

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

A  
/

SAAKNOMMER: CC 482/85

PRETORIA

1987-11-10

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 10 NOVEMBER 1987.

NOZIPHO GLADYS MJEZA, d.s.s. (Through interpreter)

FURTHER EXAMINATION BY MR BIZOS : You recall that you told us that you did pamphlets calling a meeting for 12 August 1984 at the St Cyprians Anglic Church in Sharpeville?

-- That is so.

Did you yourself go to that meeting? -- Yes, I did.

Did you meet anyone before you went into the meeting?

-- On my way attending this meeting I was accompanied by Peter Hlubi. Before going to the meeting place, we went (10) to Father Moselane's residence where we met him.

And what happened at Father Moselane's residence? -- When arriving there we were joined by Father Moselane and then a discussion started amongst the three of us on which we decided that that meeting was going to be chaired by Father Moselane and therefore Peter Hlubi will be taking the minutes and I will give a report of what transpired at the councillors' meeting which I attended.

Did you at that stage consider yourself as a formal committee and properly constituted organisation? -- No, (20) we were not considering ourselves as a committee. What I thought it was, was the following, that people came together and there were some grievances which were common and therefore we were discussing that.

And after this discussion at Father Moselane's place, did the three of you go to the church? -- Yes, that is so.

Had people gathered by the time you arrived there? -- On arrival on the church premises there was quite a few people standing outside on the premises.

How many would you say more or less? -- I estimate (30) them/...

them in number to have been about eighty.

Were they waiting outside the church? -- Yes, they were waiting outside the church building.

And was the church open? -- At that time when they were waiting outside the church was closed, but on arrival there then the Minister unlocked the church, therefore it was opened.

COURT : That is accused no. 3? -- Yes, Reverend Moselane.

MR BIZOS : Did you go into the church? -- Yes, that is so.

Did the people follow you? -- Yes, some did follow, (10) but otherwise some of the people got into the church building simultaneously with us and took seats while we proceeded to the front of the church.

Did the number of people increase as time went on? -- Yes, while we were busy proceeding with the meeting, the number increased, in the sense that some people arrived.

How big was the meeting when it was in the middle of it? How many people attended this meeting in all? -- According to my estimation I would say they were 200 plus, that is the audience were 200 plus. (20)

Would you like to give His Lordship a description, what sort of age group were these people? -- My estimation of the age group of the people there in the majority were grown-up people. For instance, my father was at that time 65. There were some of the people who were older than him. Some younger than him. Some older than me.

Were there any banners at that meeting? -- There was no banner at all at this meeting on the 12th.

Did you ever make a banner? -- Yes, I did but not for this meeting of the 12th. It was for the meeting after the (30) meeting/...

meeting of the 12th.

We will come to that. Do you recall what time the meeting started more or less? -- As far as I can remember this meeting started at about 14h00 or just after 14h00.

How did the meeting start? -- Reverend Moselane requested the people present there, that is including the audience, to stand on their feet and there was a hymn which was sung. After that hymn was sung, Father Moselane read from the Bible or a book and thereafter he preached the words he read from the book, after which then he prayed. (10)

After that was done, what happened?

COURT : On what basis is all this detail relevant?

MR BIZOS : I have been considering it. I would be only too happy to give it - to generalise it and go much faster, but I have understood the State to cross-examine the witnesses that we have up to now called, on the minutest detail.

COURT : Well, do you want us to hear it twice then? Once from you and once from the State?

MR BIZOS : Did the question of the rent come up? -- Yes, it was after the prayer that Reverend Moselane introduced the (20) purpose of the meeting which was the question of the rent.

What did he say about the rent? -- I cannot remember in details his exact words as to what he said, but what I can remember is that the gist of what he said there was about the meeting being held there as a result of the question of rent. He further said that what worries him the most is that the members of his congregation who are quite elderly people, pensioners in the majority, are complaining because of not having enough funds or finance to cope with the increased rent. He then further said to the audience there that we (30)

will/...

will have to find a solution. In saying that, he made mention of the petition and made mention of the Court interdict. He further said this must be looked into in order to find a solution. He elaborated on petition, that is explaining what a petition is. He further at the end, after having explained what he meant by a petition, said that if we are going to draw up a petition, this we shall have to submit to the councillors prior to the date of the increase on the rent. That is as far as I can remember.

Did you yourself speak? -- Yes, I did speak at this (10) meeting.

You told us that it was intended that you should report what you heard at the councillors' meeting? Did you do that? -- Yes, I did that.

I am not going to ask you what you said. If anyone else wants to ask you, they can ask you. Did anyone speak after you who had also been at the meeting of the councillors? -- Yes, I remember a certain male person who spoke after I had addressed the meeting.

Did he contradict you or did he confirm what you said?(20) -- He was in fact confirming what I said, adding where I had left something out, that he remembers having taken place.

Did other people speak from the floor? -- There were speakers from the floor who were asking questions and some of whom were making suggestions.

Was anything said about the councillors? -- Yes, while the meeting was proceeding there was a speaker from the floor who suggested that we request the councillors to resign.

Why? -- This speaker had much to say about that as to why they were to be asked to resign and ended up by saying(30) that/...

that they are failing in what they were elected for to do and in what they are standing for. Therefore they are to be asked to resign.

Were any resolutions or decisions taken at the end of this meeting? -- Yes, the suggestion that the councillors should resign was later accepted as a resolution of this meeting and secondly, another resolution which was accepted there, was that the R5,90 increase on the rent should not be paid until such a time we have met with the councillors to discuss that issue. (10)

Was this the last meeting that was going to be held? -- No, because of the fact that mention was made of a petition and a court interdict, it therefore became necessary for Father Moselane to go and sought some advice on those two aspects and then therefore it was necessary for another meeting to be held for a report back pertaining to the two as to what advice was sought by him in respect of the two.

Was the date of the following meeting agreed upon at the meeting of the 12th? -- Yes, the agreement at this meeting of the 12th was that the next meeting was to be held on (20) the 19th.

And there was an announcement to that fact made? -- Yes, there was an announcement which was made. In fact in this announcement it was also requested that those present at this meeting of the 12th must please spread that there was going to be another meeting on the 19th and therefore inform as many people as they can about the meeting of the 19th, which was to take place on that day of the 19th.

Were there newspapermen at the meeting of the 12th? -- During the meeting on the 12th I did not know that there (30) were/...

were newspaper reporters present there. I only noticed from the reports in the newspapers after the date of the 12th that there were some reports made.

After the meeting of the 12th, did you, Father Moselane, accused no. 3 and Peter Hlubi meet anywhere? -- The same day of the 12th, after the meeting, the three of us went to Father Moselane's residence.

Did you have a discussion there? -- Yes, that is so.

About what each one of you was going to do between then and the 19th? -- That is so, especially on this question of (10) the petition. None of us had a better idea of what is it in fact and as a result we had to do something in order to get some knowledge of it.

Who was going to look into that? -- The agreement amongst the three of us was that because of the fact that Father Moselane was most of the time at home and therefore he has got ample time to sought for some advice and he knows more people, he was the one who was assigned to go and try and find some better light on this question of the petition.

Did you undertake to do anything? -- No, I do not remember. (20)

Did you make a banner before 19 August? -- Yes, I did, but it was not discussed on this day of the 12th. I made this banner during the period between the 12th and the 19th, during the course of that week.

The banner that you made, what did it have on it? -- It was written against a white background of a cloth, across in the middle written "Asinamali" and then slanting on the side on the left "Ha re na chelete" and again on the right "Ha re na chelete."

Have you seen the film that was made by the previous (30)

witness/...

witness, Mr Harris? -- It was shown to me, although it is now some time back that that was done.

Do you remember seeing that banner? -- I cannot recall seeing that banner, because this banner was placed against the pulpit right at the back.

