

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

A

SAAKNOMMER: CC 482/85

PRETORIA

1988-01-29

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 29 JANUARY 1988.

FAFALE CLIFTON LEPELE: d.s.s. (Through Interpreter)

EXAMINATION BY MR BIZOS: Are you a quality controller employed by Thames Wire & Cable? -- That is correct.

COURT: Vereeniging? -- Yes.

MR BIZOS: For how long have you been working for this firm? -- Twelve years.

And are you married and do you have two children aged 13 and 9? -- That is true.

Are you 37 years of age? -- That is true. (10)

And do you now earn R150 per week? -- Yes that is true.

You have passed standard eight? -- That is true.

Do you live at 418 Zone 8, Sebokeng? Whose house is that? -- That is my own house which I bought.

Yes. As it is a new type of matter my lord I intend dwelling on it for just a short while because it is a different category of housing. When did you buy this house? -- March 1984.

Now what did you actually get when you bought it, what did you get, what was on the stand? -- When I came there (20) I found that there was only a toilet, the roof and a basin for washing hands. It was just a roof without walls.

COURT: What kept the roof up? -- Steel pillars.

MR BIZOS: Yes and how much ...

COURT: This was not a surprise to you, you knew that when you bought or was it a surprise to you? -- Because I did not have anywhere where I could put up or get a shelter I bought that place and just told myself I will see what to do afterwards.

MR BIZOS: You saw that without walls and you agreed to (30)
pay/....

pay how much for it? -- Six thousand.

COURT: In instalments? -- Yes, I am paying it off on instalments.

What are the instalments? -- R86.

Per month? -- Yes.

And just one more question, is this a 99 year lease or what is it exactly? -- I believe it is 99 year lease.

Should you get tired you are at liberty to sit down.

-- Thank you.

MR BIZOS: Now did you hear that there was going to be an (10) increase in relation to your type of payment in 1984? -- Yes I came to hear about that.

COURT: Was that an increase on the payments on the house or was it an increase on the service charges? -- It was an increase in respect of all the houses. It was said that what you are paying will be more by R5,90.

Yes. The R86 did that include your water and electricity? -- There is no electricity there, I was paying for water only.

Yes, thank you. And I take it for sewage removal and that sort of thing? -- Yes, that was included. (20)

MR BIZOS: What were you earning at the time, in 1984? -- R93.

Per week? -- Yes.

Where were you born? -- Vereeniging at a place called Top Location.

Where is that in relation to Sharpeville? -- It is near the town Vereeniging itself, just outside Duncanville.

And where did your parents live whilst you went to school and whilst you grew up and after your marriage? -- They moved to Sharpeville. (30)

Now/....

Now did you try to get a house in Sharpeville before you moved out to Sebokeng on this, we will call it a 99 year lease plan? -- Yes.

For how long did you try to get a house? -- I think for two years.

COURT: Is Sharpeville a very old township? -- Yes it is a very old township.

Have there been extensions to Sharpeville itself in the last ten years? -- No there was none.

MR BIZOS: Did houses become vacant from time to time in Sharpeville? -- Yes it did happen that from time to time one would find a house which was not occupied. (10)

Did you apply for any of these houses that were not occupied? -- Yes I applied.

Where did you apply? -- At the offices in Sharpeville.

Were you referred by the office in Sharpeville to anyone else in the hope of getting a house? -- Yes I was.

To whom and when? -- I was referred to Mr Mofokeng in our ward. Before that I was referred to another person who was in fact in our ward before Mofokeng took over. (20)

Was he a councillor? -- Yes.

ASSESSOR (MR KRUGEL): Both of them?

MR BIZOS: Both of them, successively apparently. -- Yes.

Now when you went to the first councillor what were you told? -- He said I must wait until after the elections.

And which elections were they referring to, do you recall? -- Those were the elections with reference to the councillors or to return those councillors who were holding the office back into office.

Do you remember when that was? -- It was in 1983. (30)

Did/....

Did you go to any meetings in relation to these elections?

-- No, because of the first councillor who said I must wait until after the elections I did not go to his meetings that he held. I felt that he had more interest in the meetings that he was holding than my complaint.

Did you go to anyone else's election meeting? -- Yes I attended Mofokeng's meeting, that is the second person I have referred to.

Did you hear what was said at this meeting?

COURT: What was his first name? -- I do not know what his (10) first name is, I only know him by his surname Mofokeng.

MR BIZOS: Did you attend his meeting? -- Yes I attended his meeting.

ASSESSOR (MR KRUGEL): Was Mr Mofokeng opposing this first councillor that you talked about? In the election? -- Yes.

MR BIZOS: So you went to Mr Mofokeng's election meeting, yes. And what, did Mr Mofokeng speak there at his meeting? -- Yes he spoke saying the following, that he was going to see to it that pensioners are not paying the equal amount on rent like those who are still capable of working and secondly he was (20) going to see to it that there is no increase of rent, instead he will see to it that it is being reduced.

Anything else that you recall him saying? -- Yes what he said further was that the clinic in Sharpeville was small in size, it cannot accommodate many people for attention and he was going to see to it that the clinic, the structure itself, is being extended in size and he will see to the attention of the roads, that these roads shall have to be tarred. And thirdly he said that he was going to see to it that those people earning little shall have to pay less rent than the (30) others./....

others.

