they synod was sitting and we came to hear about the incidents of what occurred in the Vaal as a result of which the synod had to stop and that is how we came to be there, to hold the service there with them and he further said to the people those who got injured and those who lost families as a result of the (30) incidents/...

incidents, the synod and the parish as such is encouraging them to maintain their feelings. That would mean that some people who lost members of their family, some were injured and therefore they must be able to contain themselves, meaning to control themselves.

Did the bishops go off? -- We first went to my residence.

Yes and then? -- Where we held a prayer. Present there was Mrs Mosuoane who was a worried person about what had happened to her home pertaining to her husband. As a result of which the bishops prayed for her and consoling her. (10)

Is that the house that was damaged the night before?

-- Yes, that is so.

Perhaps we should just deal with this Mr Mosuoane. He was the person with whom you worked, you as a priest and he as a churchman?

COURT : We he an elder in your church or a chancellor or what was he? -- He was a church warden like an elder.

MR BIZOS : What other positions did he hold in the community?

-- He was a member of the committee to the ward of councillor Dhlamini. (20)

You have already given evidence that you drove around with him and you worked with him in your church? -- Yes.

Was it known for certain by you or by others who was really responsible for the attack on his house the night before? For what reason? -- No.

Did the bishops leave after that? -- Yes, they left.

COURT : And the priests? -- They priests also left save for one who remained with me.

His name please? -- Father Tsubella from Potchefstroom. His parents live in Boipatong. (30)

MR BIZOS/...

MR BIZOS : Any reason why he could not go and stay overnight with his parents at Boipatong? -- In the first place he came along with me in my vehicle. That is to the Vaal with the intention that I was going to drive him to Boipatong, that is where his parents live. We later came to know about the closed routes which were supposed to be leading into Boipatong as a result of which then we decided not to proceed to Boipatong.

Did he spend the night in your home? -- Yes, it was in fact with that view that he was going to spend the night (10) at my house.

Did anything happen that night? -- Yes.

What? -- At about 18h30 Mr Mosuoane arrived at my residence accompanied by his daughters. They were with us in the house there until at about 21h00 with the view that they were going to spend the night at my residence, the reason being that all of the family was there, namely his wife, himself and the children were at my residence. Also present there who we were supposed to put up at that house was myself and my family, my cousin and Father Tsubella. Those were the (20) people who were going to spend the night at my residence. It was just before 21h00 when Mrs Mosuoane and the children went to bed in one of the bedrooms, which was Father Tsubella, Mr Mosuoane and my cousin, Mr Ntsoke were to use the other bedroom for the night, which meant then that myself and my wife and children were going to make use of the other bedroom.

What happened whilst you were there in the house? -- All the children had gone to bed and only the elderly people remained. We were busy with a prayer just before going to bed. I heard some shots being fired from a fire-arm and (30)

later/...

later I heard some window-panes breaking. On investigation I discovered that the window-panes in the bedroom which was being used by Mr Mosuoane's children were broken and those in the bedroom in which my children were sleeping, were also broken. Both the bedrooms at the time of investigation were smoke filled which was apparent that it was a teargas smoke. I rushed to the rescue of the children by removing them from the different bedrooms which were smoke filled. The smoke spread into the house as a whole as a result of which we left the house to our neighbours' houses. On arrival at (10) our neighbours' places for safety, I discovered that my second child, that is the second born was not amongst us. As a result of which then I had to go back to go and find out what has happened to the child. On arrival at my residence I got into the house through the front door. While being in the doorway of the front door going into the house, I noticed the following. There were two vehicles, that is motorcars approaching followed by a police truck, as a result of which then it was apparent to me that the two cars ahead of the truck were also police vehicles. This truck came (20) to stop in front of my house. The two cars passed my house to go and stop on the side of my house, that is between the church and my residence as they came from the direction of Mafube. I got into the house and almost the same time when I closed the door, there was a teargas which landed in the immediate vicinity of the door and the window next to the door.

Outside? -- Outside, yes. I searched for the child in the house and only to find that the child was not in that room. I was then affected by the smoke in that house because (30) the/...

the house was smoke filled. I was scared moving out of the house after that because of the truck which was at the front of the house should I leave from the front. I was scared of leaving through the back door either. That is the kitchen door because the vehicles I referred to earlier, which I said were police cars would have a full view of that door because they were parallel parked with the door. I kept an observation of the vehicles through a window and after some time I noticed that the two cars leave. Immediately they started moving I heard the truck's engine running (10) and this truck followed these cars. I then thereafter left going to where my family was. As a result of the first incident I described which resulted in our leaving my residence, my neighbours were also out at the time when we left my house for safety at our neighbours' places. At that stage I believe the child I had gone to look for then was taken by one of our neighbours. On my return from searching for the child in the house, that is the after the shooting incident for the second time with the teargas, joining my family where we were before I went to look for this child, I came (20) to know that this child was taken by one of the neighbours.

Was there perhaps a riotous crowd either in your front garden or in your yard or in the immediate vicinity of your house when your house was attacked with tearsmoke? -- There was nothing happening in the vicinity of my house, because prior to our starting with the prayer I went out to lock the gates. There was not even a person moving in that vicinity at the time. It was just quiet.

Did the gas have any effect on you? -- Yes, it caused me to be ill. (30)

Could/...

Could you go to the synod the next day? -- Yes, I did go to the synod the following day.

Did you stay there all the time? -- On my way to the synod I was feeling ill, but this became more serious. It affected me more seriously while being at the synod as a result of which then I had to go and see a medical doctor.

Did you look around for what damage had been done, before going to the synod on the next morning, the Tuesday? -- Yes, I did.

Briefly describe the damage done to your house and to(10) your other items, please? -- I counted eight broken window-panes from the two bedroom windows which were broken. The wardrobe in the children's bedroom had a hole of about this size in diameter.

COURT : Approximately 4, 5 centimetres in diameter.-- When we further investigated it ... (Mr Bizos intervenes)

MR BIZOS : My Lord, I am sorry to raise this. My Learned Friends, Mr Jacobs and Mr Fick, are apparently amused by this evidence. I noticed the witness is disconcerted and I do not think with respect that that is called for. It is dis-(20) concerning to the witness and if they are amused about it, we will have certain things to say about this evidence during the course of argument and I do not think it is a matter for amusement.

MNR. JACOBS : Ek het net geglimlag vir mnr. Fick vir iets wat gesê was hierso.

HOF : Ja, maar u moet nie enigiets doen in hierdie hof wat die publiek of die getuie onder die indruk laat dat ons hierdie saak lighartig beskou nie, want dit is nie 'n saak wat 'n mens lighartig kan beskou nie. (30)

MNR. JACOBS/...

MNR. JACOBS : Ek beskou dit nie lighartig nie. Ek het net oor iets gelag wat ons oor gepraat het.

COURT : Yes, well, you were about to answer? -- On investigating the cause of the hole in the wardrobe, we concluded that it must have been caused by a rubber bullet.

MR BIZOS : Did you find any rubber bullets either in or near the vicinity of the house? -- (Interpreter informs Court that the witness is not in a position to continue)

WITNESS STANDS DOWN.

COURT ADJOURNS.

(10)

COURT RESUMES.

TEBOGO GEOFFREY MOSELANE, affirms further

FURTHER EXAMINATION BY MR BIZOS : Did you find any rubber bullets anywhere in or outside your house? -- We found a rubber bullet inside the house.

And any outside? -- Yes, we picked up six rubber bullets outside.

COURT : Against the walls? -- Yes. Another thing that I became aware of was that the carpet which was laid on the floor of the house was burnt on a side. (10)

Did it have burn marks or did it burn out a patch? -- It had a big burn mark which was penetrating through the carpet itself on one of the corners with four blankets also with burn holes and the curtains to the two bedrooms also had burn holes.

ASSESSOR (MR KRUGEL) : Was the carpet also in one of the bedrooms? -- Yes, that is in the children's bedroom where Mr Mosuoane's children were sleeping. The bed in my bedroom the mattress thereof was also burnt. It also had a burn mark which was penetrating the mattress. (20)

MR BIZOS : I do not know whether you have left any damage out but I do not think it is necessary to give it ... (Court intervenes)

COURT : I just want clarity. Did you think that the teargas caused these marks? -- Yes, it left that impression to me because we found two canisters, teargas canisters there.

So, it is a sort of an acid burn that you are talking of? -- Yes, which was caused by the teargas.

MR BIZOS : We do not have to have the full details of every bit of damage that was done, but the next day you told us (30)

you/...

you went to your synod, but you felt unwell and you went off.

COURT : Not the next day, this day. This day he found the damage in his home. This is the day he went to the synod.

MR BIZOS: That was on Monday evening. This was Monday evening 21h00 that the damage was done.

COURT : Yes, the next morning he found the damage.

MR BIZOS : I beg your pardon. Your Lordship is quite correct. I forgot that I dealt with the finding on the Tuesday. I am sorry. On the Tuesday you went to the synod and then went to the doctor? -- Yes. (10)

Did you report what had happened in your home the night before? -- Yes, to Bishop Nkoane and Bishop Ndwandwe. The synod was informed about this incident by Father Tsubella.