Do you yourself appear on that film as being present at the meeting of the 26th, whilst we are about it? -- Yes, I do appear on the film in the middle somewhere of the film, not where it starts.

Your Lordship may recall the close-up shot of a woman's(10) face - it lasts about ten to twelve seconds. That is the witness.

COURT : Is it a close-up of you? -- If I remember well, yes, I am the person.

MR BIZOS : Any way, let us go back to the 19th. Before the 12th and the 19th ... (Court intervenes)

COURT : Just to get our reference again, it is 19 August 1984, should somebody have read through 50 pages of record and not knowing what we are talking about.

MR BIZOS : Between 12 and 19 August 1984, were any tele-(20) phone calls made to you? -- Yes, on the 13th, after the meeting of the 12th, that is 13 August 1984, I received a call, a telephone call from somebody who did not want to identify him or herself as to who he or she was.

ASSESSOR (MR KRUGEL) : Could you not even gather whether it was a man or a woman? -- I could identify the voice as that of a male person.

MR BIZOS : It is the influence of feminism that has led us to the double ...-(Interpreter: That is correct. In the witness's language unless a person asks specifically was(30)

it/...

it a male or a female, you will never know.)

What did this person say to you? -- There was a ringing of the telephone which I picked up and then I asked who it was who was speaking. This person said "I would like to speak to Nozipho." I then said "This is Nozipho speaking." Then this person said the following. I quote this person's words "Ja, Nozipho wena uti, Abantu base Sharpeville. Bangapathali e rent." This was in Zulu by this person.

COURT : And did you understand it? -- Yes, I did understand that, because in fact I am Xhosa. We speak Sotho just (10) because we grew up amongst the Sotho's, otherwise I understand the language.

Now what did it mean? -- This means that I am the person who is telling the people of Sharpeville not to pay their rent.

MR BIZOS : Did you try and find out who was speaking? -- Yes, I did, by asking this person who he was and why does he say that. This person did not just tell me who he was and why is he saying that. The only response I received on asking him all those questions was "Hamba uobosa unyogo." (20)

The translation, please? -- That meant, all that I was asking him to identify himself and why he was saying that, that I must go and ask my mother.

Did this telephone call have effect on you? -- Yes, it worried me a lot, because I could not just understand why this speaker said this.

My Lord, let me indicate the reason for this and what is to follow. In fact, the accused's father's house was attacked later in a substantially similar manner ... (Mr Krugel intervenes) (30)

ASSESSOR/...

ASSESSOR (MR KRUGEL) : The accused or the witness?

MR BIZOS : I beg your pardon, the witness's as was Father Moselane, accused no. 3's house. Did you only receive one telephone call? -- No, there was another call again by a person who sounded to be a child to me who spoke in English and I could not understand what this child was trying to convey to me. As a result of which then we agreed between myself and Peter that if Peter is present and a telephone rings, he is the person who will answer to the call.

During the week after the 12th and before the 19th, (10) did you receive any notices to go anywhere? -- Yes. If I still remember well that was on 14 August 1984 when I received a note informing me to report at the Administration Board offices in Sharpeville. The message in this note was that I report there on the morning of 16 August 1984 at 08h00.

Did you do so? -- Unfortunately not, because I had arranged meetings with the workers for those days and during that period which meetings I could not just suddenly postpone in order to attend to this. Therefore I could not.

Did you receive another notice? -- Yes, I will tell (20) you what happened. In response to the first note, I wrote them a letter in which I was explaining my position and therefore informing them that I would not be able to report there on the day as suggested by them and asked them if they would give me another date. As a result of which then I received another note from them where now in which they were inviting me and my father to come to the offices.

My Lord, I do not want to burden the record. The notices are available. Your Lordship has seen a previous exhibit issued by the Administration Board on Administration Board(30)

letterheads/....

letterheads. I will show them to My Learned Friend. I am also at a disadvantage because my attorney is temporarily absent.

COURT : Well, is it part of the record or not?

MR BIZOS : The one is. Not this one. This one is not part of the record, but notices were issued to a number of people and that is part of the record, but I will come back.

Did you go there with your father? -- Yes, that was 20 August 1984. On our way to work with Peter I requested that we take my father along and call at the offices of the Administra-(10)  
tion Board first before going to work.

Did you go at the appointed time? -- Just before that time.

And did anybody turn up to ask you why you were wanted? -- Yes, an employee of the Administration Board who is known to me only by the name of Sefonti came to us and said that the people who wanted to see us at the offices are not there, namely the councillors.

Before the 19th, did you, Reverend Moselane, accused no. 3 and Peter Hlubi meet? -- Yes, we met before the 19th.(20)

And was any report made to you? -- Yes, a report was made to us by Reverend Moselane.

To what effect, briefly? -- Yes, the report back was about his having gone to sought for some advice for clarity sake with reference to petition and the court interdict in which he reported that he met quite a few people in that regard, namely having met a lawyer Sisi Buthelezi, if I still remember well was the name of the lawyer and also made mention of another person he met Sheena Duncan. Further in his report he said that these people said they were going to look into(30)

it/...

it in order to advice whether we have to make use of the petition or a court interdict. If it be a petition, therefore they will be trying to help us out in how to draw that kind of a petition.

COURT : Is this part of an issue between your side and the State, this aspect? I sat listening patiently while accused no. 3 gave very detailed evidence and as far as no. 3 is concerned, that might be important, but if you lead each and every witness for the defence on the minutest detail, we will never finish this case. Is this aspect of this meeting(10) before 19 August between Hlubi and this witness and accused no. 3 any bone of contention between the two sides?

MR BIZOS : Your Lordship will recall whilst accused no. 3 was being cross-examined that I actually asked as to whether the petition - the question as to whether there would be a petition or not, was being put into issue by the State. I did not get an answer.

COURT : Well, you cannot ask questions while somebody is cross-examining. You can make your own deductions.

MR BIZOS : Well, except that contradictory puttings were (20) put in relation to the petition. On one occasion it was put that there was no petition at all and on another occasion it was put that it did not have the form and it did not happen the way the witness was saying. We are in the dark ... (Court intervenes)

COURT : Let us take it one step further. The going to the offices of the Administration Board. How is this relevant in a treason trial case? And somebody calling, who is a child, speaking in English but is not understood? How is that relevant in a treason trial case? Will we ever finish(30) this/...

this case in this way?

MR BIZOS : No, we are as anxious as Your Lordship to finish it, but the State has place on the indictment that these meetings were held in furtherance of a conspiracy with the South African Communist Party, the African National Congress and the UDF. We are entitled to place a circumstantial account as to how they came about before Your Lordship in order to rebut that allegation. If the State having heard the accused, having heard this witness and numerous other witnesses, wants to abandon that part of the case, that (10) allegation that the Sharpeville meetings were not part of a conspiracy between the South African Communist Party, the ANC and the UDF ... (Court intervenes)

COURT : Leave the rhetoric out of it, Mr Bizos. What is the evidence about the child speaking in English going to contribute to the eventual decision of this case?

MR BIZOS : I did not lead that specifically and it is something that the witness mentioned that I cannot justify, but to say that the circumstances of the meetings are not in issue when the State persists in this allegation, is another (20) matter and it may well be that .. (Court intervenes)

COURT : And the meeting which was not held at the Administration Board offices?

MR BIZOS : Because Your Lordship will see and I justify it, the reason for it on the basis that this witness was threatened and her house was attacked. We did not choose to lead that. Your Lordship heard the evidence from councillors who told Your Lordship about these people coming to this meeting on their invitation. If the State chose to lead that evidence, let me remind Your Lordship of that evidence. It was the (30)

State/...

State who led evidence in relation to the calling of people in and the description of the meeting. If my memory serves me correctly, it was councillor Phosisi who was led on this issue. If it was irrelevant then ... (Court intervenes)

COURT : We do not even know what she was called for. We do not know the contents of this note that she received. She may have been behind in her rent.