ASSESSOR (MR KRUGEL): Those who? -- People earning little.

MR BIZOS: To how many people was he saying all these things?

-- I beg your pardon?

To how many people was he saying these things at his meeting? -- About hundred plus.

Were you impressed by Mr Mofokeng? -- Yes I was impressed by him in addressing us there.

Did you vote for him? -- Yes I did.

And he was elected? -- Yes he was. (10)

Now after the election did you approach him? -- Yes I approached him after the elections.

What for? -- That is because I wanted to be allocated a house.

Do you remember when you went to him? -- I am not sure of the exact date but this was during the month of December, in the middle of the month.

1983? -- Yes.

Yes, and what did you ask him? -- I asked him to place my name on the list of the people who are waiting for to be (20) allocated houses because I am also looking forward to be allocated a house.

What did he say to you? -- He said I must come and see him after a month from that day.

And did you go to see him? -- Yes I did.

What happened between the two of you? -- When I came to him there the first thing he said was that there is still no house available and immediately after saying that he invited me out to come along with him outside.

Outside of what? -- This happened at his house, we were (30)

in/....

in his house when he first addressed me and then invited me out of his own house.

Did you go out with him? -- Yes we went out with him.

And? Was anything said outside? -- Outside he said to me if I am really desperate for a house and that is urgent I will have to wash his hands.

ASSESSOR (MR KRUGEL): Did you say "we went outside"? Were you alone with him or was anybody else with you? -- By "we" I mean myself and him went out together.

MR BIZOS: Did you understand what he meant by your washing (10) his hands? -- I understood the statement but then I was not clear as to what that meant.

COURT: Did you enquire? -- As a result of which I enquired from him as to what that was.

Yes, what did he say? -- He said that means that I will have to give him an amount of R100 so that he can find a house for me.

MR BIZOS: Did he indicate to you how long after you gave him the R100 you could have a house? -- He said after, what he said was after giving him the money then I shall have to see him (20) after a month, a month from this day on which I hand over the money.

Yes. Did you hand him over any money? -- After talking to him this day and when he had already entered my name on the waiting list I left without giving him the money until it was the end of the month when I could get a loan from my father to add to the money I had myself to make out the amount of R100 in order to go and give to him.

COURT: Did you get a loan? -- Yes my father gave me a loan.

MR BIZOS: And did you pay it over? -- Yes I did. (30)

COURT:/....

COURT: You paid R100? -- Yes I paid him the amount of R100.

MR BIZOS: Do you remember when that was more or less? -- I am not sure of the date on which the money was handed to him but what I can tell the court is that it was just after the end of the month of December, the beginning of January, somewhere there, during that period, that the money was paid over to him by me.

And did, when you gave him the money what did he say? Did he say anything? -- Yes he then said that I must come and see him after a week from the day that I gave him the money. (10)

Did you go back? -- Yes I did go back.

Did you get a house? -- No I did not.

COURT: What did he say? -- Then he said to me I must wait, he is now going to come and tell me.

MR BIZOS: Did he come and tell you? -- He did not until I went to him again.

Yes what did you say to him and what did he say to you on this occasion? -- What he said to me this time was that he is bound by the priority of the people according to the list, that those names who are appearing before my name shall (20) have to be settled first before me.

What did you say? -- He then said to me it is find, you want a house, I am trying to find you a house. Give me some more time, at least another week. I will come back to you. Meaning that he was going to come back to me.

Did he come back? -- No he did not.

Did you go back to him again? -- Yes I went back to him again.

What passed between the two of you at this occasion? -- On arrival there I said I am back again as a result of (30) which/....

which then he said to me "Look I want to find you a good house in a good condition which house will not demand a lot to be attended to on it by you".

And how did you part? -- On that I told him that look all I am interested in is a house. I am not looking for a better house or a nice looking house. As long as it is a house. I am a married man with children, I want a house.

Yes? What did he say? -- He then said "Look you go now, I did not want you to get a house which is not clean as if I was not promising you to get you a better house". (10)

Did you go? -- Yes I left.

Did you take, did you go anywhere else to find a house? -- After that, which was during March, I went to Evaton to the administration board offices where I applied for a house.

And is that how you came to enter into the 99 year lease arrangement that you described to his lordship earlier? -- Yes.

COURT: Did you get it immediately? -- What happened is this, because of the houses which were incomplete as described by me here I was give a list to go and have a look at the (20) houses and then decide on one if ever I decide on a house.

MR BIZOS: And once you decided and the papers were completed were you given that house? -- Yes.

COURT: Now does zone 8 fall under the administration of Evaton? -- It falls under Evaton.

ASSESSOR (MR KRUGEL): Mr Lepele it is not quite clear what type of transaction you entered into. When you bought this place was it on the basis that only the toilet, the roof and, the roof on pillars was supplied by the seller leaving it to you to build the wall yourself or was it a contract to buy (30)

a/....

a house which would be completed by the seller? Eventually?

-- The deal was that I am buying it as it stands there, I was going to put up the walls, the structure of the walls.

MR BIZOS: And did you in fact put up the structure of the walls at a cost of, do you remember the cost? -- Yes I paid an amount of R800 to have those walls built.

