

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

A

SAAKNOMMER: CC 482/85

PRETORIA

1988-03-02

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 357

(Bladsye 20 475 - 20 556)

COURT RESUMES ON 2 MARCH 1988.

ELLEN KAY KHUZWAYO, d.s.s.

FURTHER EXAMINATION BY MR BIZOS : My lord, Mr Jerry Tlhopane, accused no. 14, is absent by your lordship's leave.

Dr Khuzwayo, we were dealing with the question of education and there are just one or two questions that - further questions that I want to ask you on that topic. This agitation for SRC's, was that something that only came into being in 1983/84/85 or was it there before? -- There was an agitation before particularly ... (Court intervenes) (10)

COURT : I am sorry I cannot hear you. -- The agitation goes back to the sixties, particularly if we look into the - I could say prior to that, the black students tried very hard to be together with the students in other communities through the organisation NUSAS, but I suppose in course of time they realised that that organisation did not deal effectively with their needs and then roundabout the sixties we know that SASO came into being. It was later to be banned but this was an organisation that represented black students in the black community, particularly at high school level(20) and university.

SASO included senior school children and not only students? -- That is right. Senior school children and university students as well.

And after the banning of SASO did the agitation for SRC's continue?

COURT : Let us just get it straight now. When did the agitation for SRC's start? For SRC's?-- It started after SASO was banned.

After the banning of SASO? -- That is right. (30)

That/...

That was in 1977? -- Roundabout 1977.

And there was an SRC in 1976 in Soweto. Is that correct?

-- It is correct.

Is that the first SRC you know of? -- As far as I am concerned that is the first one I know of.

MR BIZOS : Do you know whether - what the attitude of the authorities to these SRC's was then, the department of education's attitude? -- I think because the SRC's came as a result of the 1976 unrest or thereafter and particularly with the banning of SASO I think from what one could (10) sense the authorities in the education department dealing with black felt that these young people were being radical in having an organisation that represented them. The feeling was that they were being - they seemed to be too big to be discussing issues that were beyond them, particularly in matters of education. They could never be competent enough to establish curriculum for their schools and to lay law. I think this is how the SRC's were seen.

Has this attitude by the department towards the SRC's persisted right through or had there been a change of (20) heart as far as you know? -- When the SRC was banned ... (Court intervenes)

COURT : Which SRC? -- The one, the 1976 one.

The Soweto one? -- The Soweto one.

Was that the SSRC? Soweto Students Representative Council? -- I do not remember the previous S. It could have been but we knew it as SRC. The students felt that they still needed an organisation through which they could communicate with students and probably which could express their aspirations and fears and the SRC was replaced by (30)

COSAS/...

COSAS. One hoped that COSAS perhaps would stand to represent the views of the students and may be to present a line of communication with the authorities. I say this because I think that particularly COSAS went out of its way to contact adult people in the community and I know I was one of the people that was sometimes called upon to say we would to feel that we are not moving away from the community, but we can still fall back on the guidance and advice of our elders.

MR BIZOS : We know that COSAS was banned. (10)

COURT : Do we have a date?

MR BIZOS : 1985 I think, August, but we will establish a date and get an agreement on it and place it on record. Are SRC's accepted in schools now as far as you know? -- As far as I know they are not accepted and one would want to believe that the fact that the students do not have groups whereby they would be orderly and talk about their affairs, has contributed a great deal to the lawlessness that seems to be apparent within the schools. I do not say it is the only contributing factor. I would want to believe that there could(20) be others, but I think it is one of them.

In relation to the demand for the change of they syllabus, has there been any change in the attitude of the department recently? -- I would not say there is change, but I think the minister of education, I do not know whether he is, but I know Mr Viljoen in recent years has been expressing the idea that perhaps the time has come when there should be a review particularly in the field of history and literature in the black schools and I think I have seen something in the papers in recent weeks that talks about the department(30)

of/...

of education and training having a look at something that is called people's education, but I think there was a proviso in that article that provided it did not allow the element that would disrupt the education. These are not the exact words, but this is how I understood it.

I would now want to turn to the question of housing. Will you please have a look at EXHIBIT A1 page 24. Have you had an opportunity of looking at the resolution passed on housing at the UDF launch? -- I have had.