MR BIZOS : No, I apologised for not having it at the time. It is available, that she should come to the meeting. We drew attention to the fact that although this was a council(10) function it nevertheless is an Administration Board letter-head. These matters were canvassed as part of the State case. I am happy if we know what amended case we have to meet to cut it short.

COURT : The case you have to meet is before Court in the form of the State case. I cannot see on that case how quite a bit of what you led this morning is relevant.

MR BIZOS : I would agree.

COURT : One needs a bit of discretion too.

MR BIZOS : I agree fully and I have tried and I have cut (20) out a considerable portion of the statement as a result of Your Lordship's indication, but we did not choose this ground. The ground was chosen by being placed on the indictment. I am sorry if Your Lordship considers is rhetoric. It is inevitable that advocacy is a rhetorical profession, but I submit with the greatest respect that once the State persists in this allegation, we are entitled to rebut it by giving a circumstantial account of what actually happened in order to rebut what the State alleges.

COURT : Sure, that is not in dispute. (30)

MR BIZOS/...

MR BIZOS : I will promise, however, to try and cut as much as possible out of the detail and leave it to cross-examination if the State will persist in keeping witnesses in for three weeks or so.

COURT : It is obvious, the more material you place on record initially, the more scope for cross-examination you give.

MR BIZOS : I am mindful of that and this is why we have often cut it short, as I did with Mr Pitso, the previous witness.

COURT : We had Mrs Sheena Duncan last. (10)

MR BIZOS : Were there going to be any speakers at the meeting of the 19th? -- Yes, during our meeting there the Reverend Moselane told us about a speaker who was going to be present at this meeting of the 19th, namely Mr Tom Manthata.

Let us come to the 19th. Was there a meeting or a gathering in your presence at the home of the Reverend Moselane before you went into the meeting of the 19th? -- We met at Father Moselane's residence on the 19th waiting to go to the meeting and attend the meeting. Otherwise there was no meeting held there, except that we met there just on a (20) casual basis while waiting.

Who - I will leave that out as well. As a result of the gathering there together, did you and the others at the Reverend Moselane's house start walking towards the church building to hold the meeting? -- Yes, that is correct. In fact, what I can explain is the following. On my arrival there there were two ladies also present there, but just before we left, that is the group that gathered at Father Moselane's residence, before we left for going to the meeting at the church, the two ladies had disappeared. What (30) happened/...

happened to them, I do not know.

Did you and others walk from the Reverend Moselane's house to the church? -- Yes, that is so.

Did you draw attention to any motor-car that was driving in the vicinity of the Reverend Moselane's house? -- That is true. It was not one vehicle, but there were two cars driving past there.

What did you say about one or other or both of them? -- Immediately I saw the two cars passing there, I then drew the attention of the other people who were in my company (10) there saying "Hay, look out, here they are, they are present."

Who were they? -- Those were police. We knew the cars they were using. I therefore drew the attention of the people in whose company I was to the fact that the police were there.

Did you recognise any particular car that you had seen a policeman in before? -- Yes. The Colt which was beige in colour is the Colt which was driven by the person who once came to me driving in that Colt, namely Buick.

You gave his surname as Radebe? -- I said I later came (20) to know him to be Eric Radebe.

Was Mr Tom Manthata, accused no. 16 before His Lordship, was he among the people with whom you were walking to the church? -- Ye.

Did he hear your remark about the presence of the police? -- I believe so, yes, because he was not far. He was within a hearing distance.

Where was the "Asinamali" banner that you told His Lordship that you had made? -- I had folded it up to a small parcel and in fact put it into a plastic container, that (30)

is/...

is a bag and had it under my armpit.

Did you put that "Asinamali" banner up anywhere? -- Yes, after the prayer at this meeting of the 19th, with the assistance of a person Mothofela Mokgema, we put that banner on a pulpit. In fact it was not pinned to it, it was put on top of it in such a way that we had something on top of it in order not to fall from the pulpit.

Was there any banner which said "Away with councillors. No more rent hikes"? -- In the church there was no other banner at all except for this one that I am referring to (10) which was written "Asinamali".

Did you and the other people that had left Father Mose-lane's house wait until everybody was in the church and walked in like a triumphant march or did you go in as soon after the church doors were open? -- We entered the church building in the following manner. When we arrived there, some people were tired of standing, therefore leaning against the wall. Some not far from the door, which is an entrance into the church. So, therefore when the door was unlocked or opened those immediately next to the door (20) moved in. We moved in simultaneously with some of them. While we were walking upfront, some of them drifted by taking seats in the church building.

What do you say to the evidence that was given before His Lordship that the church was almost full and as you walked in everybody stood up and shouted "Amandla" and the procession responded to this? -- If there is that kind of evidence before the Court here, that witness is not telling the truth, because what happened is that when arrived there people were waiting and we got into the church building itself (30) simultaneously/...

simultaneously with the group of people.

Did anybody mention what resolutions had been taken at the previous meeting? -- Yes. This meeting was chaired by Peter Hlubi. It was therefore his duty as a chairman to mention the resolutions which were taken previously.

Was the meeting asked whether they still agreed with those resolutions or whether they did not? -- Yes, that is true. After having mentioned the resolutions of the previous meeting to this meeting, Mr Hlubi, the chairman, then asked the meeting there whether this meeting still agrees with(10) those resolutions which were taken at the previous meeting.

And did they agree? -- Yes, they agreed in many ways. Some saying "Yes, we do agree", some saying "Yes, that is so." In many ways. All the same they agreed to what was being put to them.

Did Mr Tom Manthata, accused no. 16, speak? -- Yes, as I guest speaker.

Did he start his speech by raising his hand and saying "Amandla" or "Maatla"? Did he start his speech that way? -- No, he did not do that. All he did was, he got up and(20) bowed to the audience and then started speaking.

I am not going to ask you as to what he said, except in one or two respects, but what I want to ask you is this. Did he say that councillors should be killed or their property should be destroyed? -- I am surprised to hear that, because this person was invited as a guest speaker and a guest cannot come and tell people at their place what to do.

Did he have a piece of paper in his hand? -- If I still remember well, he had a piece of paper which was folded.

Did he tear it up at any stage? -- No, he had it in (30)

his/...

his hand while he was addressing the meeting, until he again took his seat with that paper in his hand.

Do you recall whether he gave any sign at the end of his speech? -- After finishing his speech just before he took his seat he said "Maatla" and then sat down.

Do you recall whether he said anything about children and the behaviour of children? -- If I still remember well yes, he said something about the behaviour of the children.

Can you recall what he said about the behaviour of children? -- Yes, if I still remember well what he said (10) was the following, that parents who do not have money, who are therefore not in a position to cater for their children properly, are not in a position to exercise a proper control over their children or to be able to reprimand them about certain things. That is as far as I can remember.

WITNESS STANDS DOWN.

COURT ADJOURNS.      COURT RESUMES.

NOZIPHO GLADYS MJEZA, still under oath

FURTHER EXAMINATION BY MR BIZOS : Do you remember whether Mr Tom Manthata, accused no. 16, drew any comparison between (20) the rents in Sharpeville and any other place or places? -- Yes, I do.

What did he say about that? -- What he said was, in Ratanda and Mohlakeng they had a similar situation about the rent and they united in action and succeeded in opposing this.

I will not ask you about the other things that he said. Do you recall whether Mr Oupa Hlomoka, accused no. 2, spoke? The gentleman at the back of the court standing up now. -- Yes, he did speak there. (30)

I/...

I am only going to ask you whether he made any proposal?

-- Yes, he made a proposal.

What was his proposal? -- What he said in his proposal was the following. That the businesses owned by the councillors are within the township and therefore the community in that township is supporting those businesses and therefore was suggesting that we must not make use of those businesses in the sense that we must not support them.