Did you have that in cash or did you have to borrow that amount? -- I had to borrow the money to buy this place and the material used by me in building up the walls was bought on account which I had to pay off. (10)

COURT: Now from whom did you borrow the money to buy the place? -- I had a savings account from where I had to draw the deposit for the purchasing of this incomplete house and then to have the walls built I then had to go and borrow some money.

MR BIZOS: In ...

ASSESSOR (MR KRUGEL): Mr Bizos, before you go on, could we just get an idea of, have you got a bond on the place, is there a bondholder? A bank for instance or even the administration board, where did you get the money? -- There is no (20) bond on this house. I got the money, some of it as a loan from my uncle and some from my father.

The R6 000? -- The position is this, they wanted an amount of R400 as a deposit on this house which money I had to draw from my savings account. On paying them this deposit of R400 they then worked it out and said to me that I was going to pay them, that is the administration board offices, an amount of R86 per month.

For what period of time? -- I was not told for what period of time was this going to be paid off by me. All they said (30)

to/....

to me was that this is the amount you are going to pay per month.

You do not know whether you got a fifteen year contract or a twenty year contract? -- No that I do not know. I was not told.

It is a pity. It is a pity. Thank you Mr Bizos.

MR BIZOS: As a result of taking the money out of your savings account and borrowing money for the building of the walls in July/August 1984 were you managing on your R93 per week salary? -- Life was difficult. (10)

COURT: Was it not difficult also before you drew your deposit from the savings bank? -- It was difficult but this time it was worse than it was before.

MR BIZOS: And did you hear about an increase in payments in July or August 1984? -- Yes I read about that from a newspaper report.

Did you ever get any written notice as to whether or not your particular house that you had paid for, or were paying for, whether that would increase as well? -- I received it.

By how much was your payment going to be increased? (20)
-- Between, I am not certain but what I can tell the court is that the increase differed. Those people who were renting the board's houses were paying more increase and with us people who had bought the places our increase was going to be less. It was between the two amounts, R5,50 and R5,90. I am not certain which is which.

COURT: Per month? -- Yes.

MR BIZOS: Did you feel happy about this proposed increase?
-- I was not happy.

Now did you hear whether anything was going to happen (30)

in/....

in your community towards the end of August, beginning of September 1984? -- Yes I heard that there was a body which was already there with a view of going to discuss this question of rent with the people in higher authority.

Where were the people of higher authority? -- According to what I heard the people were those of the administration board.

COURT: Now this body which was going to discuss the matter what body was it, where was it to be found? -- I heard that those body was from Sebokeng, known as if I am correct, VC (10) Association.

MR BIZOS: It was going to speak to higher authority, the administration board you said? Did you know where their offices were? -- Whose office, the body's offices?

The administration's offices. -- According to me what occurred in my mind was that if they are talking about such offices then they mean Houtkop, which were the main offices.

COURT: Now what, when was this information, when did this information come to your notice? We have a certain date that is the date the riots began. Was it after or before the (20) date the riots began? -- It was before.

How long? -- Because I really did not pay a particular attention to the day on which I got to know about this I therefore cannot tell how long before this that was.

MR BIZOS: We know that the riots began on 3 September 1984. Did you go to any place on the morning of the 3rd? -- Yes.

Where did you go to? -- I went to the Roman Catholic church.

COURT: Small Farms? -- Yes.

For what purpose? -- The idea why I went there was as (30)

a/....

a result of my having heard about a resolution which was taken by the people, including myself, that is the community, that we were going to march from this point - that is the Roman Catholic church Small Farm - to Houtkop to go and make representations about our complaints and/or to go and hear what was being said, that is myself going to hear what was being said about that in Houtkop.

We know that 3 September was a Monday. Did you decide to go to work or to go and join the people that were going to voice their complaints? -- I decided because I was a resi- (10) dent of that township that I was joining the people to Houtkop.

What time did you set off from your house to the Roman Catholic church Small Farms on the morning of 3 September? -- It should have been between 08h30 but before 09h00. That is between 08h30 and 09h00.

Is your house very far from the Roman Catholic church? -- No it is not far, it is about five to ten minutes walk.

And did you walk from your house to the church premises? -- Yes.

Alone? -- Yes alone. (20)

Did you walk along the roads or across the veld? -- Along the road.

Any obstructions on the road? -- No.

COURT: Just tell me where you live. Do you live opposite the indian shops? -- Just a little up from there.

Yes, sorry I do not know what you mean by "up". Do you mean in the direction of the church or in the other direction? -- Where I live is along the line of houses which forms the back opposites of the houses facing the tarred road.

The tarred road is Selborne Road? -- I do not know (30)

what/....

what the name of the tarred road is but it is the one between Zone 7 and zone 8.

Well that is called Vilakazi Road. So you are living in that row which faces west? -- I do not understand but if I may direct his lordship this way. The tarred road which runs through zone 7 and 8 that bus stop in zone 7 I am staying in the line of the houses just behind there.

So is on the one side, on the side of your back door is Masenkeng and on the side of your front door is Isikwazi school? -- No the other stop, not Masenkeng. There is (10) another one up the road there.

That is more in the direction of zone 12? -- Yes from that bus stop then you are heading for a bus stop in zone 12.