I want to ask you about the suggestion in this resolu-(10)
tion at the bottom, the first part, that the government scraps its new housing policy. Having regard to the fact that this resolution was passed in August 1983, at the bottom of the page "Resolves: (1) That the government scraps its new housing policy." What policy is being referred to in your understanding? -- I would want to believe that this policy refers, I think, to the era when Mr Connie Mulder was the minister of bantu affairs and at that point roundabout towards the end of the seventies, the beginning of the eighties, there was a strong feeling in the govern-(20)
ment that the black people were sojourners in the cities, that they would come here to come and work and that the policy of the government then was not to provide housing for people who came and worked in the cities. In fact the responsibility of housing at that time was shifted to the private sector and residents and to a certain extent the government abdicated its responsibility for providing housing for people who came and lived in the cities with the understanding that they came there and they had to go back to the homelands. (30)

COURT : Could this not refer to a change in housing policy with reference to a long lease? -- That came later.

Ninety-nine year lease. -- The ninety-nine year lease came much later than that.

Much later than 1983? -- Than 1983.

MR BIZOS : What was the housing policy in Soweto? Has your membership of the urban foundation exposed you to the reality of housing in Soweto in particular? -- To a certain extent it has. (10)

In the seventies, were there any houses really built in Soweto? -- There were no houses built in Soweto. There were houses in Soweto, but the houses that had always been there and I think the problem here came as a result of the population growing faster than the homes that were in Soweto. I think the move into the cities of people created a problem in that the population exceeded the number of homes that were in Soweto at that time. There were homes, there were houses. I know people were not happy about them, because they were always described as match boxes that were very (20) monotonous for the people who lived in the community at that time.

Who - were there any public statements as to who should bear the responsibility for housing? -- The feeling was that it was the responsibility of the government to build houses and subsidise these houses for the community for various reasons. Perhaps one does not have to mention the very low wages that the black community has always enjoyed particularly at a lower income group and there was a great demand that these should be subsidised like the subsidy has always (30) been/...

been provided for other communities in South Africa, that most homes were subsidised and the black people felt that they were also entitled to the subsidy and they also felt that although there was talk that the tax payer at that time who was the white person was also putting his money into the housing of the black people, perceptions in the black community at that time were that although the tax payer was providing this money for building homes, the black people were very much aware of the fact that in a sense they were taxed, particularly when you think of things like GST, when(10) you think of taxes on things like cigarettes, liquor and they felt that there was a tremendous deal of direct and indirect taxation that was placed on them and they were therefore in a sense contributing to the wealth of the country in the lines of taxes, that it was not altogether true that the white tax payers were contributing towards the housing of the black people in the cities.

His lordship asked you a question about the leasehold and you gave an answer. I just want to draw your attention to the next item on the resolution, number 2 and ask you (20) to possibly think about the answer that you gave to his lordship "That the government must not force people to buy their homes." What does that refer to? -- Again it has got its own history. May be we can go a little back to the fifties when there was a thirty year lease in Soweto where people bought their homes with the understanding that they were going to own this home on thirty year lease and many people at that time went out of their way, those who could afford, there were not so many, but they bought their homes and it came as a tremendous shock to the community when (30) suddenly/...

suddenly without any notice it was said that thirty year lease had been cancelled and people just did not know where they were. In fact that has left a very bad taste in the minds of the people, because when this present lease was established which sounds to be much more profound and reliable the ninety-nine year lease, the many people are very sceptical about this. They say indeed is it not going to end up where the thirty year lease has ended so that the introduction of the ninety-nine year lease which should be a very welcome development, particularly towards freehold, one could say (10) well, ninety-nine year lease, there is this fear primarily because of what happened in the past and also because I think the question of leases is a foreign concept to many members of the community in the black community.