Did he call on anybody at the meeting to use violence against the person or property of any councillor? -- No, (10) he did not say that.

Do you recall whether the young man, Patrick Baleka, accused no. 1 before His Lordship, spoke? -- Yes, he did speak.

Do you recall whether or not he read a poem called "Africa, Africa"? -- No, he did not read a poem.

Did he say "We are ready to fight if they want to fight us"? Did he say words to that effect? -- He did not say that.

Did he say anything about Mahlatsi sending his dogs (20) to evict people? -- No, he did not say anything about Mahlatsi.

Did he say that there should be violence either against the person or the property of any councillors at that meeting? -- No, he did not say that.

Other than hymns, were songs sung at this meeting? -- At this meeting a hymn was sung at the opening and another hymn at the closing of the meeting.

Do you consider "Nkosi Sikilele e Afrika" as a song or a hymn? -- I take it to be a hymn, because it is being (30)

sung/...

sung even at a church service.

Was the song "Siyaya Siyaya" sung at this meeting? --  
No, it was not sung.

Did you yourself speak at this meeting? -- No, I did  
not speak at this meeting.

Do you know a woman called Nana? -- Yes, I know that  
woman.

Do you recall whether she spoke at this meeting? -- Yes,  
she did speak at this meeting.

What language did she speak in? -- In English. (10)

Do you recall very briefly what she said or what the  
subject matter was on what she spoke? -- She was supporting  
the previous speaker's suggestion that we do not support  
the councillors' businesses in the townships.

Was there any disturbance in the meeting? Was it neces-  
sary for anybody to withdraw from the meeting for fear? --  
No, this meeting was normal up until the end. There was no  
reason which could have justified for one to withdraw from  
further attendance of the meeting.

Do you know Albert Botha? -- Yes, I do. (20)

Did he speak at this meeting? -- Yes, he did speak.

Do you recall what he said? -- Not quite.

Do you remember whether anyone responded to him?-- Yes,  
some people did respond to what Botha had said.

Do you remember what the issue was that Botha had raised?  
-- If I still remember well he asked a question as to what  
is to be done about the people who will go and pay the rent  
which was resolved that it was not going to be paid while  
still we are busy trying to sort that out.

Do you remember what the response to him was? -- Yes, (30)

I/...

I do, although I would not remember in details what was said.

What was said? -- What was said was not everybody that is not every resident of the township is at this meeting and therefore those present at the meeting must pass the word of the resolution to those who are not present and therefore people who will go to pay are those who are not at this meeting, by not knowing what the resolution is.

Was there anything said about the legal action that was being investigated by Father Moselane, accused no. 3? -- Yes, something was said about that. (10)

Can you recall what was said about that? -- What was said was just before Nkosi Sikilele was sung, this was people need not worry and panic about what was happening, because this issue is still being investigated, it has been handed over to the lawyers, therefore they will be informed in due course. It would not be long, then they will be informed what the outcome is.

K1012 Was there to be another meeting? -- Yes.

When was the meeting to be? -- It was agreed that another meeting was to be held on 26 August 1984. (20)

My Lord, I merely want to put on record that I did not lead much of what was said at this meeting deliberately. I do not want My Learned Friend to say, with respect, that the witness omitted to deal with matters at the meeting. It was my decision in view of Your Lordship's remarks before the adjournment. Now I want to turn to the meeting of 26 August. May I again indicate, My Lord, that as it is common cause that there is no interruption on EXHIBIT 36 up to page 15 except the one on page 3, that I am going to be very, very brief in relation to that part of the meeting. (30)

ASSESSOR/...

ASSESSOR (MR KRUGEL) : Are you referring to V31?

MR BIZOS : V31.

COURT : What is the page you mentioned?

MR BIZOS : There is an interruption on page 3 - on/off on page 3 and then the next on/off is on page 10, at the bottom of page. You attended the meeting of the 26th? -- Yes, I did.

We know that Father Moselane was not there at the beginning of the meeting. Did you notice any people with cameras and other equipment at the meeting? -- Yes, I was aware of the presence of the people with cameras. (10)

Before you saw them there, had you known of any arrangements for them to be there? -- No, I did not have any knowledge about that.

Were the petition and the interdict discussed at this meeting? -- Yes, it was discussed.

Did any person mention anything about children stoning buses? -- Yes, I remember somebody mentioning that.

A man, woman, young, old? -- It is a woman not young. An old woman.

She is recorded as having said ... (Mnr. Jacobs kom(20) tussenbei)

MNR. JACOBS : Ek sal graag dat die getuie self haar getuie-nis gee as sy dit kan onthou en dat dit nie vir haar voorgesê word wat op die bewysstuk staan nie.

MR BIZOS : Did she say anything about or did she make any reference to the previous week's meeting? -- Yes, that is so.

What did she say? -- What she said, if I still remember well, was the following. At the previous meeting, that is the previous week, it was said that this matter is concerning elderly people. (30)

COURT/...

COURT : The matter being the increased rent or something else? -- From what she was saying it was not clear to me what is it that she was talking about exactly, but I took it that she meant that this meeting is meant for elderly people.

MR BIZOS : Did she say whether young people had done anything? -- Yes, she made mention of buses which were stoned by children.

Did Father Moselane, accused no. 3, respond to that remark? -- Yes, he did.

From what you heard Father Moselane say, was he in (10) favour or against children stoning buses? -- From what he was saying he did not agree with what the children had done.

Was there any call by anybody at this meeting that violence should be used against the person or property of any councillor? -- No, there was no such.

Did a number of people speak at this meeting? -- Yes.

Were you among one of the speakers? -- No, I did not speak.

What were you doing at this meeting in addition to listening? -- I did nothing - I have just remember some-(20) thing. I thought I had nothing more to do other than to listen, but I have just remembered that I had some petition forms with me.

What petition forms were they? -- The forms which were discussed at the very first meeting were only available for us a week, that is during the week before the 26th and therefore we got hold of them during that period. That is how I happened to have these forms with me.

And what was the purpose of these forms? -- The purpose of these forms was that they, the forms, be taken around (30)

for/...

for signatures as agreed.

Did you yourself take forms around to be signed? --  
I had forms to be signed, but these forms were not signed during the meeting which was in procession there. They were only signed after the meeting.

Were you the only one that was going to get signatures to the petition? -- No.

Who else was going to do it? -- The agreement was that there was going to be a person who will be in charge of this in each and every area. For instance one in Putsoasteen, (10) one in Phelandaba et cetera.

Do you remember who made that suggestion? -- Yes, I do remember.

Who? -- Mr Mkhwanazi made the suggestion.

Do you recall whether the names and addresses of people were being taken on book with a spiral at the back of it? -- I do remember a book which was used for writing names of the people at this meeting.

What were those names being taken for? -- I remember that being done with a view that should there be court (20) action, then we must have some few names of the people in the township who will be then cited there as representatives of the township.

Was any decision taken at the meeting of the 26th that there should be a stay-away on 3 September 1984? -- No mention was made of a stay-away at this meeting.

Was any mention made of taking part in the march on 3 September 1984? -- No, that was not mentioned at this meeting.

Do you know Mokgema? -- I do not know whether you are talking about the person I know who is known as Mothofela Mokgema. (30)

Well, /...

Well, did you hear anybody mentioned the date, the 3rd at all during this meeting? -- I do not remember anybody mentioning the date of the 3rd.

You have already told us that you know Botha? -- Yes, it is so.

Did he speak? -- Yes, he spoke at this meeting.

Do you recall whether or not the chairman allowed him to carry on, to say what he wanted to say? -- I remember him being stopped from continuing with what he was saying.

Do you recall what the subject matter of what he was (10) saying was? -- I remember slightly, yes, him saying that he agreed with the question of court interdict, but there are certain times when we will have to pay attention to things of importance.