Now zone 8 is triangular in shape. Its point, sharp point is at the bottom on the southern side? -- Say a person was walking from zone 12 in the direction of zone 7. The very first bus stop you find in zone 7 I live in that immediate vicinity.

Yes, how far, how many houses does one pass walking from zone 12 to zone 7 on entering the road between zone 8 and (20) zone 7, how many houses do you pass before you get to your house? -- After getting off at this very bus stop I am talking about in zone 7 along that very main road which is being used by the buses further down into zone 7 and 8 on your left you count 12 houses, my house is the house just at the back of that house.

Now, well let us cut it short, when you walk from your house to the church you first walk in a westerly direction and then you take the road which runs in front of and passes in front of the indian stores, is that correct? -- No one (30) goes/....

goes down the same road, that is the main road of the buses further down, there are streets turning off from this main road to your left. I use one of those streets in order to turn into the direction of the church.

Right, now how far did you talk on Vilakazi Road which is the road between zone 7 and zone 8 on that morning? --
Where to now?

You were on your way to the church. -- I did not use the main road. I used my own street which is the street in front of my house which runs parallel (according to the direction (10) of the witness) with the main road in that direction of the church.

Yes your street is not a tarmac road? -- That is correct.

And that morning up to the time you reached the church you did not walk on any tarmac road? -- No.

Thank you.

MR BIZOS: Whilst you were going to the church did you see any property being damaged in any way, burned, any smoke along the way or near the church premises, any unusual smoke?

COURT: Near the church premises? (20)

MR BIZOS: Near the church.

COURT: Are you limiting it just to the church premises or did he see it anywhere?

MR BIZOS: Anywhere on your way, did you see any smoke of any unusual nature on your way to the church? -- No I did not see any smoke.

When you arrived at the church premises what was happening? I found some people outside and some were busy entering.

COURT: Entering? -- Entering the church building. I am sorry entering the church hall, not the church building but the (30)
church/....

church hall.

Yes. What did you do? -- I got into the hall, found myself a seat and then took a seat there.

Yes. And then what happened inside the hall? -- While I was in this hall I noticed one person on the stage.

Yes, did you know this person on the stage? -- Yes I knew this person.

COURT: Yes, who was he? -- He was known to me as Esau.

MR BIZOS: How did you know his name? -- I met him at Trevor Building which is in Vereeniging. That is where our union (10) houses.

COURT: Trevor? -- Trevor Building.

MR BIZOS: Which union do you refer to as "our union"? --
MAAWU.

Is that Metal and Allied Workers Union? -- That is the one.

COURT: Was he employed there? -- I am not certain whether he was employed there because this person was in an office next to the office of our union.

MR BIZOS: And what did this person whom you knew as Esau (20) say?

COURT: That is now in the hall I take it?

MR BIZOS: In the hall, yes in the hall. -- What he said was as we are here with one aim of going to Houtkop should we happen to come across the police on our way in the march to Houtkop we must not be frightened because there are certain people who will talk to the police so we do not have to panic in seeing the police.

Yes. Do you recall whether he said anything else? -- I cannot recall what else this person said. (30)

Did/....

Did, was he the only person who spoke inside the hall?

-- No there were other two people who also spoke there.

Did you know them? -- No I did not know them.

What did they say? -- In their speech or in what they said they were just supporting Esau's address in saying that we must not run away, we must not panic when we see the police.

Did either Esau or the other two people say that the purpose of the march was to go and destroy the property of the councillors and kill the councillors? -- No nothing like that was said. (10)

Or that the purpose of the march was to go and destroy the property of the administration board, public buildings or beer halls or any other type of structure? -- No there were no such talks.

COURT ADJOURNS FOR TEA. COURT RESUMES.

FAFALE CLIFTON LEPELE: d.s.s. (Through Interpreter)

FURTHER EXAMINATION BY MR BIZOS: Mr Lepele after the three persons spoke inside the hall what happened? -- We went out.

COURT: The name is Lepele, not Letele. L-e-p-e?

MR BIZOS: L-e-p-e-l-e. (20)

COURT: I had it Letele, maybe because I know a sheep by that name. Yes, thank you.

MR BIZOS: When you were outside did anyone speak? -- Yes there was somebody who spoke outside.

Who spoke? -- Those people who spoke outside there were not known to me. I was seeing those people for the first time.

COURT: Not the same people who spoke inside? -- No they are not the same people who spoke inside.

MR BIZOS: How many people spoke outside that you heard? (30)

-- Inside?....

-- Inside?

No outside, how many people spoke outside? -- Two.

What did you hear these two people outside say? -- They said we must stand in a line in order to be able to move out. They said we must stand in a line.

Yes, what else did they say? -- Yes, in addition to that they supported what Esau had said inside, namely that should anything happen we must not run away, we must just behave ourselves in a proper way.

Did anyone that spoke outside say that the councillors(10) must be killed or that property must be destroyed or anyone else's property must be destroyed? -- Nobody said that.

Did you yourself fall into the march? -- Yes.

And did you see anybody carrying anything there? -- Carrying in what, on the head or what?

Well in their hands or anything?

COURT: Keeping something in the air? -- I saw some cardboard boxes of about this size (as indicated by the witness).

Forty centimetres. -- With some writing on them.

MR BIZOS: Did you read the writing on any of them? -- Yes (20) I did read the contents on the cardboard boxes.