As a result of the information received by the synod, do you know whether a resolution was passed by the synod or not? -- I do know about a resolution by the synod.

I am going to try to cut it short, because there is a document available which I will show you presently. In October whilst you were still in Sharpeville, did a Captain Horn approach you? -- Yes. (20)

Did he ask you for a statement of what happened at your house on the night of the 3rd? -- Yes, that is what he came to ask about.

Did you report this request to your superiors in church? -- Yes, I did.

Were you referred to the church's attorneys? -- Yes, that is so.

COURT : Had you laid a complaint with the police about this matter? -- No.

MR BIZOS : The document will explain, My Lord. Did you (30)
sign/...

sign a document on 15 October 1984? -- Yes, I did.

Who prepared this document? -- It was prepared by Mr William Lane a lawyer with the firm of Bell, Dewar and Hall. to whom I was referred to by the diocese to go and discuss this with him.

That will be DA12.

COURT : Where does this lead us?

MR BIZOS : It leads us to this, Your Lordship asked whether a complaint has been made. In fact the diocese had made an official complaint to the highest possible authority at (10) the time and I want to ask the witness what happened about that.

MNR. JACOBS : Ek wil net ook vra, kan mnr. Bizos vir ons sê, word hierdie aangebied dat die getuie homself hiermee staaf of vir watter doel word hierdie dan aangebied?

MR BIZOS : No, it is not being tendered in order to corroborate himself, but it is being placed before the Court as to what happened at the synod, what the complaint was. Your Lordship will see at the end, there will be evidence that it was delivered to Captain Horn and a formal request is made (20) for the matter to be investigated and charges to be brought against those responsible and the evidence will be that nothing has ever happened.

COURT : Yes, but this was on 15 October.

MR BIZOS : Yes.

COURT : Was no complaint made before 15 October?

MR BIZOS : This is why I say, the resolution is of some importance. A complaint was made to the then acting president against the police and the investigation was started on the instructions of the Minister of Police. (30)

COURT/...

COURT : Yes, very well, I have not read it yet.

MR BIZOS : It is really being tendered, if My Learned Friend wants to justify it, that this witness was a victim of police violence which was not investigated and we will argue to Your Lordship that insofar as police officers may have given evidence against this witness, that their impartiality is not beyond question.

COURT : Very well, it becomes DA12.

MR BIZOS : Did you furnish this information to Mr Lane? --
Yes, that is so. (10)

I want to refer you to the middle of page - and did you sign it? -- Yes, I signed it.

And what did you do with the original? -- I took it to Vanderbijlpark and handed it to Captain Horn.

The synod's resolution reads as follows "That this synod sends a cable to the acting State President stating this synod of the Anglican Diocese of Johannesburg unanimously protests in the strongest possible terms to the provocative and irresponsible behaviour of police reported to us in respect of our priest and his family in Sharpeville. We (20) have it on first hand authority that late in the evening, whilst all was quiet outside and whilst they were praying within their home, they were attacked by the police firing tearsmoke canisters into the rectory as well as damage to the churches property and that of the family. Such action posed a great threat not only of a serious injury, but also to the health of the rector, his wife and children. An explanation is required. Timothy Bishop of Johannesburg." Then it sets out the facts which I do not want to read out at this stage, because I believe that you have recounted (30) them/...

them in the main, but I would like to draw your attention to paragraph 13 on page 6 of this document. "I accordingly ..." I do not know if Your Lordship wants me to read the whole of the document into the record.

COURT : No, I am not going to read it into the record. We have it as an exhibit. You can just indicate what portions are relevant to you.

MR BIZOS : Paragraph 13 on page 6. "I accordingly hereby lay a charge of assault and malicious injury to property against the parties responsible and request the South (10) African Police to investigate the matter so that criminal proceedings can be instituted. 14. I appreciate the concern of the Minister of Police and referring the matter to you for investigation. I have shown Captain Horn the damage to my house and my property. I request that active steps be taken by the police to repair the damage or to compensate me. In the hope that something positive will be done, I do not propose at this stage to send any formal letter of demand to the police." Did you show the damage to Captain Horn?
-- Yes, I did. (20)

COURT : You had shown to Captain the damage previously or on this day that you brought the letter? -- Prior to the formulation of this letter, Captain Horn came to my residence saying that he was sent there by the person in charge of the police to come and find out as to what happened at my house. It was at that stage then that he was there that I showed him the damage to my house.

MR BIZOS : Since 15 October when you lodged this complaint with Captain Horn, did anyone call you to give evidence about this in any case? -- No such. I never heard anything (30)
about/...

about that.

have you been informed whether anyone was charged for this? -- No.

Do you know whether statements were taken from members of your family or the other people who were in the house at the time? -- No.

I just want you to clarify one aspect in paragraph 3 on page 2 the last sentence "When I returned home quite late that night I found that there was rioting in Sharpeville." What did you mean by that? -- By that I mean that on arrival(10) in Sharpeville, this evening I found that something had happened, namely the attacking of Mr Mosuoane's house by use of stones is the incident I am referring to. To be clear on that, on my arrival this had been done already. That is the house was already attacked.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

TEBOGO GEOFFREY MOSELANE, affirms further

FURTHER EXAMINATION BY MR BIZOS : On Tuesday, 4 September 1984 did you return back home? -- No, I did not. (20)

Any special reason for that? -- Yes, I was seriously ill as a result of the teargas I inhaled which resulted in my being taken to a medical doctor from the synod, who confined me to bed for the whole week saying this was to recover from shock and the affection by the teargas. I then went to stay with the bishop.

Insofar as there may have been suggestions that you actually went into hiding, are those suggestions correct? -- No, that is not true, because staying in my house was out, as a result of it having been affected by the teargas, that(30)

is/...

is the teargas smell still being in the house.

Did you return to the Vaal? -- Yes, after a week.

After your return did you take any part in assisting any of the people in Sharpeville or in the Vaal with their problems? -- Yes, I played a part in that in the Vaal.

There is just one aspect that I want to deal with, because there is evidence about it in the State case. Brigadier Viljoen gave evidence. Perhaps the reference may be of assistance to Your Lordship. Volume 66 page 3 460. Did you attend a meeting with other clergymen and senior (10) police officers? -- Yes, I attended that meeting.

Do you remember the date? -- On 8 September.

Where was this meeting held and who were present? -- The meeting was held at Houtkop. Present at this meeting was councillors of Lekoa Town Council, the clergymen in the Vaal. In the majority the clergymen from Sebokeng were present. I was the only one from Sharpeville and the residents' representatives were also present from the two areas, namely Sharpeville and Sebokeng.

Who led the people from the Lekoa Town Council? -- (20) Mr Esau Mahlatsi, the mayor of the town council of Lekoa.

What was the subject matter of discussion? -- He, Mahlatsi, the mayor, is the person who addressed the meeting in the most. In fact explaining what the intentions of the council are and what the purpose is why is there to be a council.

COURT : On the purpose of a council? -- Explaining the aims and objects of the council about the increase on rent and what the reasons are for the increase on rent.

Were there any police persons or was it only the clergy and the councillors? -- Brigadier Viljoen was the policeman (30)

who/...

who was present there which I can remember.

And officials of the Town Council? -- Mr Louw is one of the officials from the council who was present.

MR BIZOS : What was discussed at this meeting? -- What was said by the representatives of the community was that we are expecting funerals to take place, that is funerals of those who died during the incidents of the riots and there was therefore a suggestion from these representatives that it was going to be necessary for the re-opening of the graveyard in Sharpeville for the purpose of burying those from (10) Boipatong and Sharpeville. At this meeting on the 8th, Mr Mahlatsi, the mayor, made known the fact that it has not yet been put officially into effect, that is the increase on rent has not yet been promulgated. He further made it clear that they were still expecting the rent to increase by the same amount which was suggested earlier. There was a question posed to him as to why does he not allow the other people who have something to say about this or at this meeting in address on which he responded saying that he is the only one who will speak. One of the delegates from (20) the community also made mention of the fact that in Lekoa the rent is high compared to other areas. This meeting was in fact not a meeting which one could say had a good spirit or was conducted in a proper way, because of Mahlatsi dominating the meeting and he dictating what he wanted to dictate to the meeting. It was then further questioned there as to what the position is about the elderly people, with reference to the increased rent, as a result of which Mr Mahlatsi said that can be referred to the Social Welfare Organisations and it was also suggested by him, Mahlatsi, that there (30) was/...

was going to be a short break of the meeting. When the meeting resumed Mr Mahlatsi announced to the meeting that the councillors agreed that he, Mahlatsi, is going to be the only speaker at this meeting as a result of which one of the representatives then said well, it does not seem that it will serve a purpose to go on with this meeting because of the fact that we are here to put forward the complaints from the community what the feeling is of the people as such and here we are being told from one direction. We are being directed as to what is going to happen and therefore the feeling was that we (10) must go and report back to the community about what transpired in this meeting, as a result of which then there was a resolution from this meeting that we report back to the community of Sharpeville and Sebokeng on Sunday afternoon, which Sunday was 9 September. As a result of the resolution taken at this meeting, we then requested the Lekoa Town Council to see to the meetings not being banned so that we can make a report to the community.