Do you remember anything else that he said? -- That is all I can remember at the present moment.

You have already told us that Botha was interrupted by the chairman? -- Yes, that is so.

Was Botha as calm as the other people at the meeting? -- From my judgment of him he was not calm until at the (20) stage when he was stopped from further addressing.

These petition forms, were they distributed to other people? -- Yes, the forms were distributed to the people whose names were given as those who were going to take the forms around in obtaining signatures.

Were you involved in that yourself? -- Yes, that is so.

Did you notice what the Reverend Moselane and Peter Hlubi were doing whilst you were busy with the forms at the end of the meeting? -- What I remember I saw happening there, at some stage I looked up. In that I noticed then standing (30)

some/...

some distance away with the person who was taking photo's or who was carrying a camera in the meeting.

Did you go to where this talking was taking place? -- Yes, after having finished with what I was doing, just before we were leaving that place, I went up to them.

In or outside the church did you go up to them? -- When I went to them, they were already heading for the doorway just before they went out.

Were they still speaking or had they spoken for some time inside the church? -- They for the most of the time dis- (10) cussed inside the church.

And did they continue talking as they went out? -- At the stage when I joined them on their way to the doorway, they were still talking on their way out.

Did you take part in any interview or were you next to them when they were being recorded? -- At the time when they were having a discussion inside the church, I was at no time near them. I only joined them on their way out.

I just want to ask one or two questions in relation to this petition. Who drew it up? -- What happened is the (20) following. After the meeting of the 12th, we went to Father Moselane's residence where a draft was made by us of this petition, which draft was given to him to take along to the lawyers where he was going to seek for advice and if there is anything wrong with the draft, he must let the lawyers then correct whatever is found to be wrong with the draft.

Was the draft brought back? -- Yes, he brought it back.

Who typed the petition? Was it typed on a stencil or an individual piece of paper? -- What I know happened is that Peter brought it from Reverend Moselane to the office. (30)

They/...

They showed it to me and he, Peter, himself typed it.

Do you recall what the petition said? -- Yes, if I still remember well, I remember what the contents were.

What did it say? -- It was written in English, saying "We, the residents of Sharpeville, the owners of houses, are saying that the increase on rent should be stopped. If not so, let the councillors resign." There were some columns made then for the following particulars: The name of the person, the number of the permit, which is the permit holder number and the house address number and then the (10) signature. Those were the columns provided on this petition.

What was your understanding, what would happen to the petition forms once they had been signed?-- Accordig to my understanding Reverend Moselane was in fact in charge of the petition. What I knew further than that was that the petitions were later going to be sent to the councillors. The only thing I am not clear about is whether these were first going to be taken to the lawyers after obtaining the signatures before being sent to the councillors or vice versa that that goes to the councillors and then again to the (20) lawyer, that I am not sure of. But all the same, it was to accumulate all the signature on a petition form.

Did you yourself collect signatures? -- Yes, I did. Besides that I collected at the day of the meeting just after the meeting at home I did get some other signatures.

Was there to be another meeting? -- Yes, that is so.

When was it going to be? -- It was supposed to have been on 2 September.

What would have been the purpose of that meeting? --  
The purpose of this meeting was to come and bring together (30)  
the/...

the signed forms of the petition according to areas. That is everybody was to submit the signatures he or she collected.

Did anything happen to your home and to the union offices that you were working for during the week between - well, after the 26th? -- What happened is, one night after the 26th my parents' home where I lived was attacked with stones and the following day I went to my place of employment, that is the union's offices. On arrival there I found that the office was also attacked with stones, as a result of which then the window-panes were broken. (10)

Both at home and at the office? -- Yes, that is so.

Were any pamphlets found at the union offices? -- Yes, we found some pamphlets there which pamphlets we did not know where they originated from.

What did they say? -- I can sum it up in saying that according to that pamphlet it was encouraging people not to take heed to what the other people are saying, namely which was being mentioned there that those who are saying people must stay away from work, are the people who knows that they would not be dismissed from their places of employment (20) and furthermore, those who are saying people must not pay rent, are those people with lots of money. That is why I sum it up in saying that they were encouraging people not to take heed to what was being said.

Did you go to the police station to report the damage to your home and the union office? -- About what happened at home, my father went to the police station to report that and about what happened at the union's offices, I went to report that to the police in Vereeniging.

Do you remember the date on which the attack was made (30)

on/...

on the house and the union office? -- If I am not mistaken it was on 28 August 1984.

What happened when you went to the police station? -- In going to report the incident at the offices of the union I took those pamphlets I found there with me. On arrival at the police station I was taken to different offices until I was taken to an office where I found a number of policemen, Black and White.

Can you remember how many in number? -- Eleven or twelve just around that. (10)

K1013

Did you recognise any of them? -- When I came there, the first person I recognised was Eric Radebe and the second one was a person I usually see each time after the church service at Father Moselane's church. I see that person coming from that direction. He attends or he is a member of his congregation.

Did they receive your complaint about the damage done to your union's office? -- They said they were going to come and see what the damage is and they never came.

What happened to the pamphlets? -- They took possession of all those pamphlets I had with me, after I told them that these are the pamphlets I found at the scene of the damage. (20)

Did they say anything to you about the meetings that were being held? -- Yes, they did say something.

What? -- I noticed a White policeman speaking soft to Eric Radebe. I could not hear what the conversation was about. Then thereafter this White policeman said "Ja, Nozipho" and then uttered some words in Afrikaans. If I were to repeat and quote him "Dit is jy en Moselane wat vergader (30)

het/...

het in die lokasie of h vergadering gehad het", something of the sort, I do not know.

What was your response to that, if any? -- In reply to that I said to him I am not here for that. I am here to report about the office.

Did anyone of these eleven or so policemen then take a statement from your or take an interest in the damage to the union office? -- There was one who did some writing, although that person also did not take all the particulars.

Did you go to the meeting on Sunday, 2 September 1984?(10)  
-- Yes, I did.

Were you there when the meeting started? -- No, I arrived there some time after it had started.

Do you remember what was happening when you got there?  
-- At the time of my arrival, if I still remember well, Reverend Moselane was the person who was addressing the meeting.

Do you recall who you were sitting next to? -- Yes, I do.

Who was that? -- Next to Mothofela Mokgema.

Did he say anything to you? -- Yes, he spoke to me. (20)

What did he say? -- What he said to me was that I must inform the people about the stay-away which is going to take place tomorrow, meaning the following day. As a result of which I then asked him what stay-away are you talking about? On which he said to me a resolution was taken in Sebokeng about the stay-away which is to take place tomorrow, meaning the following day. As a result of which then Sharpeville must also do the same with Sebokeng. As a result of which then I said to him "Look, because of the fact that you are the person who knows about that kind of a resolution which(30)  
was/...

was taken, it would be wise for you to inform the community, meaning the people present, at this meeting about that because you are better informed. I do not know how to tell the people about something about which I am not well informed about." He also did not say anything to the audience there about that.

Was this was loudly or whilst the meeting was going on or did he speak to you softly? -- This was between the two of us softly while the meeting was going on. There were people immediately near us. (10)

Who was speaking - leaving aside the private conversation - at the time that this was happening? Who was speaking to the meeting as a whole? -- As I have already indicated to the Court at the time of my arrival Father Moselane is the person who was addressing the meeting. He was therefore continuing with his address. Not long that I have taken a seat next to this person did this person start to speak to me and therefore he was still on the floor.

What was Father Moselane saying? -- Even though I did not hear everything that he was saying in his address, but (20) what I followed was that he was talking in comparison with the signatures obtained and the number of residents in Sharpeville saying that these signatures do not represent all the residents of Sharpeville. I again heard him saying that he will have to leave earlier or soon because he must rush to Johannesburg, the reason being that he is attending a synod. What he further said is this that while being at this synod, he will try and find some more advice from those present there pertaining to the petitions and the court interdict. That is as far as I can remember. (30)

Was/...