What did the cardboard boxes have written on them? -- The one I read was about "Asinamale". The other one was saying the councillors are to resign. The other one was reading that the rent must be decreased. I do not know, those are the only three I can remember.

Did you read on any of these cardboards being held up on that morning suggesting that any violence should be used on any councillor or anyone else? -- No.

And did the march set off from the premises of the (30)

Catholic/....

Catholic church? -- Yes.

Now when the march was on the tarred road and moving along the tarred road were there any obstructions on the road that you saw? -- No there were no obstructions.

As you went along the tarred road did you turn to the right at Masenkeng?

ASSESSOR (MR KRUGEL): At what?

MR BIZOS: Masekeng.

ASSESSOR (MR KRUGEL): Masenkeng?

MR BIZOS: Oh sorry have I mispronounced it, Masenkeng. (10)

ASSESSOR (MR KRUGEL): I thought you were talking about Mafikeng or something.

MR BIZOS: Oh sorry, Masenkeng. -- It went past there, yes.

Now whilst you were walking along the tarred road towards Masenkeng did you see any column of smoke anywhere near there? -- No I did not see any smoke.

As you went up uphill towards Houtkop did you pass any bus stop shelters or ticket offices or property of the bus company? -- Yes we went past such places.

Did you see the property of the bus company being (20) destroyed in any way? -- No, no property was damaged.

As the march was proceeding along towards Houtkop were any persons forced to join the march? -- No.

Were the people marching in a sort of untidy way or in proper formation? -- They were walking properly.

Was there anyone to see to it that they were walking properly? -- Yes I noticed some people who were walking on the sides of the march controlling the people to walk proper on the march.

Now if you were to divide this march into four sections (30)
in/....

in which section were you personally marching as you were approaching the BP garage? -- I estimate myself to have been between the second quarter or the third quarter, between those two quarters, that is where I found myself.

COURT: That would be midway, in the middle of the march? -- Yes I would say so.

MR BIZOS: And as you were walking uphill towards Houtkop, marching uphill towards Houtkop, did the march increase or decrease? -- It increased.

Did you notice whether or not the march continued at (10) the same pace, or did it go faster or slower at any stage whilst you were somewhere near BP garage? -- I became aware of the march slowing the pace of the movement.

Did you find out why? -- When I lifted my head to see what was happening in the front I noticed that there was a group of people joining the march right up front.

Do you now know where the Fowler bus stop is? Sheds, or shelters? -- Yes this is between zone 11 and 12.

Where were these people joining the march in relation to the Fowler bus stop? -- There is some curving of the road (20) there which swings to a direction. The head of our march had just gone past that curve when these people started joining.

C.1098 Now when they had joined the march did the march remain at a slow pace or did it pick up pace again? -- The march then regained speed to the speed which we were travelling just before slowing the pace.

For how long did the march go along at this slower pace, a long time, a short time? -- A short time.

When you reached this curve is it to the left or to the right that you turned? -- To the right. (30)

COURT: /.....

COURT: Yes, the witness personally? -- Yes when you personally reached this curve. Did you notice any unusual smoke near that curve? -- There was some smoke there because people were home making fires and different kinds of sources of making fire like for instance a brazer fire and some burning some dirt. Therefore one would see some smoke.

Did you see any smoke of the nature as we have described as you were taking the curve? -- I did not pay a particular attention to a kind of smoke there much as I did not even the way while we were on the march. What I noticed was that (10) there was the usual type of smoke what one sees normally.

COURT: What did you then see there in the vicinity, the same as normal? -- Yes the same as normal.

MR BIZOS: Whilst you were taking this turn were you aware that some distance behind the houses of that turn the home of the late Caesar Motjeane was being burnt and his vehicles had been burnt and he himself had been murdered? Were you aware of any of these things happening? -- No I did not know about that nor did I become aware of that.

As you were taking the turn did anyone from the march (20) comment on what might have been happening in that direction or raise any sort of alarm or say anything which indicated that these things were happening? -- No nobody ever mentioned that.

Did you hear any gunshots? -- No I did not.

Now do you know that at that intersection there is a lane going up from the tarred road as you take the turn to the right?

COURT: Does it run uphill?

MR BIZOS: Yes my lord.

(30)

COURT: /

COURT: The lane runs uphill?

MR BIZOS: The lane itself yes. Well perhaps the witness should, I am not giving evidence. I know that but I am not giving evidence.

COURT: Yes well, very well.

MR BIZOS: Does the lane go a little uphill there? -- I am not quite certain, the reason being that I was not long in Sebokeng.

I did not know many people. Even this area I did not know it quite, I am not well acquainted with it.

COURT: Did you know of a lane? -- After some time that I (10) was staying there I came to know about a lane there.

At the time of the march? -- No I did not.

MR BIZOS: Do you recall whether there were groups of people running up and down a lane, any lane, whilst you were near that intersection? -- No I did not see them.

Did you know who Caesar Motjeane was at that time? -- I have not seen him up to now.

Well after you took the turn did the march continue along the tarred road? -- Yes.

Did you go past the post office? -- Yes. (20)

Did you see the post office being damaged or anyone attempting to damage it? -- No.

Did you reach Houtkop? -- No we did not.