Were the meetings allowed to take place? -- Yes, they were. It was agreed at this meeting that the meetings (20) can take place.

But did they in fact take place? -- No, the meetings were banned that Sunday and as a result we had to tell the people that no meeting will be held, the magistrate decided on banning the meetings.

Did your church after 3 September involve itself in rendering assistance to the people affected by the riots? -- Yes.

Did the South African Council of Churches take part in the helping of people? -- Yes. (30)

Was/...

Was there a religious leaders group formed in the Vaal as far as you know? -- Yes, there was.

Were you a part of it? -- Yes, I was a part of it although I was not holding a position.

Did it have a chairman? -- Yes.

Who was it? -- Reverend Lord McCamel was the chairman.

And did this group try to be of assistance to the people affected by the riots? -- Yes.

And was it given any financial assistance by anybody? -- South African Council of Churches and the South African(10) Bishop's conference.

Were you among those who was responsible for identifying the people that applied to you for assistance? -- Yes.

And were you, except for the brief period that you lived at the bishop's home, did you remain in the Vaal openly until you were detained on 21 October 1984? -- Yes.

I want to deal with some of the broad allegations that have been made against you. It is alleged in the indictment that whatever you did in your church was as a result of a conspiracy between the African National Congress, the (20) South African Communist Party, AZAPO, the UDF and numerous other persons. What do you say to that allegation? -- There is not a piece of truth in that as a whole.

I left one organisation out of the list that I mentioned that you also conspired with the Vaal Civic Association in order to overthrow the State, cause riots, bring about acts of violence. What do you say to those allegations? -- There is no truth in that.

Were you at a meeting of the councillors as alleged on page 90 of the further particulars on 29 August 1984 (30)

at/...

at Bophelong in which it is alleged that you disrupted the meeting of the councillors by shouting a slogan "Amandla Awethu" and disrupting the meeting by switching off the lights. Is there any truth in that allegation? -- That is not true. I deny the allegation altogether. I have never been to Bophelong on the day mentioned.

Were you approached by Mr Sekwati John Mokoena, accused no. 11 before His Lordship in relation to the use of the church in Boipatong? -- Yes.

Did you do anything about that when you were approached?(10)
-- I referred him to the church wardens of Boipatong who are in charge of that church St John's because of my not living there, because that church, inclusive this one in Sharpeville, are both under the control of the council, that is the parish councillors. They are the people to give permission for the holding of meetings at these churches.

Did you make the decision to make the church at Boipatong available for a meeting on 26 August 1984? Was that your decision or somebody else's decision? -- It was not my decision. It was a decision of the church wardens of Boipatong. (20)

Did you know on whose behalf accused no. 11 wanted the use of the church for a meeting? What organisation or organisations? -- I did not have any knowledge about that.

KRUISONDERVRAGING DEUR MNR. JACOBS : Mnr. Moselane, op hierdie laaste deel van jou getuienis, toe beskuldigde nr. 11 jou genader het en jou gevra het vir hierdie kerk, hoe het hy gesê vir watter mense wil hy dit hê? Wat is die doel van die vergadering? -- Hy het gesê dit is die inwoners van Boipatong.

Het hy gesê watter inwoners? Jeug, ander organisasies?(30)

Hoe/...

Hoe het hy gesê wie wil daardie vergadering hou? -- Ek sê die inwoners van Boipatong.

Maar het hy vir jou gesê watter inwoners? Die jeug of die ouer mense? -- Ek herhaal die inwoners van Boipatong.

Met ander woorde, hy het nie gesê nie. Is dit wat jy probeer voorgee aan die Hof? -- Wat hy sê is die inwoners van Boipatong.

Hy het nie groepe genoem nie? -- Wat hy gesê het is die inwoners van Boipatong.

Verstaan jy my vraag? Ek vra vir jou 'n duidelike (10) vraag. Hy het nie groepe genoem nie. Dit is net doodeenvoudig Boipatong? -- Ek verstaan u vraag. My antwoord op die vraag is hy het gesê die inwoners van Boipatong wou gebruik maak het daarvan.

Het hy gesê vir watter doel wil hulle gebruik maak daarvan? -- Ja.

Wat het hy gesê? -- Hy het gesê dit is aangaande die verhoogde huur wat betrekking het op die inwoners van Boipatong.

Het hy gesê dat hulle wil 'n massavergadering hou in (20) jou kerk? -- Hy het nie van 'n massavergadering gepraat nie.

Waarvan het hy gepraat? -- Hy het gepraat van 'n vergadering van die inwoners van Boipatong.

Jy sê jy het hom verwys na - na wie het jy hom verwys? -- Church warden.

Wat is die "church warden"? Kan jy vir ons 'n beskrywing gee van hom? Is dit 'n liggaam of 'n persoon? -- Dit is die verteenwoordigers van die gemeente by daardie gemeente se area.

Ek wil dit duidelik verstaan, is hulle in beheer van (30)

beide/...

beide die kerke? -- Beide kerke was dieselfde.

In Sharpeville en die een wat jy gesê het - die ander een dink ek het jy gesê is in Boipatong, die St John Kerk, dink ek het jy sy naam genoem? -- Nee, nee, dit verskil. Die "wardens" van Boipatong het beheer oor die gemeente en die kerkgebou van Boipatong. Dieselfde geld ten opsigte van Bophelong. Hulle het hulle eie mense wat hulle verteenwoordig, sowel as Sharpeville. Hulle het ook hulle eie lede vir daardie area.

Hoeveel kerkgeboue is daar wat hierdie drie beheer? (10) Is daar in elkeen van die gebiede 'n kerkgebou? -- Die gemeente van ons te Sharpeville, dit wil sê die "parish", het 'n kerkgebou in Sharpeville, 'n kerkgebou in Boipatong en 'n kerkgebou in Bophelong.

En sy versoek was aan jou om die kerk in watter plek te gebruik, beskuldigde nr. 11 se versoek? -- Boipatong.

Die raad wat nou toestemming moet gee, moet hulle in alle gevalle altyd toestemming gee dat 'n kerk gebruik word vir 'n vergadering? Verstaan nou goed, as ek praat van 'n vergadering, dan bedoel ek nou nie 'n kerklike vergadering (20) nie, maar 'n politieke vergadering, soos julle hier gehou het, oor huur? -- Nee, ek verstaan nou nie. Wat bedoel u met politiek, want wat my betref het die huur betrekking op die inwoners. Nou verstaan ek nie hoekom u politiek byvoeg nie.

Ons sal later daarby volledig kom. Vergaderings oor huur en nie blote kerkaangeleenthede soos wanneer dit 'n diakonievergadering is of iets van die aard nie? -- In hierdie jaar 1984, Augustus is ek genader deur beskuldigde nr. 11, Johnny Mokoena, met 'n versoek dat 'n vergadering gehou moet word by hierdie kerk St John's te Boipatong aangaande die (30)

verhoging/...

verhoging in huur. Dit het hy gevra vir die inwoners van Boipatong om daar te gaan vergader. Dus het ek hom verwys na die "church wardens" van Boipatong. Dit was vir die kerk St. John's.

Jy antwoord nou nie my vraag nie. Kan jy net vir my sê, jy het so hrukkie terug vir die Hof gesê dat op die 26ste se vergadering, moes julle selfs toestemming van die "wardens" gekry het.

MNR. BIZOS : Nie "julle" nie.

MNR. JACOBS : Dan jy. Iemand moes toestemming van die (10) "wardens" gekry het? -- Ja, ek het hom na die "wardens" toe verwys om hulle toestemming te kry.

En die 26ste se vergadering waarvan jy praat, is dit die 26ste se vergadering wat in jou kerk gehou was? -- Watter een?

Die 26ste se vergadering te Sharpeville? -- Nee, nou verstaan ek nie. Dit lyk vir my u maak nou die dinge deurmekaar.

HOF : Eintlik is dit uself wat dit deurmekaar maak. Vandat hierdie kruisverhoor begin het, lyk dit vir my of daar 'n soort(20 van 'n skermry tussen u en die advokaat is. Dit gaan ons nie baie help nie. Die vraag wat gevra is vir vergaderings wat gehou word van nie-kerklike aard in 'n kerk, moet die raad, dit wil sê nou die "church wardens" altyd toestemming gee? -- Ja.

MNR. JACOBS : Kan jy dan aan ons verduidelik, hoe het jy dan op 2 September toestemming gegee dat die kerk die volgende dag, 3 September, beskikbaar is vir mense as die "wardens" se toestemming eers gekry moet word? - Voor die hou van die vergaderings wat in Augustusmaand gehou was in 1984 was (30)

daar/...

daar n vergadering gewees tussen myself en die raad, dit is die "wardens" van Sharpeville, om dit te bespreek dat daar vergaderings gehou gaan word in Sharpeville.