Would you take the third aspect "That rents must be subsidised and fixed at prices people can afford." The question of the rental paid, was there any agitation of concerted effort in relation to the rental that was paid in Soweto before 1983? -- There has always been a concern and agitation, tremendous disturbance about the question(20) of rents in Soweto. (1) Because rents in Soweto to this day are still a general thing for everybody. There are said to be people who have bought their homes in Soweto and we have heard when we make comparisons with the city dwellers that the people in cities make a difference between rents and rates and that the people who own their homes pay rates but in Soweto if anybody was going to say to me that the people were paying rates, I would want to refute that statement, because the amounts of people who own houses, the amounts they pay for their homes, are not different, or if they are,(30) the/...

the difference is very marginal of those people who rent their homes. I have been paying - I am supposed to be one of those people although even to this day much as payments have been made, I have not got the documents that say I own that house but I believe to be one of the people who has bought my home and there are many others like me and we pay very similar amount of money towards as our homes as well as the people who are renting the homes from the Soweto council or from the West Rand Board.

COURT : Did you "buy" on a ninety-nine year lease? -- (10)
I bought it on a ninety-nine year lease.

When? -- Early seventies. I have started the process which was completed - I was told that the survey has gone one, because there was this question of the survey that was going to come but money had already been paid towards this.

So, in the early seventies that started. Were you ever on a thirty year or forty year lease? -- I was not on the thirty-year lease when it started, but when we got Soweto in the fifties when we bought the house in 1956 it was said to a house on thirty-year lease. (20)

MR BIZOS : At that time was the Soweto administered by the City Council of Johannesburg? -- Of Johannesburg. That is true.

And when did it come about that it was said that these leases were no longer valid? -- It was shortly after the take over by the administration board.

Can you remember when that was? -- I am afraid - I would not like to make a guess.

Did the board thereafter say that there would be thirty year leases to be entered into with the board. Do you remember that? -- I do not remember that. You know, we were (30)

left/...

left in abeyance. We did not know what was going to happen. If perhaps it was on the minds of the board it was not communicated to the community. If it was, I did not get the communication as a person.

COURT : I have a sort of an impression that at a stage thirty year leases were converted into ninety-nine year leases. On what you tell me it seems to me that thirty year leases were terminated and nothing happened for a while and then it became a ninety-nine year lease? -- The ninety-nine year lease did not come as a result of the termination of (10) the thirty year lease. The ninety-nine year lease, that I am very clear about, came as negotiations through the urban foundation for the black community.

Would that be in the eighties? -- In the eighties.

And you say that you have paid and you are still waiting for the documents., When did you pay? -- I wish I had known this. I cannot - it is difficult, but I think early roundabout 1981/82 the process was getting finished but I cannot be exact about the dates of when I paid.

MR BIZOS : The fourth part of the resolution "That the (20) government must not introduce site and service schemes as a substitute for decent houses." What does this refer to? -- Site and service schemes I think came far back in the forties during the time when some people were housed in Pimville in what was called tanks. Tanks looked like elephants. It was a one-roomed thing. People lived here and that one tank served as a kitchen, as a bedroom, as dining-room, as everything and then also in Orlando there were also homes that were "emaplateni", which were made out of very cheap brick and zinc and somehow there had been a cry, there (30) was/...

was a great man in Orlando East then called Mpanza. I wish I could remember his name and Mr Mpanza was the man who felt that people could not go on that way without homes and he moved with some community members and they went somewhere near Soweto, in fact that is where my house stands at the moment, on a little hill, he took people there and they went and put shelters and they felt that they had to go and start their own homes there and they put up this and as a result of that the City Council of Johannesburg followed up that scheme with what was called site and service, where (10) people were given sites on which to put their homes and many people opted out for these. They were not very decent buildings, but people started slowly to build their own homes and after that then the City Council started putting on some of the homes and this was taken over also by the administration board, but some of those houses are not very strong enough to stand the times and the weathers, but they are there, they are houses.

COURT : This seems to be an effort to lodge people who otherwise would have no lodging, on the one hand by Mr (20) Mpanza on a private basis and on the other hand it seems according to this resolution by the government to provide a site and service. Are you against it or are you in favour of it? -- It is difficult to say because the people that are not housed who would be faced with building their homes are people who sometimes have no homes. You just need to go to Soweto to see. Site and service is the type of community that can create lots of health problems because people use anything from sack. I remember the site and service were called "Emasakeni", at the sacks, people using sack, (30) they/...

they used cardboard, they used anything and when you come to think that most of these people have young children, the conditions are very unhealthy, particularly if there is no subsidy that helps these people to put up these homes. If they are left to themselves I would really say I am not in favour of that particularly if we look at Mshenguville, as it is tomorrow, which would represent - which is today, which represents what could be called a site and service project.