Was there any talk as to what ought to be done with the signed petitions? -- What was said about the signatures or the petitions was that they are not enough and therefore it is necessary to get some more people to go around getting some more signatures which signatures at least should near the figure of the residents in Sharpeville.

What was to happen to the signatures once they had been obtained? What would happen to them? -- What was said by Reverend Moselane is that because we are now out of time, we have run out of time because the 1st has already passed. (10) What is to happen then is that whoever has got enough signatures on the form shall have to deliver the form at his, Father Moselane's residence.

When were they to be delivered? -- No time limit was mentioned. All that was said was whoever has succeeded in collecting enough signatures, that person shall have to deliver the form at Reverend Moselane's residence. That would of course take place during the course of that week.

What do you say to the evidence that was led before His Lordship by a witness that the Reverend Moselane said the (20) following "Now is the time that Mahlatsi and his company - that they can no longer play on our heads"? I am translating it from the Afrikaans. And that he, presumably Mahlatsi, has come to the last post or last station. Did Father Moselane say that or anything like that? -- Reverend Moselane never said that.

What do you say to the evidence given by a witness that Reverend Moselane said "Away with councillors. No more rent hikes"? -- I dispute that. He never said that.

What do you say to the evidence given by a witness (30)  
that/...

that the Reverend Moselane said that there should be a march to Houtkop in order to speak to Ganz? -- Reverent Moselane did not speak about marching to Houtkop.

Were there handwritten placards being held high up at this meeting saying "Away with councillors" and "No more rent hikes"? -- No placards were written there or displayed there, except for the banner which was brought by myself.

Was "Siyaya siyaya" sung at this meeting of the 2nd whilst you were there? -- No, the "siyaya" song was not sung.

Did any other person other than Father Moselane mention(10) the question of the stay-away or the march on the 3rd at that meeting of the 2nd? -- Reverend Moselane made no mention of a stay-away or a march, but there was somebody who made mention of a stay-away.

Who was that person?-- A woman known to me by the name of Nana.

What did she do or say? -- I remember her having a paper in her hand reading from that paper, saying that these were the resolutions in Sebokeng.

WITNESS STANDS DOWN.

(20)

COURT ADJOURNS.

COURT RESUMES.

K1014

NOZIPHO GLADYS MJEZA, still under oath

FURTHER EXAMINATION BY MR BIZOS : You recall, you were telling us that the woman called Nana produced a document and said there were resolutions about a stay-away in Sebokeng?-- That is so.

And that she had a document in her hand? -- Yes, that is so.

Did she speak about this, what the people there gathered should do about it? Did she make any proposal? -- Yes, (30)

she/...

she did make a proposal.

What was her proposal? -- Her proposal was that because there is a resolution taken on this taken by the Sebokeng people, we are therefore supposed to do the same in Sharpeville, that is what was resolved on in Sebokeng is to be made applicable here in Sharpeville as well.

What was the response of the audience to that? -- There were differences of opinion from the audience. The majority of the people at this meeting did not agree with that. There were those of course in the minority who (10) agreed with that.

Did you take part in this discussion as to whether there should be a stay-away or not? -- I took part in that.

What did you say? -- Without having been given the chance of saying what I said by the chairman, I just shouted from where I was "Why? Why do we have to stay away and not go to work? What is the reason?"

You told us about the divided opinions of the people there present. Did anybody suggest anything that would take care of the different opinions? -- Yes, there was a sugges-(20) tion made.

By whom and what was the suggestion? -- By Oupa Hlomoka who suggested that if there are those who feel that we must not go to work tomorrow, the best is then that we come to the church, that is where we will decide while being there as to what are we doing, unlike just sitting at home doing nothing. It was therefore then clear that those who were going to work, in other words shall go.

Was that suggestion accepted? -- Yes, it was accepted.

Was the question of the march discussed at all at this(30) meeting/...

meeting? -- No mention was made of the march at this meeting. What was mentioned was the stay-away.

Did Mr Hlomoka, accused no. 2 before His Lordship, attack the councillors at this meeting and say "Mabafe"? -- He did not attack the councillors at all.

Do you know Khehla Mthembu? -- Khehla Mthembu was on that day identified to me as Khehla Mthembu at a distance. I did not meet him formally.

Did you hear him speak? -- At the time that I was at this meeting, I did not hear him speak. (10)

COURT : Did he speak at the meeting? -- At the time of his being identified to me, it was said "That person there is Khehla Mthembu, he addressed this meeting", that is earlier before I came.

MR BIZOS : Were songs other than a hymn and Nkosi Sikilele - let me put it this way. Were any songs sung at this meeting whilst you were there? -- While being there, just at the end of the meeting, there was one song which was sung "Nkosi Sikelele e Afrika."

Was "Siyaya Siyaya" sung at this meeting? -- That song (20) was not sung at this meeting.

Did this meeting last long after your arrival there? -- It lasted not very long after my arrival.

Was anyone in a hurry who was connected with the meeting? -- Yes, somebody was in a hurry.

Who was that? -- Reverend Moselane who announced that he was going to attend a synod in Johannesburg.

From what you have already told us it was expected that some people would gather at the church the next morning on the 3rd? -- Yes, that is so. (30)

Were/...

Were you asked by anyone to do anything about that? --  
Yes, that is so.

By whom and what? -- Reverend Moselane requested me and Peter that we should not go to work the following day and we must be present at the church on the premises there. There is going to be another man, a Mr Mosuoane, if I am not mistaken, on the premises. We must therefore be there with him to observe what is happening.

Did he indicate who this Mr Mosiane was? -- Yes, he said this person is serving as a church council member. (10)

How did you spend the Sunday afternoon and Sunday evening before 3 September 1984? -- On my arrival at home after having been to the meeting on the 2nd and after having had a meal, I went along to a few houses nearby collecting signatures and later returned home in preparation now, after I had returned home, for the following day.

What did you think or hope or expect to happen the next day at the church? -- What I had in mind was going to happen the following day was this that we were going to meet at about 09h00 at that meeting and see if there were enough (20) signatures collected and if we feel that the signatures were not enough, we would then from there disperse from the meeting and then people will go around collecting some more signatures.

Was there any suggestion made by anyone that you would gather there the next day for the purposes of marching from Sharpeville to Houtkop? -- There was no such a talk at this meeting.

Did you have any inkling that there would be any public violence or any damage to property or injury or killing of (30) people/...

people the next day? -- Not at all. It never occurred in my mind.

Were you ever a member of AZAPO? -- No.

Before you saw Oupa Hlomoka on 19 August 1984 at the meeting at Sharpeville where Mr Tom Manthata was the guest speaker, before you saw him on that day, had you met him before? -- I was meeting him for the very first time this day at the meeting.

Were you a member of any organisation which was affiliated to the UDF? -- I was not a member of any organisation, (10) except being a member of the Bafutsana Party.

Did you, accused no. 3, that is Father Moselane and Peter Hlubi ever formed yourselves into an organisation? Did you regard yourselves as an organisation? -- No, we were no organisation at all and we had no intention of forming an organisation.

Were you ever referred to as the Asinamali Committee or the Anti-Rent Committee by anybody? -- There was somewhere that I read from the newspaper reports that we were being referred to as an Anti-Rent Committee. (20)

Was that a name that you gave to yourselves? -- No, we did not name ourselves that. I only came across this reading a report from a newspaper.

These meetings, the 12th, the 19th, the 26th and the 2nd, are alleged by the State to have been arranged by you and others on behalf of the African National Congress and the Communist Party and the UDF in order to overthrow the State by violence. -- No, I do not agree with that. These meetings were arranged by Reverend Moselane with the assistance from myself and Peter Hlubi. (30)

It/...