HOF : En die resultaat was? -- Wat daar bespreek was, was dat daar n vergadering gehou gaan word op 12 Augustus 1984. Daarna was dit toe bespreek dat daar voorbereidings gedoen sal moet word vir hierdie vergadering van die 12de. Die vergaderings daarna sal maar ook beoog word. Wat verder gebeur het is, elke Sondag, net voor die aanvang van die kerkdiens het die "church wardens", die raad, aankondigings (10) gemaak aan die gemeente oor die gebeure van die dag. Ek dra kennis van een lid wat omtrent al die vergaderings bygewoon het. Dit beteken dus dat indien daar enige vergadering gehou moet word wat nie n kerklike vergadering is nie, dan gee die raad, dit is die "church wardens" die toestemming vir die hou daarvan.

MNR. JACOBS : Jy sien, dit antwoord nog nie my vraag nie. Met hierdie hele lang antwoord van jou het jy nog nie my vraag geantwoord nie. My vraag was aan jou hoe is dit dan dat jy volgens jou getuienis toestemming gegee het dat (20) daardie kerk van jou in Sharpeville op 3 September kon gebruik word vir n nie-kerklike byeenkoms in hom? -- Wat ek daarop kan sê is, dat op hierdie vergadering van die 2de, was ek en die "church warden" teenwoordig gewees, waarop ek my goedkeuring gegee het vir die gebruik van die kerk die volgende dag, dit wil sê die 3de en het die "church warden" ook op daardie basis die goedkeuring gegee.

HOF : Is die "church warden" een persoon of is dit n groep persone? -- Daar is drie lede van "church wardens". Dit wil sê drie verskillende persone wie se benoeming "church (30) warden"/...

warden" is.

Vir die een betrokke kerk? Vir St. Cyprians? -- Ja.

MNR. JACOBS : Wie is die een "warden" wat daar was? --

Mnr. Mosuoane.

Is hy een van drie "wardens" van Sharpeville gemeente self? -- Ja.

Waar woon hy? -- In Sharpeville.

Dan is daar n ander deel van jou getuienis wat ek ook nie verstaan nie. Herdenkingsdienste, dit is tog nie n kerklike vergadering nie, want dit word gereël deur buite(10) organisasies buite die kerk. Is dit reg? -- Ja.

Onthou jy jou getuienis in hierdie hof dat jy sê beskuldigde nr. 2 het by verskeie geleenthede na jou toe gekom en toestemming gevra om jou kerk te gebruik vir herdenkingsdienste? Onthou u daardie getuienis? -- Ja.

Onthou jy dat jou getuienis ook was dat jy vir hom elke keer toestemming verleen het dat hy daardie herdenkingsdienste in jou kerk kan hou? -- Ja.

So, in elkeen van daardie gevalle het jy nie vir hom gesê "Gaan na die 'warden' toe" nie, na die lid van die raad(20) nie, maar jy het dit self vir hom gegee? -- Ja, dit is heeltemal reg. Hy nader my omdat hy weet ek is die "priest" van die kerk en hy weet nie wat die prosedure is van die Church of the Province nie. Met die gevolg is dat hy dan vir my sal nader omdat hy nie weet wie die "wardens" is nie. Dus is ek die persoon wat dan die "wardens" nader, want ek is die persoon wat eintlik op hoogte is van die prosedure wat gevolg moet word. Ek het die telefoonnommers van die verskillende "wardens" waar hulle werksaam is. Indien n persoon my nader, dan is dit vir my maklik om daardie "wardens" in (30)

verbinding/...

verbinding te tree telefonies. Na dit deur my gedoen is, kan ek dan terugkom na die persoon toe wat my genader het en aan die persoon die boodskap oordra dat ons aan die persoon die goedkeuring gee.

Jou getuienis was nooit dat jy vir beskuldigde nr. 2 gesê het "Kyk, ek sal gaan vasstel of ons die kerk aan jou kan leen en dan sal ek terugkom na jou" nie. Jy het vir hom gesê jy het vir hom toestemming verleen sommer daar?

MR BIZOS : I do not remember him saying "sommer direk daar".

I do not remember accused no. 2 using those words. (10)

Either no. 2 or no. 3.

MNR. JACOBS : Ek stel dit aan jou, jy het op daardie moment toe hy by jou gewees het, net daar, het jy vir hom toestemming gegee en jy het nie vir hom gesê "Kyk, gaan eers - ek gaan eers uitvind kan ek die saal kry, is die kerk beskikbaar en wat sê die 'wardens', ek sal terugkom na jou toe" nie? -- Nee, dit is nie die getuienis soos ek dit verstaan het en soos ek hier getuig het nie. Ek het hier verstaan dat beskuldigde nr. 2 vir die Hof gesê het dat hy my genader het vir die toestemming om gebruik te maak van die kerk as 'n vergaderplek en (20) ek het hom toestemming gegee. My getuienis was dat ek wel toestemming aan hom verleen het op verskeie kere wat hy 'n versoek aan my gerig het, maar dit was nie spesifiek gesê dat ek onmiddellik dit vir hom daar gegee het en of ek eers vir hom gesê het ek sal eers met iemand in verbinding tree nie. Dit was net toestemming verleen in die algemeen.

Hoe kon jy vir hom gesê het jy gee toestemming aan hom as jy dit eers van die "wardens" moes gekry het? -- Ja, ek het met die "wardens" in verbinding getree. Dit was telefonies.

Kom ons kry dit dan net duidelik, hoeveel keer het hy (30)

jou/...

jou nader om toestemming te kry om die kerk wat u daar in Sharpeville het te gebruik, St. Cyprians? -- Dit was net een keer in die jaar 1984.

In 1983? -- As ek nie 'n fout begaan nie, het hy my drie keer genader.

So, in 1984 een keer, in 1983 drie keer. Het hy jou in 1982 genader? -- As my geheue my nie in die steek laat nie, was hy by my gewees op twee geleenthede in die jaar 1982.

En in 1981? -- Hy het my nie genader nie. Hy was ook nie aan my bekend nie. (10)

Net van 1982 af tot 1984? -- Ja.

K751 Het jy ooit vir hom gesê dat hy moet toestemming gaan kry, jy kan nie vir hom toestemming gee nie, maar hy moet dit gaan kry by die "wardens"? -- Dit was nie moontlik gewees dat ek dit aan hom so moet stel nie, want hy is nie 'n lid van my gemeente nie en dus weet hy nie wat die prosedure is wat gevolg word nie.

Maar u kon mos self vir hom gesê het "Die prosedure wat jy moet volg is, jy moet na die 'warden' toe gaan en hulle toestemming vra, hier is die 'warden' se adres, hier is sy(20) telefoonnommer. Gaan na hom toe, praat met hom"? -- Ja, hier word ek genader deur 'n persoon wat eintlik nie weet wat die prosedure is nie. Ek is die persoon wat op hoogte is van wat gedoen moet word en die persoon vra om hulp en ek is in staat om hulp aan die persoon te verleen. Dus is dit vir my om die nodige hulp aan die persoon te verleen.

Jy antwoord nie my vraag nie. Het jy vir beskuldigde nr. 2 gesê "Kyk, dit is die prosedure, gaan na die 'warden' toe, hy sal vir jou toestemming gee"? Dit is net ja of nee. Dit is 'n eenvoudige vraag? -- Nee, ek het dit nie verduidelik(30) nie/...

nie.

Jy het geweet dat beskuldigde nr. 2 was verbonde aan AZAPO? Dit is op al hierdie stadiums wat hy jou genader het om daardie saal te kry vir herdenkingsdienste? -- Ja, ek ken hom as h lid van AZAPO.

Het enige ander organisasies of persone of instansies gedurende dieselfde tydperk, sê 1982, 1983 en 1984 jou genader om jou kerk te kry vir h vergaderings wat nie kerklike vergaderings sou wees nie? -- Ja.

Het jy daardie mense verwys na die "warden" toe of wat(10) het jy gedoen toe hulle gevra het om die kerk te gebruik? -- Ja, van hulle het in die geselskap van die "wardens" gekom.

Ja en dié wat nie in die geselskap van die "wardens" was nie? -- Ek het in dié persone se teenwoordigheid die "wardens" ingelig.

Hoe het jy die "wardens" ingelig in hulle teenwoordigheid? Is julle na die "wardens" toe? -- Ek antwoord nog.

O, ekskuus? -- As dié nou die goedkeuring gee, sal die persone die kans verleen word om gebruik te maak van die kerk indien daar nie iets is wat gedoen moet word wat betrekking(20) het op die kerk nie. Dit wil sê die gemeente.

Kan jy vir my sê wat het jy nou geantwoord? -- Dit is h antwoord op u vraag.

Op my vraag of jy die mense wat nie saam met die "wardens" gekom het nie, ingelig het? Is dit die antwoord wat jy daarop gee? -- Ja.