The people who moved into the site and service stands, (10) were those people that had their own homes or were they people who were homeless? -- They were homeless people and as I say some of them came from Pimville from the tanks, when the tanks were demolished. Some of them came from Orlando in a place that had always been said to be temporary and even the tanks were said to be temporary, but I think they lasted for forty years and other people were homeless.

MR BIZOS : I would like you to please have a look at paragraph 6 of the first part of the resolution, the noting, paragraph 6 says "That the new housing policy introduced by government (20) is part of the new constitutional plan to create a black middle-class resistant to democratic change." Would you explain to his lordship what is your understanding of that? -- I have looked at this particular paragraph in depth and I have tried to relate it to who black people were even prior to living in urban areas and I want to say emphatically that even in the black communities in rural areas there were class distinctions. May be they were undermined by the fact that black people are communal people and that the one who had shared with those who did not have in one way or another (30) and/...

and may be the question of the middle-class was not quite - it was not as obvious as it is in the city because in the cities it is marked by certain types of wealth like a good home, like a car, like good food in that home and may be - and that it is beginning to individualise in the community and I think to me because people are beginning to be individual, there is a fear here that the black people who are becoming individuals in their own living, might shun those who do not have, but I want to say the question of a (10) middle-class has always been - there has never been in my community people who were all equals and so even if we look back all of us we will remember the differences that were in our communities.

COURT : If it is said that the new housing policy is the ninety-nine year lease, would you then be in favour of this paragraph as it is stated or against it? -- You cannot be totally not in favour because of the conditions that exist in this community. If you would come to think of the wages of black people, if you come to think of the job opportuni-(20) ties of black people, you will find that it is the greater percentage of the community that is disadvantaged on this. I have nothing against a middle-class, if all people are going to be given an opportunity in jobs and if the wages, and I think I want to emphasise this. The wages that people receive do not give the black people an opportunity to find sufficient money to build the homes that they would like to build. Naturally, we would like also to own homes, because we have realised in recent years that white people have come to where they are: (1) because they own their homes (30) and/..

and they buy them at a very cheap rate and in course of time the value of the house rises and of course they have another advantage that they can build a home and they can sell it and go and get another one. I think the fact that the people are not free to enjoy the freedom of developing their homes and may be if I, as Ellen Khuzwayo, would feel free and say I think I would like this house, I bought it for R5 000,00, may be it will bring me now about R30 000,00 and we realised this that our perceptions tell us that something more than that, that is why white people are able to leave heritage (10) for their children and they way the system goes with us, makes it extremely difficult to like one thing but when you look that it limits the greater part of the number, then you wonder whether you should accept it. That is why a statement like this which has got very positive things within it.

I have listened to you closely and I do not follow what you are saying. Could you give me an answer to this question. Are you personally in favour of the creation of a black middle-class period? -- If the middle-class is going to embrace more people. (20)

If the middle-class embraces everybody? -- More people, not everybody. We cannot all be there. These people are given ... (Court intervenes)

Well, obviously, the creation of a black middle-class means that more and more people will become black middle-class. Are you in favour of that? -- If there was an opportunity for them to do so, I would be very much in favour of that.

So, this would mean then that you cannot unqualifiedly go along with paragraph 6? -- I beg your pardon?

It means that you cannot go along with paragraph 6 (30)

that/...

that we are dealing with? -- You mean I am saying it will not allow democratic change?

No, I am saying that if one is in favour of a black middle-class, you cannot go along, you cannot agree with paragraph 6 unqualifiedly, without any qualification? -- That is why I have been trying to qualify it, but it looks my lord says he does not understand what I am saying.

Yes, well, if I understand you correctly you are saying well, it is good to have a middle-class, but more and more people must become part of that middle-class? -- Must be (10) given an opportunity to become part of that middle-class through our earnings in particular.