It is further alleged that the purpose of this meeting was in order to - let us start at the bottom, in order to destroy the Black Local Authorities and in furtherance of the campaign against the Koornhof Bills. Do you know anything about that? -- There is no such.

The other allegation is that the purpose was to mobilise, politicise and conscientise people in order to build a revolutionary climate in order to bring about violence and revolt? -- There is no such.

Did you know accused no. 1 before you saw him at the (10) meeting of the 19th? -- No, I did not know him. I saw him for the very first time on the day of the 19th.

Did you know anything about AZANYO? -- No, at that time I did not know anything.

Did you manage to get to the church on time the next day? -- Does that mean on the 3rd?

Yes? -- Not at all. I did not manage to reach the church on the 3rd.

I am going to leave you on your own. Will you please tell us - were you woken at about 07h30 in the morning? -- (20) Yes, I was woken up by a person known to me at about 07h30.

And did you then go out? -- This person woke me up and asked me to come and see.

See what? -- No, this person did not say it was that I must go and see. All this person said was "Get up, get up and come and see."

Well, did you go and see? -- Yes, I went to see but objecting to this person waking me up so early in the morning.

COURT : Did you see something? -- Yes, what she was drawing my attention to, yes, I did see something. (30)

MR BIZOS/...

MR BIZOS : What did you see? -- She drew my attention in a direction of police vehicles (described by the witness as hippo's) with policemen on the vehicles and other vehicles in the immediate vicinity of those vehicles. That is what she directed me to.

And what else did you see, if anything? -- What was surprising to me after that, I noticed people standing in groups at different corners of the street.

How large or small were these groups? -- They were small groups. For instance I remember one. I can estimate that (10) to have been about nine people or ten. There is a group which I joined in fact by going there. There they were fifteen people together.

Why did you join this group? -- My reason of having joined this group was, for the first time when my attention was drawn to the vehicles which I have just described with the police by this person who woke me up, I was seeing these vehicles through the open spaces, that is the openings left by different houses in the direction of the vehicles. I therefore on seeing that group standing at that corner looking (20) in the direction of the vehicles, decided to go and stand there with the understanding that may be from where they are standing, looking in that direction, they are having a better view of what is happening there. I therefore wanted to see what in fact was attracted to these people. I was therefore curious to go and see what they were looking at.

What happened as soon as you joined this group? -- It was not long after having joined the group and asked them "What are you people looking at in this direction?" before I could even get a response from anyone of them, teargas (30) canister/...

canister dropped inbetween us, that is in the group, as a result of which we dispersed and ran into different directions to nearby houses.

Do you remember whose house you went into? -- Yes, I do remember.

Who was it? -- It was Mr Letuka's house. It is a corner stand.

And who did you in Mr Letuka's house with? -- We were five in all. That is the people who ran into Mr Letuka's house, namely Mr Letuka's two daughters and a son, myself(10) and Peter Hlubi.

Where did you meet him? -- I did not see exactly from where Peter came. Immediately people started running while we were running into this house of Mr Letuka, I noticed that he was also running with us into that yard. Where he originally came from, that I do not know.

This room that he had the use of, was that in the general vicinity of your home? -- It was not very far from my home, yes.

Did you stay in the house for long? -- Not very long.(20)

Do you recall what time more or less you came out of the house? -- When I left this house it was before 08h00. I believe it must have been 07h50 or 07h55.

And what did you do then? -- When I left this house, on leaving in the company of Peter, there were no people in the streets nor was there any teargas smoke in the vicinity. I then in the company of Peter went home.

Did you stay there for long? -- I did not stay long at my parents home, because it was about time that we go to the church. (30)

Did/...

Did you set off for the church? -- We left, that is myself and Peter with a view of going to the church, but we went as far as the corner of the street where we stopped again.

What was the reason for that? -- Why we had to stop at this corner, Botso Nkoane and Mothofela Mokgema emerged. We therefore stood at that corner and started talking about our heading for the church from that point.

What happened then? -- While standing at this corner, what was discussed there amongst ourselves was we agree (10) that we are now going to the church, but it would appear there is some teargas in the area here. How are we going to leave. That is how are we going to leave going to the church under these conditions on which then Botso suggested that we go in two's and not in a group, otherwise if that be the case, there is nothing. The four of us then agreed to his idea that we were going to walk in two's.

I do not know what you mean if you say there was nothing if you walk in a group. What did Botso mean? What did you understand Botso to mean by that? -- I understood him to (20) mean because he was coming from far from my house where we met, that when people are in a big group, it is only then that teargas is used. Otherwise if you are less in number, then they do not use the teargas against you. That is what I understood him to say.

This Botso that you have mentioned, is he the same person that had been to the meeting of the councillors of 5 August 1984 with you? -- That is so.

You and he were then walking along towards the church?  
-- Yes, that is so. (30)

Did/...

Did anything happen while the two of you were walking along? -- Yes, something did happen.

What? -- While we were walking up the road, we had to turn right into another street, which was leading us in the direction of the church. Just after turning in that direction, I noticed a young man who was armed with a knife of about this size. That is the length with the handle together. The blade with the handle together.

COURT : 30 centimetres plus?

MR BIZOS : A carving knife to say the least. -- When this(10) person came up to us, he said "Yes, councillors, I have got you today."

COURT : To you? -- Yes, referring to the two of us.

MR BIZOS : Did you know this young man? -- To me this person was a total stranger.

Did you or Botso say anything? -- Yes, we did speak to that person although this person was just not giving us a chance to say what we wanted to tell to him.

What did you try to say? -- I remember saying in response to what he had said "Hay, we are not councillors" and then(20) Botso saying to us and him "Why do you say that?"

Did the young man say anything? -- After having pleaded with this person not to stab us, this person then indicated the direction in which we were going, saying "Join the force", indicating to us that we must join the force in that direction.

Did he point to anything? -- Yes, he was pointing at something at the time.

What was he pointing at? -- He was pointing at a mob coming down from the direction of Putsoasteen. That is coming(30) in/...

in our direction as we were walking.

How big was this mob? -- About ninety or slightly less than that was the number of the people in the mob.

You were told to join the force. Did you go and join the force? -- We went into the direction of these people directly.

And they, did they remain stationary? -- They were coming in our directions. I would describe the manner in which they moved as they were sort of trotting in our direction. Not running, but trotting. (10)

Were they saying anything whilst they were trotting towards you? -- Yes, they were making a certain sound simultaneously.

What sound were they making? -- This was what was said. There was a person who was leading this sound by uttering the following words "Niyabesaba na." When this person leading was saying that, then the mob would respond by saying "Hayi Asibesabi Siyabafuna."

COURT : Could you just give us a translation "Niyabesaba na"?  
-- Are you scared of them. (20)

And "Hai Asibesabi Siyabafuna"? -- No, we are not, we want them.

Was this shouted or was it sung? -- They sounded as if it was just being shouted and there was a response, but this was sort of done at the same time or it went with a stamp of their feet. For instance when the one was shouting "Niyabesaba na", then the others would respond "Hayi Asibesabi Siyabafunda." This was done as a sort of a rhythm with the trot.

What did you do? -- We at some stage decided to (30)

stop/...

stop moving, looking at them while they were coming towards us.

And? -- I then asked Botso whether he knows these people on which he said no, he does not. Immediately when he said that, one from the mob came forward towards us saying "One line" pointing at the mob from which we came.

MR BIZOS : What did you understand by that? -- I understood this person to be instructing us to join the mob, because at that stage we were more to the side of the mob. So, he shouted "One line" which I understood he meant that we must(10) join the mob in what they were doing.

Did you join the mob? -- Yes, we were so much shocked that we just had to comply with the instruction by getting inbetween them pretending to be joining them in what they were doing.