Het jy hulle ingelig hoe hulle te werk moet gaan om die saal te kry of het jy dit self gedoen om verlof te kry dat hulle die saal kan gebruik? -- Ek is die persoon wat die "church wardens" ingelig het dat ek mense hier by my het (30)

wat/...

wat h versoek kom rig het vir die gebruik van die kerk of kerkgebou en as daar nie iets is wat aan die gang is op hierdie dag wat hulle versoek nie, dan verkry die persone die gebruik van die saal.

Dan stel julle hulle agterna in kennis hulle kan die saal kry? -- Ja, omdat dit met die goedkeuring van die "church wardens" gedoen word.

Nou kan ek een ding nie verstaan nie. Die mense wat na jou toe gekom het in teenwoordigheid van die "wardens", hoekom moes hulle jou weer genader het? As hulle mos nou(10) na die "wardens" toe gegaan het en geweet het hulle moet na die "wardens" toe gaan en by die "wardens" toestemming kry, was daar mos geen nodigheid om na jou toe te kom nie? -- Ek het h dagboek van wat plaasvind dwarsdeur die jaar. Dus kom die "warden" na my toe om te kom verseker wat gebeur op die dag wat versoek word deur die mense, deur my dagboek na te slaan. Dit word gedoen met die oog daarop om botsing van reëlings te vermy omrede daar drie "church wardens" is en hulle nie dieselfde dag moet goedkeur vir verskillende gebeure nie.

Kan net een enkele "warden" alleen goedkeuring verleen?(20) Hy hoef nie die ander twee te ken nie? -- Wat gebeur het is dat ek en die een "warden" moet ooreenkom en goedkeuring gee wat dan later, na ons ooreengekom het beaam word deur die ander twee indien hulle beskikbaar is.

So, jy moes ook deelgeneem het aan die goedkeuringsproses? -- Ja.

Jy sien, jy het dit nooit voorheen vir die Hof gesê nie? -- Ek het so getuig.

Jy het so getuig? -- Ja.

Goed, ons los dit daar.

(30)

HOF/...

HOF : Die beskikbaarheid van die saal, was dit te huur of was dit gratis? Dit is nou die kerk self? -- Dit was gratis. Daar is van die mense wat partykeer ter dankuitspreking 'n bedrag oorhandig het.

MNR. JACOBS : Sal jy saamstem dat beskuldigde nr. 11 het ook nie die prosedure geken van hoe daar te werk gegaan moet word om die saal te bekom nie? -- Ek vermoed so.

Hoekom het jy in sy geval 'n uitsondering gemaak en vir hom nou weggestuur het en jy nie self die "warden" gekontak het en gehoor het of die saal beskikbaar is nie? -- Hulle(10) het nie telefoonnommers waar 'n mens hulle kan kontak nie en tweedens, hulle is aan hom, beskuldigde nr. 11, bekend, want hy is 'n lid van die Church of the Province.

Maar kyk, jy moet ook mos nog toestemming gee? -- Ja.

So, het jy vir hom gesê dit is reg, hy kan die saal kry, hy moet net gaan verder bevestig by die "warden"? -- Al wat ek aan hom gesê het is dat omdat ek geweet het hy is 'n lid van my "parish" en hy weet wat die prosedure is, kan hy na die "wardens" toe gaan. Tweedens, wat die omstandighede betref tussen die twee plekke, Boipatong en Sharpeville, (20) is daar 'n klein verskil, naamlik dat ek is tuis te Sharpeville, dit is my tuiste. Ek gaan net as daar dienste is wat verrig moet word in Boipatong. Met die gevolg dat die "church wardens" dan die persone is wat weet wat gebeur op watter datum en watter Sondag.

Maar is dit reg, jy is nog ook gedeeltelik verantwoordelik vir die kerke ook in hierdie ander twee wyke saam met hierdie "wardens"? -- Ja, maar ek het nou net pas gesê daar is 'n klein verskil as gevolg van die feit dat ek in Sharpeville woon.

(30)

ASSESSOR/...

ASSESSOR (MNR. KRUGEL) : Hou u register by vir die kerke by Boipatong en Bophelong of net vir die kerk by Sharpeville? Die dagboek? -- Die dagboek wat ek hou het net betrekking op Sharpeville.

En hou die "wardens" dan dagboeke vir die ander kerke? -- Ja, ingesluit al die administratiewe boeke wat betrekking het op die verskillende kerke word by die "wardens" gehou.

MNR. JACOBS : Maar is dit reg, jy moet ook jou toestemming gee vir gebruik van die ander kerke, saam met een van die ander "wardens"? -- Nee, ek woon nie daar nie. Dit is juis die(10) punt wat ek gemaak het toe ek gesê het daar is 'n verskil tussen die twee plekke en Sharpeville.

Maar val Boipatong En Bophelong nie ook in jou gemeente nie? -- Ja, dit val onder my.

En hou jy nie die dienste ook in daardie kerke in Boipatong en Bophelong nie? -- Ek hou die dienste.

En is dit nie ook so dat jy mag reëlings hê vir enige dag in daardie kerke dat jy 'n funksie wil hou in een van daardie kerke nie? Is dit nie so nie? -- Ja, dit gebeur, maar ons vergader elke maand om ingelig te word van wat gebeur by (20) verskillende datums van die maand.

Gebeur dit nie soms dat daar iets opval dat jy 'n funksie of 'n diens of iets tussenin moet gaan hou nie, sê selfs 'n begrafnis? -- Ja, dit gebeur.

So, dan moet daardie mense mos ook weet wat is jou program, die "wardens" moet ook weet wat is jou program voordat hulle 'n saal kan uitgee? -- Ja, ek woon in Sharpeville, maar my pligte behels die ander twee plekke ook. Met ander woorde, ek gaan nie net daarheen as ek dienste het om te gaan hou nie. Ek is byna betrokke by alles wat daar (30)

plaasvind/...

plaasvind.

Ek wil dit aan jou stel dat die besluit oor die kerke is eintlik in jou hande? -- Dit is nie die waarheid nie.

En ek wil dit ook aan jou stel dat jou optredes, soos ek nou probeer uitwys het hier aan jou dui ook baie duidelik daarop dat jy is die man wat beheer het, jy is die man wat gesê het wanneer hulle die kerk kan kry, wanneer hulle dit nie kan kry nie? -- As u stelling betrekking het op Sharpeville, ja, maar kyk, u moet billik met my wees en vir my sê, as u praat van 'n vergadering, van watter vergadering u praat (10) en waar die vergadering gehou is en waarop het u vraag betrekking.

Jy vra baie. Ons het regdeur nog gepraat van nie-kerklike vergaderings wat toestemming voor gevra moet word. Is dit nie so nie? -- Die vraag wat u nou gestel het is nie duidelik nie.

HOF : Die getuie tref 'n onderskeid, mnr. Jacobs, tussen die, sal ek sê buite kerke en die kerk waar hy langs woon. Die kerk waar hy langs woon het hy meer beheer oor, sê hy, as oor die kerke waar hy nie onmiddellik by betrokke is nie. (20) Dit klink vir my logies.

MNR. JACOBS : Ek wil dit net vir jou ook verder stel dat 'n verdere aanduiding dat jy die beheer het om te kan toestemming verleen vir die hou van vergaderings in die kerke, word ook bevestig deur die feit dat toe jy die predikante, die raadslede besoek het en met hulle 'n vergadering gehou het op 16 Augustus en jy daarteen kopsie gemaak het dat julle sal die sale en die kerke beskikbaar stel vir die hou van enige soort vergadering, is dit ook 'n sterk aanduiding dat jy beheer het oor daardie kerksale? -- Ons praat seker nog van (30)

Sharpeville/...

Sharpeville, nê?

Ek stel van Sharpeville en ek sê ook die ander kerke waar - kom ons hou dit net eers by Sharpeville. -- Volgens die regulasie van die kerk wat daar bevat word, ja. Wat ek van praat is die regulasie wat van toepassing is by hierdie kerk.

HOF : Kan ek die ding opsom. Ek kry die indruk asof die uiteindelijke sê oor die beheer van die kerkgebruik by die kerkowerhede lê. Dit wil sê nou by die sinode, as daar 'n algemene reël neergelê word? -- Ja. (10)

En dat hierdie hele reëling met die "wardens", het te doen met beskikbaarheid, nie met die beginsel of 'n organisasie die kerk moet kry of nie moet kry nie? -- Ja.

En dat wat betref Sharpeville, daar is u die man wat die beste kennis het oor beskikbaarheid, maar in Bophelong en Boipatong is die plaaslike mense, synde die "wardens" die persone wat die beste kennis het oor beskikbaarheid? -- Ja, dit is reg.

MNR. JACOBS : Nou wil ek 'n ander aspek met jou behandel. Ek wil oorgaan na hierdie komitee van julle, hierdie "Anti-(20) Rent" Ad hoc Anti-Rent Committee. Is dit reg? -- Nee, daar was nie so 'n komitee gewees waarvan ek weet nie.

Was daar 'n opdrag van jou kerkraad aan jou gewees? -- 'n Opdrag?