Why, what happened? -- While heading for Houtkop I realised that our march was slowing the pace. I looked up to see what was happening and noticed that there were Hippos other cars stationary in the road.

Yes please carry on? -- Because it was said to us should we see the police or become aware of the police presence we must not panic and we therefore on seeing that stopped. (30)

Yes, /....

Yes, what happened then? -- While we were standing there I heard the noise from guns and teargas. Because of the fact that no one can stand those that I have mentioned we ran away.

Did you hear anyone asking you to disperse before you heard the shots or became aware of the teargas? -- Nobody said anything while we were there.

You say you ran away. Where did you run to? -- We ran into the nearby yards, jumping through the fences with the view of getting back home.

And what did you do in person? -- I ran back home. (10)

Whilst running back home did you see any property burning or damaged? -- As far as I remember while still running home I did not become aware of any places which were being damaged or had been damaged until I reached home. While being home now, looking around I noticed a lot of smoke.

What sort of smoke did you notice? -- I would describe the kind of smoke that I noticed as a smoke one could have expected when a house was on fire or a heap of tyres put together was set alight.

COURT: Was it near you? -- The nearest smoke that I saw (20) was the one at the indian shopping centre.

That is on the border between zone 8 and Small Farms? -- Yes.

MR BIZOS: Thank you my lord.

KRUISONDERVRAGING DEUR MNR JACOBS: Net om duidelik te kry oor hierdie rook wat u gesê het wat u gesien het, u sê "the nearest one was, I noticed the nearest smoke is the one that I noticed at the indian shopping centre". Dit is min of meer wat jy gesê het. Nou wat was die ander wat jy opgemerk het, jy het nou net vir ons een beskryf? (30)

-- Die/....

-- Die ander rook wat ek gesien het was rook wat met groot kolomme hoog getrek het. U sal verstaan dit is 'n aanduiding van iets groot wat brand.

Sê nou vir ons waar orals het jy hierdie groot kolomme gesien? -- Wat ek in staat sal wees om te kan sê waar ek dit gesien het, is dié wat naby my was.

HOF : Gee ons net die gebiede? -- Small Farms. Die res van die rook wat ek gesien het was ver van my. Ek kon net bewus geword het van groot rookkolomme, maar van ver af.

Maar u maak dit vir my moeilik. Dit kan in die rigting(10) van Evaton wees en dit kan in die rigting van gebied 14 wees. Ek weet nou glad nie? -- Vanaf my huis, as ek in die rigting van Evaton kyk, het ek die rookkolomme gesien. Dan kyk ek weer in die rigting van Sebokeng. Dan sien ek rookkolomme. Wat moeilik vir my is, is dat van waar ek hierdie rook gesien het, is ek nie in staat om vir die hof te kan sê die rook wat ek sien was by hierdie gebied gewees nie.

MNR. JACOBS : Jy kan tog sekerlik vir die hof sê daar van jou huis af in gebied 8 kon jy gesien het daar is rook in die rigting van gebied 7? Oor gebied 7? -- Ek het gesê dat(20) gebied 7 en Small Farms, die twee, is geleë naby my plek. As dit die twee gebiede is, dan kon ek dit gesien het.

HOF : Maar die vraag is nou, het u rook gesien in gebied 7 of in die rigting van gebied 7? -- Ek het meer as een rookkolom daar gesien die dag. Wat gebied 7 betref kan ek vir die hof die volgende sê. Ek kon sien dat daar rook was in gebied 7, maar waar presies die rook vandaan getrek het in gebied 7, kon ek nie sê nie. Dieselfde geld vir Small Farms.

MNR. JACOBS : In die rigting van gebied 11, kon jy daar rook sien trek, van hierdie buitengewone rook? -- As ek daar(30)

by/...

by my huis is, dan is ek nie hoog genoeg om te kan sien presies watter gebied is aan die brand nie. Al wat ek kan sê vanwaar ek is is dat in die rigting waar hierdie gebiede geleë is, is daar brand, maar ek kan nie sê of die brand self plaas en sê watter gedeelte is dit wat aan die brand is nie.

Maar in die algemene rigting van gebied 11 het jy wel rook gesien? -- Dit is vir my moeilik om vir die hof te kan sê as ek in hierdie rigting kyk dit is gebied 11 of 12, want vanwaar ek staan kan ek nie sien watter gedeelte is gebied 11 of watter een is 12 nie. Die plek waarvandaan (10) ek die rook gesien het, is in 'n moeilike posisie vir my om te kan bepaal.

HOF : Was dit dan òf in 11 òf 12 òf daardie gebiede soos u daarna gekyk het? -- Toe ek gekyk het, het ek in my gedagte die indruk gekry dat dit òf in gebied 11, 12 en ander gebiede is, byvoorbeeld 13 waar hierdie voorval plaasgevind het.

MNR. JACOBS : So, is ek dan reg as ek aanvaar as jy dit tot in gebied 13 plaas dat dit hoë rookkolomme was en dik en buitengewone rookkolomme? -- Soos ek alreeds gesê het, dit was nie net een rookkolom wat ek gesien het nie. Dit (20) was by verskillende punte waar ek rookkolomme gesien het. Wat ek net nie kan verduidelik of dit nou in gebied 11, 12 of 13 was nie.