Did you recognise any of these people? -- No, I had a proper look at these people and none of them was known to me even facially.

If eighty or ninety young people from Sharpeville were you were born and mainly brought up come together, would (20) you recognise some of them? -- Yes, even though I would not know all of them, some faces would be familiar to me, that this person lives somewhere in Sharpeville. The only thing is that I did not know what the name of the person is.

There are just two things that I would like to try and establish for His Lordship. First of all, at what time was this more or less? -- My estimation of time is, when we met the first person with a knife was at about 08h20 and when this incident happened, that is after we had been pointed in the direction of the mob and the incident of the mob (30)

taking/...

taking place, it was something to 09h00 or 08h40, but after 08h30.

And where was it more or less? Do you know the name of the street or near some wellknown spot where this took place? -- Yes, I can try and remember the name of the street in the immediate vicinity of where this incident happened. There is a school nearby there.

You do not remember the name of the street? -- They were coming down Sobuza Street in the direction of Ramokgase. That street is curving. I beg your pardon, what happens is(10) this. Sobuza Street is running parallel with Ramokgase. These people are coming down Sobuza Street turning into another street with no name, up to the corner of that no name street and Ramokgase.

Were these people armed with anything, the mob? -- Yes, they were armed with different kinds of objects which they had in their hands.

Such as? -- Stick, iron rods or pipes and some plastic containers containing something which is a liquid.

COURT : Near which school was this? -- Near Immanuel School.(20)

MR BIZOS : Did they damage any property or attack anyone after you had been forced to join the one line? -- That is so. Those right at the front of the mob did do something.

What did they do? -- What happened is, there is a corner house at the corner of Ramokgase and the no name street, which house is in fact in the immediately vicinity of the school. Just when they came to that house, I immediately noticed some smoke starting at this house. This is the corner house.

Do you know whose house it is? -- Yes, I do.

Whose is it? -- That is Mr Mogomosi's house. (30)

COURT/...

COURT : Who is he? -- He is a resident of Sharpeville who was long ago employed by the Administration Board.

MR BIZOS : As soon as you saw the smoke at this house, did anything else happen? -- The police vehicles (described by the witness as hippo's) emerged coming down Ramokgase Street in the direction of this particular house.

And what happened then? -- While they were still at a distance, they started shooting some teargas into the crowd which was in the immediate vicinity of this particular house.

And what happened then? -- After the shooting of the(10) teargas into the group, that resulted in the dispersing of the mob. We also ran into different directions. We went through some yards in that vicinity, giving way from the scene.

This mob, did it re-group? -- Yes, after some time that I have home I noticed that they again re-grouped.

Let us just get this clear. At the first dispersal did you go into a yard and thereafter did you go home? -- Yes, this happened not very far from my parents' home. So, I jumped some few fences in order to reach my parents' home.(20)

You have told us that you did not recognise any of these people constituting this mob, what can you say about them? First of all about their dress? Did their dress indicate to you what sort of people they were? -- They were confusing. The manner in which they were clad for the first time I got the impression when I looked at them, that they were tsotsi's, but again looking at the scarves they had on their heads, that gave me another impression that they were people who can be labelled as "Russians". That refers to Sotho clan, commonly known as Russians. So, therefore I (30)

am/...

am not in a position to give a proper description of what kind of people were these.

What are Russians, other than those living in the Soviet Union? -- My understanding of that word Russians here is that one will find a group which is operating together naming themselves Russians. Like for instance you would find a group of tsotsi's operating together naming themselves a particular name to identify themselves, that is identifying the group.

COURT : Does it have any connection with the pap and russians(10) one gets at a café? -- I have no idea whether that is connected with that or not. I only know it to be a name of a group operating together which decides to name itself Russians.

And is that a Sotho group? -- It is Blacks.

ASSESSOR (MR KRUGEL) : And what about the malaitas? -- As far as I know in my experience of these words how they are being used, a group can come together and form a certain group and operate on certain things and then call themselves malaitas.

This group that you are talking about the Russian group, (20) it is not necessary the same people. It can be a group of people here and now and then you can have quite another group of people tomorrow which you will also call Russians? -- Do I understand the Court to mean at the same area or at different areas?

Not necessarily. In a different area perhaps? -- Yes, it happens. For instance like the tsotsi's. You will find them naming themselves a name here and find the same name with other tsotsi's in another area.

COURT : Yes, but did you know of a group existing in (30)  
Sharpeville/..

Sharpeville which called themselves the Russians? -- No, I did not know about a group calling themselves Russians.

Now why did you say that this group was a group which you thought were Russians? -- When I was still young, I came to know about a group of people in Soweto who were calling themselves Russians. That is Phiri township of Soweto and again there was a group which was known to me during those days still which called themselves Russians in Evaton. That is why then I have this description of a Russian. (10)

MR BIZOS : After you got out of this line that you had been forced into and you went home, did the group re-group after they started the fire at the house, the corner house? -- Yes, the group re-grouped again.

What did it do? What did the group do? -- When it re-grouped again I noticed that there were people from the group who were going into different houses there, getting people out of the houses to come and join the re-grouped group.

How did they force them to join them? -- Why I say (20) they forced them to join the re-grouped group is because they would just indicate to whoever they wanted must join the re-grouped group, for instance with an object like a stick or a piece of iron which was threatening and just say "Join the line." Which was done even to myself and my father at home. We had to join the group. That is myself and my father as a result of that.

This is the second time? -- Yes, I was now joining the group for the second time.

Together with your father? -- Yes, that was myself, (30)

my/...

my father and other children at home including my own child because this is tall, therefore was also ordered to join.

How old is your child? -- My child is now 14.

Did you manage to get out of this group again? -- Yes, I managed for the second time.

How did you do that? -- On our way to join the group which we were ordered to join by the others, one of them then had an argument with the others, pointing at my father saying "This person is too old to be joining this group, let you go back home." When they were talking about that and(10) after having agreed, my father had to return home. They did not pay particular attention as to what was happening to him then. As a result of which then I got the opportunity of disappearing avoiding to join the group.

Did you go back home? -- Yes, after I had disappeared from the group, I went home.

Do you know whether your home was attacked that night, the night of the 3rd? -- Yes, that is so. I have that knowledge.

What did you decide to do after all things happened (20) to you? -- After all this had happened I got a fright. I remembered about the incident when we were attacked by that man for the very first time. That is when I was on my way to the meeting that morning. That is the who was attacking us with a knife.

Did you go away from the Vaal? -- Yes, after those attacks I decided to get away from the Vaal Triangle.

And where have you been living and working? -- After having left my home, I did not work, but I stayed at different places. It was after some time that I had left my (30)

home/...

home that I again started working.

COURT : Where? -- I was employed by the Hotel and Restaurant Workers Union which later merged with CCAWUSA and RAWU, Commercial and Catering Allied Workers Union.

And where did you work? -- CCAWUSA is in Johannesburg. That is where I was employed.

MR BIZOS : And Hotel and Catering? -- Their offices are in Johannesburg as well. That means the head office is in Johannesburg. Otherwise there are branches to that office, for instance one of them is in East London. (10)

Were you working in Johannesburg? -- I was working in Johannesburg, but I would go out to for instance Welkom, Bloemfontein.

In what capacity are you employed? -- I am employed in the capacity of the organiser. That is organising the workers.

Thank you, My Lord.

KRUISONDERVRAGING DEUR MN R. HANEKOM : Mevrouw Mjeza, in 1984 was u getroud? -- Ongetroud.

Hoeveel kinders het u gehad? -- Ek het een kind.

Toe u na die gebeure van 1 September 1984 die Vaal (20)

K1015 verlaat het, het u u kind saam met u geneem? -- Nee, ek het die kind agtergelaat saam met my suster en my pa.

GETUIE STAAN AF.

HOF VERDAAG TOT 11 NOVEMBER 1987.