Ek vra vir jou, 'n opdrag dat jy moet voortgaan met die hulp, toe jy hulle genader het omtrent die klagte van die ou vra, was daar enige opdrag aan jou uitgereik deur die kerkraad? -- Volgens die regulasie van die kerk is dit so, ja. Hulle werk volgens die regulasie van die kerk.

Wie werk volgens die regulasie? -- Ek as 'n "priest" (30)
van/...

van hierdie "parish" en hulle as "wardens" van hierdie "parish" is verplig om dinge te doen volgens die regulasies van die kerk.

Net dat ons altwee op dieselfde golflengte is, dat ons almal oor dieselfde ding praat, laat ek dit so stel. Nadat hierdie ou vra wat jy genoem het wat gekla het dat sy kan nie die verhoogde huur betaal nie, omdat sy probleme het, sy is sorgbehoewend, sy is een van veertig mense wat kospakkies by die kerk kry, wat het jy gedoen daarna omtrent daardie ou vrou en die veertig sorgbehoewendes? -- Ek het my "wardens" (10) daarvan ingelig en ons het die besturende komitee vergadering gehad wat 'n "parish" vergadering beskou word.

Is dit 'n kerkraadvergadering? -- Ja.

HOF : Is dit nou vir al drie die kerke saam of is dit net vir die Sharpeville gedeelte? -- Ek praat van die kerkraad van St. Cyprians in Sharpeville.

MNR. JACOBS : Die ou vrou wat jy van praat, is sy van Sharpeville of is sy van een van die ander, van Boipatong of Bophelong? -- Sy is 'n inwoner van Sharpeville. Sy sorteer onder die gemeente van St. Cyprians. (20)

En die sorgbehoewendes wat maandeliks pakkies kry van die kerk, is hulle ook almal van Sharpeville of van St. Cyprians kerk of is hulle ook van die ander twee kerke, Boipatong en Bophelong? -- Dit is Sharpeville, dit wil sê die gemeente St. Cyprians.

En hierdie mense, omdat hulle voedselpakkies kry, kan jy vir ons sê die rede daarvoor is dit omdat hulle ou mense is, pensionarisse is of omdat hulle siek is of omdat hulle afgedank is by die werk? Wat is die rede? Hoekom is hulle sorgbehoewend? -- Die meerderheid van hulle bestaan uit ouderdoms-

pensioentrekkers/...

oensioentrekkers. Dit gebeur soms dat twee of drie van hulle sonder werk is. Laasgenoemde, indien hulle nou werk gekry het, sal hulle ons in kennis stel en dan word hulle van die lys verwyder. Hulle is nie permanent op die lys nie.

Net om hierdie deel nou af te rond oor die sorgbehoewende mense. Was daar in die gemeentes, as ek dit so mag noem, Bophelong en Boipatong ook sorgbehoewendes wat pakkies van die kerk gekry het op 'n maandelikse basis? -- Tot en met my inhegtenisname was daar nog nie so 'n skema wat bestaan het (10) by die twee plekke, St. Andrews en St. John's in Boipatong nie.

Die kosskema, is dit net 'n plaaslike skema of was dit die Church of the Province as geheel se skema? -- Dit was net alleenlik vir die gemeente van Sharpeville. Dit is St. Cyprians.

GETUIE STAAN AF.

HOF VERDAAG.

HOF HERVAT.

K752

TEBOGO GEOFFREY MOSELANE, bevestig verder

VERDERE KRUISONDERVRAGING DEUR MNR. JACOBS : Mnr. Moselane, (20) in Bophelong en Boipatong, was daar sorgbehoewende mense gewees hoewel hulle nou nie geskenke en kospakkies ontvang het nie? -- Ja.

En hulle het ook onder jou gemeente geval? -- Ja.

Was jy bekommerd oor hulle ook gewees in verband met die verhoogde huur? -- Ja.

Miskien kan 'n mens dan sommer nou hierdie vraag aan jou vra. As dit so is, hoekom het jy dan net op Sharpeville gekonsentreer en Boipatong en Bophelong heeltemel geïgnoreer of het jy dit nie geïgnoreer nie? -- Dit is omdat ek (30)

genader/...

genader was deur die mense van Sharpeville.

Toe jy nou genader was deur die mense van Sharpeville en jy na jou kerkraad toe gegaan het, kan jy vir ons sê presies wat het jy gerapporteer aan jou kerkraad? -- Die verslag wat ek aan die raad gedoen het, was dat ek genader was deur ene mev. Mabeme wat die kospakkie ontvang en sy het aan my 'n versoek gerig dat die pakkie vermeerder moet word vir die volgende maand.

HOF : Dit is òf 'n kospakkie òf 'n voedselpakkie. -- Voedselpakkie. (10)

MNR. JACOBS : Is dit wat jy gerapporteer het? -- Ja.

Wat het die kerkraad toe op hierdie verslag van jou bevind? -- Ons het hierdie aangeleentheid breedvoerig bespreek by die raad, wat gedoen kan word vir hierdie veertig persone wat die voedselpakkies ontvang, as gevolg waarvan ons toe besluit het dat daar 'n vergadering gehou moet word die Sondag met die lede van die gemeente.

Het julle bespreek of julle hierdie mense kan help om hulle voedselpakkies te vergroot? -- Ons het nie 'n besluit daaromtrent geneem nie. Wat ons daar bespreek het was dit (20) waaroor ons verslag sou gedoen het aan die gemeente die Sondag om die gevoelens en die besluite van die gemeenskap te kan hoor wat gedoen kan word.

Sou dit só baie gekos het om hierdie mense se pakkie 'n bietjie groter te maak? -- Ja.

Hoeveel sou dit meer gekos het? -- Dit sou R300,00 per maand beloop het.

Sou dit nie maar omtrent R5,00 per persoon meer gewees het wat die huurverhoging sou wees nie, R5,90? -- Dit was nie 'n kwessie van 'n besluit te neem om dit uit te werk hoeveel (30)

dit /...

dit sal kos per persoon om meer te kan gee aan voedsel nie, maar dit was besluit dat dit oorgedra gaan word aan die gemeente om te besluit.

Of hulle vir hierdie mense meer per maand wil gee of nie? -- Nee, nie net aangaande die geld nie. Dit sou vir die gemeente gewees het om te besluit hoe die gemeente kan hulp verleen. Dit kon gewees het dat die gemeente miskien met 'n ander gedagte vorendag gekom het. Niemand weet nie.

Maar hierdie mense het gevra spesifiek, of net een het gevra spesifiek vir hulp vir die verhoging van die voedsel-(10) pakkie, vir vermeerdering van die voedselpakkie? -- Dit was nie net 'n enkele persoon gewees nie. Ek het net melding gemaak van een persoon se naam, aangesien die persoon die eerste persoon was wat die genoem het. Anders was dit nie die einde daarvan nie.

Wie het nog vir hulp gevra? Laat ek dit so stel? -- Ek kan verskillende name aan u gee.

Is dit van die mense wat voedselpakkies van u ontvang het of is dit van die ander mense wat jy nou na verwys? -- Ons praat van die persone wat die voedselpakkies ontvang het. (20)

Het hulle almal gevra vir vermeerdering van die voedselpakkies of wat se hulp het hulle gevra? -- Nie almal nie. Op die ou end sou dit gewees het dat hulle eintlik meer as daardie huidige getal is wat die hulp nodig het.

Hoekom sê jy so? -- Omdat mense die hulp van die kerk nodig het op verskillende aangeleenthede.

Dit is 'n algemene stelling wat jy nou maak. Hier het mos nie mense nou kom vra vir verdere hulp nie? -- Ons praat op die huidige oomblik van die veertig persone wat die voedselpakkies ontvang het by St. Cyprians gemeente, maar (30)

dit/...

dit kan wees dat daar nog ander persone by kom wat nodig het om sulke hulp te kom vra.

Laat ons dit dan net duidelik kry. Daar was nie ander mense wat vir hulp gevra het nie? -- Nie wat ek van kan onthou nie, behalwe die persone waarvan ons reeds gepraat het.

Van hierdie persone - kom ons vat die geval van die ou vrou, mev. Mabeme, het sy 'n man of is sy 'n alleenloper of wat is haar posisie? -- Haar man is oorlede, sy is 'n weduwee.

Is sy die eienaar van 'n huis? -- Ja.

Die totaal van die veertig mense, is hulle huiseienaars?(10)
-- Ja.

Almal van hulle? -- Ja, hulle bewoon huise.

Ek wil nie weet of hulle dit bewoon nie. Is hulle die mense in beheer van die huise? Huur hulle die huise en dan woon hulle daar?

ASSESSOR (MNR. KRUGEL) : Dit is nou nie duidelik nie. Is die vraag van die Staat se kant, die term "huiseienaars", sluit dit nou in 'n persoon wat 'n huis huur?

MNR. JACOBS : Ek wil dit insluit. Almal wat geraak word deur die verhoging van die huur. Dit beteken òf hy eienaar is(20) òf huurder is, maar wat beheer uitvoer oor die huise, persone in beheer van die huise? --

HOF : Wat huurverhogingspligtig is?