Nee, maar my punt wat ek probeer maak met jou is dat hierdie kolomme was baie groot en duidelik sigbare kolomme waar hier iewers iets groot gebrand het op die verskillende plekke? -- By verskillende punte, ja, was dit groot rookkolomme gewees.

Weet jy waar is Hunters Garage? -- Ja, ek weet.

Hoe ver was jy in die omgewing van Hunters Garage (30)

waar/...

waar jy self weggehardloop het en die optog uitmekaar is - begin weggehardloop het toe die optog uitmekaar is? -- Soos ek alreeds vroeër gesê het aan die hof, dat ek òf in die tweede kwart òf die derde kwart van hierdie optog was as dit in vier gedeel word.

Maar antwoord nou my vraag, asseblief? Was dit van die omgewing van Hunters Garage waar jy weggehardloop het toe die mars uiteen is? -- Ja, ons was naby Hunters Garage, h entjie na onder toe.

HOF : Ek begryp dit nie. Was Hunters Garage van u af h (10) entjie na onder toe? -- Ek was vir h kort entjie agter, dit wil sê verder na onder toe vanaf Hunters Garage.

Was u al verby Hunters Garage vir h klein entjie? -- Nee.

Was u nog duskant Hunters Garage? -- Ja, duskant, net voor ek by Hunters Garage gekom het.

Hoe ver? -- Omtrent vyf meter.

ASSESSOR (MNR. KRUGEL) : Hoe ver is 5 meter? Wys vir ons.
-- (Getuie dui distansie aan)

HOF : Dit is korrek.

MNR. JACOBS : En het jy daar toe jy begin weggehardloop het (20) in gebied 11 ingehardloop langs Hunters Garage op? -- Nee, ek het nie in gebied 11 ingehardloop om langs Hunters Garage verby te kom nie.

HOF : Nee, maar is u in gebied 11 in? -- Nee, ek het nie in gebied 11 ingehardloop nie.

Waar in is u? Watter gebied? -- Ek het af met die teerpad gehardloop.

MNR. JACOBS : Bedoel dit nou met die pad soos jy gekom het tot daar? Het jy teruggehardloop? -- Ek het afgehardloop met hierdie teerpad tot in die nabyheid van gebied 13 naby (30)

die/...

die huise daar. Toe ek beseef het dat daar meer geskiet word en meer van die rubberkoeëls gebruik word en die traangas, het ek toe in 'n huis daar ingehardloop. Dit was in gebied 13 gewees.

Jy sien, ek het jou getuienis verstaan dat jy het gehardloop van daar af waar die mars uitmekaar is al die pad reguit na jou huis toe? -- Dit is reg, ek het by hierdie perseel ingehardloop met die oog daarop om in die huis in te gaan. Met my aankoms daar vind ek dat die huis gesluit is. Ek het toe nie daar vertoef nie. Ek het verder deur die omheinings-(10) drade oorgeklim en deurgeklim om deur gebied 12 te hardloop huis toe.

Hierdie plek waar u die teerpad verlaat het om by gebied 13 in te gaan, was dit verby die poskantoor alreeds op die pad terug? -- Verby Hunters Garage is daar twee kruispaaie. Op die hoek is daar 'n kerk. Dit is in die nabyheid van die poskantoor en langs die kerk is 'n huis. Dit is die huis waar ek ingegaan het.

HOF : Dit is nou tussen Hunters Garage en die poskantoor? -- Dit is 'n kruispad daar by die poskantoor. Op die een (20) hoek is die poskantoor, op die een hoek is die kerk, op die een hoek anderkant in gebied 13 is 'n gewone huis. Dit is die perseel waar ek ingehardloop het en gevind het dat die huis gesluit was.

Is die kerk die Rooms Katolieke Kerk in gebied 12? -- Ja.

En oorkant daardie kerk is u êrens in 'n perseel in? -- Ek het oorkant die teerpad gegaan om na die kerk se kant toe te kom en dan weer daar 'n straat gevolg in gebied 12 nou.

ASSESSOR (MNR. KRUGEL) : Is die huis wat u by probeer ingaan het langs die kerk? -- Dit is anderkant die straat in (30)

gebied/...

gebied 13.

MNR. JACOBS : Toe dadelik het jy die huis verlaat en oor daardie teerstraat gegaan na die kerk se kant toe? -- Ja.

En het jy toe deur gebied 12 gehardloop? -- Ja.

Nou jou roete in gebied 12, is dit nou al hier langs naby die kant van hierdie pad wat julle voorheen geloop het of is jy reg in die middel van die gebied deur of waar is jy deur? -- Daar is strate binne-in gebied 12, dieper in, wat parallel is met die hoofstraat, dit is die teerpad wat ons gebruik het toe ons op gekom het. Ek het met (10) een van daardie strate of deur daardie strate gehardloop om terug te keer huis toe, omdat ek bang was om terug te gaan na hierdie hoofpad toe, dit is die teerpad, dat dalk sal ek weer die polisie raakloop wat weer sal skiet met hierdie rubberkoeëls en/of traangas.

En die pad wat jy gevolg het om deur gebied 12 te hardloop, was dit naby die besigheidsentrum daarso, administrasiekantore? -- Nee.