MNR. JACOBS : Dit is die woord.

ASSESSOR (MNR. KRUGEL) : Huurpligtiges.

MNR. JACOBS : Huurpligtiges? -- Ja, van die veertig.

So, hulle is nie huurders of inwoners by ander mense in die huis nie? -- Die vraag wat u gestel het, is dubbelsinnig. Ek kan dit op twee maniere antwoord met ja en nee, want die persone in die Swartwoonbuurtes se lewens verskil in die sin(30)

dat/...

dat 'n persoon bewoon 'n huis omdat hy beskou word as die eienaar van die huis en die persoon het iemand anders wat by hom woon wat dan die huur van die huis betaal omdat die geregistreerde eienaar nie in staat is om die huur te betaal nie. Met ander woorde, administratiewelik is hy die eienaar van die huis wat veronderstel is om die huur te betaal, maar in werklikheid is hy nie in staat nie. Dus het hy iemand anders by hom wat dan help met die werklike betaling van die huur.

Is dit die geval met hierdie veertig mense? -- Ja, van(10) hulle is in daardie posisie.

So, as ek jou dan reg verstaan, die mense wat dan by hulle inwoon is die mense wat die werklike huur betaal? -- Nee.

Dan verstaan ek jou nou nie, want jy sê die werklike mense wat daarso bly en wat inwoon by die eienaar van die huis is die persoon wat die werklike huur betaal? -- Van die mense gee mekaar beurt om huur te betaal. Met ander woorde, dit hang af wat die reëling is van daardie gesin wat die huis bewoon.

Ken jy die omstandighede van hierdie veertig persone(20) wat die kospakkies ontvang? -- ja.

Kan jy vir die Hof sê hoeveel van hulle is daar wat nie werklik self die huur betaal nie, maar wat huurders het wat die huur betaal of loseerders of wat jy hulle ook al wil noem? -- Dertig van die veertig wat ons van praat is persone wat die werklike betaling van die huur doen.

Die ander tien is waar ander mense die huur betaal? -- Van die mense woon op persele waarop huise staan, maar hulle bewoon die sinkplaathuise word daar opgerig word of in die strukture wat van sinkplate opgerig word op die perseel. (30)

Is/...

Is hulle dus huurders op ander persele? -- Ek weet nie.

Want jy sien, netnou het jy vir ons gesê al veertig van die mense is huiseienaars, mense wat in beheer is van die huise? -- Nee, ek het nie so gesê nie. Ek het gesê van hulle is eienaars.

Op hierdie vergadering wat jy met jou raad gehad het, nadat julle hierdie ding, soos jy sê, breedvoerig bespreek het, hierdie hele kwessie, het julle besluit om 'n vergadering te hou. Is dit reg? -- Ja.

Het jou kerkraad op hierdie geleentheid vir jou 'n (10) opdrag gegee omtrent hierdie vergadering? -- Nee, ek sê ons het dit bespreek by hierdie raadsvergadering van ons, dit is die kerkraadsvergadering waarop ons toe op 'n resoluëie besluit het dat dit na die gemeente verwys word.

Antwoord nou my vraag. Is daar enige spesiale opdrag of versoek aan jou gerig of wat jy dit ook al wil noem omtrent hierdie vergadering wat gehou moes word met die gemeenskap? -- Die resoluëie wat daar geneem was by die kerkvergadering was dat alles wat daar bespreek is met betrekking tot hierdie aangeleentheid sal na die gemeente verwys word, dit wil (20) sê die eerskomende Sondag.

Ek moet dit miskien op 'n ander manier probeer, dan kan jy miskien my vraag antwoord. Is daar besluit wie sal die reëlings tref vir hierdie vergadering met die gemeente? -- Ek is die persoon.

Nou hoe het dit gekom dat jy die persoon is? -- Omdat ek 'n rektor is van daardie "parish". Ek het die magte en die magte is aan my toegeken dat ek daardie vergaderingbyeenkoms kan belê.

Het jy daardie magte sommer outomaties of het hierdie (30)
vergadering/...

vergadering van julle, hierdie magte van julle, die magte aan jou toegeken? -- Soos 'n priester wat in bevel is van hierdie "parish".

Dit is outomaties dan. Is dit jou antwoord? - Ja, maar die woord deur u gebruik outomaties is nie van toepassing op die regulasies wat ek na verwys volgens die kerk nie.

Ek sukkel nou vreeslik baie met jou. Het die raad vir jou gesê kyk, jy moet die reëlings gaan tref vir hierdie vergadering of hulle dit nie vir jou gesê nie? -- Ja, dit is so.

Nou hoe sukkel jy dan so lank om daarby uit te kom. (10) Ek vra vir jou 'n eenvoudige vraag. Was daar opdragte aan jou gegee op daardie vergadering? -- Ek is nie veronderstel om 'n argument aan u voor te lê nie. Ek is net hier om vrae te antwoord van wat ek verstaan is die vraag.

Ons het dit nou dat die raad het vir jou opdrag gegee dat jy moet hierdie vergadering reël. Wat was die presiese opdrag? Dit is wat ek by jou probeer uitvind? -- Die besluit by hierdie "parish" vergadering, die "parish" raadsvergadering was dat alles wat daar bespreek was en alles wat daar ooreengestem is, sal oorgedra word aan die gemeente. (20)

Ja, dit is die besluit wat geneem is, maar wat se opdragte het jy gekry omtrent die reëlings vir hierdie vergadering? -- Die opdrag was dat ek die gemeente gedurende die kerkdien sal moet inlig dat daar 'n vergadering gehou gaan word op hierdie Sondag na die kerkdien waar ek dan of waar hierdie besluite aan die vergadering oorgedra sal moet word.

So, daar was nie opdragte dat jy dit byvoorbeeld sou moes adverteer nie, die vergadering? -- Ek het daardie reg gehad om dit te adverteer.

K753

HOF : Nou is my vraag aan u, was daar so 'n opdrag of het (30)

u/...

u inherent daardie bevoegdheid? -- Ek het so 'n reg.

MNR. JACOBS : Het jy net so 'n reg of was dit aan jou gesê jy moet dit alleen doen of jy kan hulp kry? Wat se volmag was aan jou gegee? Miskien sal volmag help. -- As 'n priester het ek die mag om enigiets te doen al was dit nie by die "parish" raadsvergadering genoem nie.

So, verstaan ek dan jou antwoord is hierso dat die "parish" raadsvergadering het nie gesê jy moet mense kry om jou te help nie? -- Nee, nie op die manier wat u dit nou stel nie. Wat gebeur het is dat die "parish" raadsverga- (10) ring het dit in my hande gelaat om enigiets te gaan doen wat eintlik ter bevordering is van hierdie aangeleentheid wat dan aanvaarbaar is of aanvaar word.

So, hulle het nie gesê kry mense om te help met hierdie hele kwessie van die huur wat hierdie arme mense nou moet betaal nie? -- Hulle het nie so gesê nie. Dit wil sê die raad het nie so gesê nie, maar hulle het vir my gesê ek sal maar my eie diskresie gebruik om toe te sien dat die vergadering wat belê moet word 'n sukses is.

En eintlik was daar ook nie eers nodigheid gewees om (20) hulp te kry van buite af nie, want dit is net doodeenvoudig 'n vergadering wat gehou sou word en dan sal die mense dit bespreek op 12 Augustus 1984? -- Nee, dit was nodig gewees om nog ander lede van die gemeente in te lig, van hierdie vergadering gedurende die loop van daardie week sodat hulle in groot getalle die vergadering bywoon.

In jou kerkraad, is daar bekwame mense wat jou kon gehelp het? -- Ja.

En jy het besef op daardie stadium toe jy die volmag gekry het of toe hulle vir jou gesê het wat jy moet doen, (30)

dat/...

dat jy sal hulp nodig hê om die hele gemeente in te lig? --

Ja, dit is so.

En jy het ook geweet dat op die vergadering sal jy mense moet hê wat nodig is om h voorsitter te wees? -- Ja, dit is reg.

Hoekom het jy nie op daardie vergadering met jou kerkraad gereël dat van jou kerkraadslede wat bekwaam is jou help met hierdie vergadering om dit bekend te maak nie? -- Daar is hoegenaamd geen so 'n regulasie by ons kerk wat bepaal dat ons net op daardie basis moet werk nie. (10)

Ek vra nie vir jou wat is die regulasies van jou kerk nie. Ek vra daar is bekwame mense, jy ken die mense, hoekom vra jy nie vir hulle om jou te help nie? -- Ons werk volgens die regulasies van ons kerk. Dit is naamlik die Church of Province en wat ons daar doen moet volgens die prosedure van die kerk wees. Ons doen nie dinge op ons eie nie.

Dan sal jy seker vir die Hof kan sê hoekom het jy op jou eie besluit dat Hlubi en Myeza jou sal help wat nie eers mense van jou kerk is nie? -- Dit is nie 'n kwessie van dat 'n persoon wat hulp verleen 'n lid hoef te wees van die (20) gemeente van die Church of Province nie. Die kerk van die Church of Province het samewerking met al die ander kerke.

Ek sal nou terugkom na die ander kerke toe. Jy het gesê julle werk net volgens regulasies. Watter regulasie sê jy kan nou vreemde mense gaan vra, onbekende mense, want op daardie stadium het jy nie eers vir Hlubi geken om te gaan help, terwyl jou eie kerk se mense daar is om jou te help nie? Sê vir ons watter regulasie sê so? -- Ek sê my kerkraad het besluit dat ek alles doen wat in my mag is, wat ek in staat is om uit te voer om toe te sien dat die vergadering wat (30)

die/...

die Sondag belê word h sukses moet wees wat tevrede gaan stel. Die kwessie van Hlubi, dat hy aan my bekend is of nie, is eintlik nie hier van belang nie, want ek het nie na Hlubi toe gegaan nie. Ek is soontoe om h persoon wat aan my bekend is te sien.

So, jy het dan nie volgens h regulasie gewerk nie. Is dit reg? -- Nee, dit is nie reg nie.

Ons los dit daar. Ek kom dan net terug na my vraag toe. Kan jy vir my sê hoekom, as dit nie regulasies is wat daar toegepas is nie, het jy dan nie jou eie kerk se mense wat (10) jy daar geken het wat bekwaam is gekry om jou te help terwyl jy geweet het jy sal hulp nodig hê om die hele gemeente in te lig sodat hulle in groot getalle opkom nie? -- Ek het hulle nie gelaat nie. Dit was aan my gesê doen alles in jou vermoë en alles word in jou hande gelaat om toe te sien dat die vergadering van Sondag h sukses is. Tweedens is gesê dat ek die lede van die gemeenskap sal moet gaan inlig dat daar h vergadering die Sondag belê word. Dit is wat ek gedoen het.

Jy het genoem van h ander aspek dat julle werk saam met die ander kerke. Is Hlubi van h sekere kerk saam met wie (20) jy gewerk het? -- Ja.

Van watter kerk is hy? -- Hy het my meegedeel dat hy h lid is van die Wesleyan Church.

Wanneer het hy dit vir jou gesê? -- Dit was gedurende die maand van Augustus nie onmiddellik toe ek hom die eerste keer daar ontmoet het nie. Dit was op h ander geleentheid toe ek van hom verneem het by watter kerk hy aan behoort.

Dit was na die 12de? -- Ek kan nie onthou wanneer dit was nie.

En Nozipo, aan watter kerk het sy behoort? -- Aan die (30)

Lutherse/...

Lutherse Kerk.

Wanneer het jy dit uitgevind? -- Toe ek haar gesien het by die kerk waar ek betrokke is. Toe sy daarheen gekom het.

Wanneer was dit? -- Op die 19de en die 2de.

HOF : 19 Augustus en 2 September? -- Ja.

MNR. JACOBS : Was dit die eerste keer wat jy gehoor het sy behoort aan die Lutherse Kerk? -- Ja.

So, op hierdie stadium toe jy nog gereël het vir die 12de se vergadering, het jy nie samewerking met ander kerke in gedagte gehad nie, want jy het nie eers geweet aan watter(10) kerke behoort hierdie twee mense nie? -- Ek stem nie saam met die stelling dat ek nie belang gehad in die samewerking van ander kerke nie.

Nee, ek sê samewerking met ander kerke was nie ter sprake nie, want jy het nie eers geweet aan watter kerke daardie mense behoort het nie? -- Ek verstaan nie u vraag duidelik nie. Wat bedoel u met die samewerking met ander kerke.

Jy het die woord gebruik op 'n vraag wat ek vir jou gevra het toe jy gepraat het van die samewerking van die kerke? -- Ja. (20)

Nou goed, ek gee nou net jou eie antwoord aan jou terug. Ek sê op hierdie stadium voor die 19de was samewerking met ander kerke insoverre hierdie twee mense. Hlubi en Nozip, betref, nie ter sprake, want jy het nie eers geweet aan watter kerk hulle behoort nie? -- Daarby bedoel ek, die vergadering van my "parish" raad, die kerkraad het besluit dat daar 'n vergadering van ons gemeente alleenlik belê moet word vir die dag van die 12de. Dit was aan my oorgelaat om te sien wat ek kan doen dat ek die meerderheid of 'n groot getal van my gemeente by die vergadering het. Dit wil sê (30)

net/...

net alleenlik van my kerk. Die besluit was aan my gelaat om my eie diskresie te gebruik wat die hulp betref. Dit wil sê ek was die enigste een om te besluit wie ek wil hê om hulp aan my te verleen ter voorbereiding van die vergadering. Waarop ek toe besluit het dat ek 'n pamflet laat maak wat ek gaan gebruik vir die "parish", dit wil sê dit te versprei in die gemeente. My gemeente daar in Sharpeville is verdeel in verskillende plekke, naamlik Pelindaba, Putha Stene, Rooi Stene, die "stands", Pumulong, Vuka, Vergenoeg. By die "stands" se area is daardie plek verdeel in twee. Dit wil (10) sê dan my gemeente daar bestaan uit agt gedeeltes. Wat dan gebeur is, in die loop van die week, kom die inwoners van die verskillende areas soos deur my genoem, bymekaar by 'n sekere plek vir 'n biduurdiens en waar hulle die persoonlike probleme wat hulle affekteer in daardie omgewing met mekaar bespreek, hoe om dit opgelos te kry. Dus, hierdie pamflet wat ek sou gemaak het, sou dan versprei gewees het aan die voorsitters van hierdie verskillende groepe. Met die gevolg die lede van my gemeente daar sou dan die nodige kennis opgedoen het van die belegde vergadering te St. Cyprians as (20) gevolg daarvan. Dit is hoe die prosedure sou gewerk het. Ons het ongelukkig nie die masjiene vir die drukwerk nie. As gevolg waarvan ek dan na die Orange Vaal Workers Union toe gegaan het met die oog daarop om hierdie dokument te laat druk. Die persoon wat ek daar moes gesien het wat vir 'n lang tyd aan my bekend was, was mnr. Mosiea... (Hof kom tussenbei)

HOF : Laat ons net eers 'n bietjie stop. Op watter vraag is u besig om te antwoord op die oomblik? -- Die antwoord is met betrekking tot die stelling deur mnr. Jacobs, waar hy gesê het dat ek uit my pad gegaan het om na Hlubi en (30)

Myeza/...

Myeza te gaan seek om my hulp te verleen. Dus hierdie antwoord is n verduideliking van die antwoord op die vraag hoe dit gekom het, onder watter omstandighede ek hierdie persoon raakgeloop het.

MNR. JACOBS : Is jy volledig nou met jou antwoord? Is dit klaar? -- Ek het soontoe gegaan met die oog daarop om vir Mosiea daar te gaan sien. Hy was nie teenwoordig nie. Dit was op daardie manier wat ek hierdie twee persone dan daar raakgeloop het. Hlubi het waargeneem in die plek van Phil wat buite die land was. (10)

HOF : Hou net in gedagte dat al hierdie dinge het ek al afgeskryf toe u u hoofgetuienis gegee het. As dit nie nodig is om dit te antwoord op n vraag nie, moet u dit nie herhaal nie. As dit nodig is, moet u dit natuurlik beantwoord.

MNR. JACOBS : Laat ek net iets nou duidelik kry. Daar in Sharpeville, behalwe vir jou kerkbeweging, ek dink dit is die Anglikaanse Kerk. Is dit reg? -- Ja.

Is daar ook ander kerke? -- Ja.

Het hulle ook baie lidmate daar? -- Ja.

Jou kennisgewing wat jy nou sê van die vergadering (20) van die 12de, het jy daarop gespesifiseer dat net Anglikaanse lidmate van die St. Cyprian kerk moet na die vergadering kom? -- Nee.

Nie? Jy wou dan net jou lidmate daar gehad het? Hoekom nie? -- Ek sê die besluit was dat dit net die lede van my gemeente moet wees, maar na samesprekings met ander mense het dit verander.

Watter ander mense? -- Peter Hlubi en Nozipo Myeza.

En dit het jy besluit en verander direk teen die besluit van jou kerkraad? -- Nee, dit is nie in botsing met die (30) kerkraad/...

kerkraad se besluit nie, maar dit dra by by die besluit wat geneem was deur die kerkraad.

Ek verstaan dit nie, want jou kerkraad het spesifiek gesê dat jou gemeente moet bymekaar kom, die Sondag, die 12de? -- Ja, dit is so.

Jy sê julle het toe besluit om dit te verander. Het julle op die pamflet gesê wie reik die pamflet uit en wie nooi die mense uit na die vergadering toe? -- Nee, ons het dit nie gemeld nie.

Hoekom nie?

HOF : Ons sal hierdie antwoord môre hoor.

GETUIE STAAN AF.

HOF VERDAAG TOT 10 JUNIE 1987.