Hoe ver sal jy sê is jy aan die kant van die administrasiekantore verby? -- Ek weet nie waar die kantore in gebied (20) 12 geleë is nie, maar die strate wat ek gebruik het daar is twee parallelle strate dieper in die gebied in. Ek het nie met een straat afgehardloop nie. Ek het die twee strate gewissel. Op 'n sekere distansie het ek in hierdie ander straat gehardloop en dan weer die straat verander. So, ek is nie in staat om vir u te kan sê hoe ver ek van hierdie administrasiekantore verby is nie.

Is dit 'n teerstraat waarlangs u gehardloop het? -- Nee.

Weet u waar is die biersaal in gebied 12? -- Nee, eers later het ek daarvan bewus geword waar die biersaal is. (30)

Kan/...

Kan jy vir ons sê hoe ver is jy van die biersaal verby?
-- Destyds wat ek daar verby is toe ek nou geweet het waar die biersaal geleë is, al weet ek nie presies hoe ver dit was waar ek die biersaal verby is nie, maar dit was taamlik ver gewees.

En verder is jy, om by jou huis te kom, ook by die Indiër-winkels verby? -- Nee, ek kom eers by my huis voor ek by die Indiërwinkels kom. So, dit wil sê die winkels is nog verder voor geleë as wat my huis is.

Weet jy van die Indiërwinkels wat daar gebrand was in(10) gebied 8? -- Ja, ek is daarvan bewus dat Indiërwinkels gebrand het.

Hoe ver is daardie winkels van jou huis af? -- Dit is omtrent vyf minute se stap van my huis af.

Weet jy wat is die winkels se naam? -- Nee, ek het nie geweet nie, want dit is nie lank wat ek daar gebly het nie.

Soos jy nog gehardloop het om by jou huis te kom en in die rigting wat jy na jou huis toe kyk, het jy niks verkeerd opgemerk op daardie stadium by die Indiërwinkels nie? -- Dit is seker omdat ek geskrik was dat ek nie opgelet(20) het nie. Ek het dit eers opgelet na ek alreeds by die huis was.

As ek u getuienis-in-hoof verstaan het, het u van die oggend, vandat u u huis verlaat het totdat u weer by u huis gekom het, niks abnormaals opgemerk in daardie hele woon-gebied nie?

HOF : As rubberkoeëls en traangas nie abnormaal is nie, dan weet ek darem nie.

MNR. JACOBS : Ek het eintlik bedoel nie toe hulle daar uitmekaar gejaag is nie, die insident met die uitmekaar (30)

jaag/...

jaag nie. Sôver as julle beweeg het tot by daardie punt waar julle uitmekaar gejaag is en nadat julle uitmekaar gejaag is, terug tot weer by jou huis, het jy niks abnormaals gesien soos enige plekke waar daar rookkolomme was nie of versperrings in die paaie was nie? -- Van ek weg is en na ons vertrek het met die optog het ek niks opgemerk wat snaaks was nie. Met die terugkoms toe ek teruggehardloop het huis toe na ons uiteen gejaag is, het ek niks opgelet nie, al was daar miskien rook gewees. Dit kan wees as gevolg van skrik dat ek in die hardloop nie opgelet het nie. (10)

Wat van padversperrings? Het jy dit opgemerk? -- Ja, op pad terug het ek opgemerk dat daar wel 'n padversperring was. Dit is terwyl die traangas ook my oë geaffekteer het.

Waar het jy die padversperring toe opgemerk? -- Dit was dieper in die lokasie in terwyl ek daar gehardloop het.

In watter gebied was dit nou? Ons weet jy was op 'n stadium in gebied 13 en toe was jy in gebied 12 in? -- Dit was in gebied 12.

Was dit in die middel van gebied 12 of net toe jy ingegaan het? -- Net wanneer 'n mens in gebied 12 ingaan by die strate wat ek gebruik het om te hardloop. (20)

Is dit naby die kerk of was dit al 'n hele entjie nadat jy by die kerk verby is? -- Ek was al dieper in die woonbuurt in naby die kerk. Ek het niks gesien nie.

En was dit net op een plek waar die pad versper was of was dit op verskillende plekke waar die paaie versper was? -- Dit was verskillende plekke in die lokasie in by die strate wat ek gebruik het in my hardloop.

Die versperrings, waarvan was dit gemaak? -- Ek het as gesien. (30)

HOF/...

HOF : As of vuilgoed? -- Ashope het ek gesien wat daar uit-gegooi was vanaf h asblik.

MNR. JACOBS : Was daar ook as van brandende buitebande gewees? -- Nee, ek het dit nie opgelet nie.

HOF : Waaruit het dit nog bestaan behalwe as? -- Klippe en ou blikke.

Was hulle op die pad se ryvlak? -- Ja, dit was daar gewees.

MNR. JACOBS : Was dit ook ou karwrakke? -- Ek het nie ou wrakke gesien nie. (10)

Enige ander voorwerpe nog? -- Nee, ek het dit nie opgelet nie.

By hierdie plekke waar jy die padversperrings teëgekom het, toe jy daar gekom het, het jy die mense daar gevind wat dit gebou het of was daar nie mense nie? -- Nee, daar was niemand gewees behalwe die mense wat besig was om weg te hardloop nie.

GETUIE STAAN AF.

HOF VERDAAG TOT 1 FEBRUARIE 1988.