I at the moment, subject to argument, interpret paragraph 6 as saying that the United Democratic Front is against a black middle-class, as a black middle-class would be resistant to democratic change. Would you like to comment on that? You need not if you do not want to. It is not necessary. -- I would like to comment on that.

Yes? -- I would say I think the democratic, the UDF may be, looks at it in terms where it is now. The very few (20) numbers of people within the community that it encloses, but I would feel personally that I think the question of the middle-class, people must be given an opportunity that more and more people should come in and benefit from this.

MR BIZOS : I would like you to please turn to page 32 of A1 and have a look at the resolution on removals and group areas. Have you read this resolution? -- I have.

The protest recorded in this resolution, was this something new that the UDF was going into in your experience? -- No, something that has been with us for a long time. (30)

What/...

What protests do you know before that - do you know of before that? -- I think there has been a few. We think of the days of Limehill I think in the sixties when people were removed in Natal from one part to another, there was a great concern and the churches in particular stepped in to try and say do not remove the people but that did not help and this went on and I remember also in Northern Natal, I think it was in the sixties or late sixties towards the seventies, I cannot remember the exact name of the place where this was this I think Mr Simon Mkhize who was the leader and (10) who was trying very hard to come to terms with the authorities.

COURT : Is the place Driefontein? -- Driefontein.

It is not Northern Natal, it is Wakkerstroom district. Southern Transvaal. -- I see my geography ... (Court intervenes)

It does not matter, as long as we talk of the same place. -- Okay. There was a great deal of concern. Things were going on and some of them were removals of communities, some of them were removals of individual people. (20)

Are you saying that Driefontein was in fact a removal or threatened removal? -- If it was a removal in that it was threatened and people were - what I am trying to talk about is that people were saying please do not move us and I was also saying it was not only the question of large communities, it was also the question of individual people. I think I cited this yesterday when I said roundabout 1974 during Mr Vorster's time that the home and the farm that we had had for close to hundred years was taken away from us under the act called black spot, but we had lived with these white (30) farmers/...

farmers for generations and we had helped one another. I remember as a little girl I used to travel on horseback and go to Mr Swanepoel's farm and say "My grandfather says when the machine has finished thrashing your wheat, could you please bring it over" and Mr Swanepoel in the same breath would come over and say "Jeremiah, if you are finished, please let the thrashing machine ..." we lived, we did not go on to one another's doorsteps, but we lived as a community, but after all that time in 1974 the government decided to see this as a black spot. There was very little place (10) for negotiation with the government. You felt threatened if you did not let go, even for the price that was given. It was shocking.

MR BIZOS : You have mentioned Mr Simon Mkhize. Will you please have a look at the second paragraph where it says "Bulldozers and trucks remove our people daily and dump them in areas far from their working places. Children are hurt. Our leaders are killed. Families have been torn apart and communities destroyed." As a fact or as a perception in your community, would you say that this is an overstatement?(20) -- May be I should have started by even mentioning Sophiatown that we are all very near to. I think it is - and Alexandra township, but I think Sophiatown more. Sometimes I wish the name Triomf should never have been given to that place.

Triomf? -- Triomf, if it means Triumph. It hurts. It was enough for us to lose the community - to lose the freehold ownership on that place but for that place finally for the government to call it, we are triumphant over people who are bulldozed and moved away, people who could not help themselves, people who had bought those homes and they were (30)

on/...

on freehold, I thought that was a very unkind name. It is a name that does not let this die. Every time someone says Triomf, you think of Sophiatown and I think another name would have helped the black community to heal over this loss.

Were there protests by various organisations as far as you know about these removals? --There were protests in Sophiatown. I remember very well. There were protests to a point where there were even songs that were sung and when people finally gave up, they started songs that related "Let us move and move, go to Meadowlands" and I think the(10) sham of it all was the type of houses that were given to people who had owned freehold and were never given an opportunity to re-establish themselves at that level anywhere else.

I want you to please have a look at A1 page 32 and read it together with A1 page 30 to 31, the resolutions on political prisoners and harrassment and repression. We will take them together. We could start on page 30 first. -- I have looked at them.

Would you go along with them? -- A great deal.

Were this sort of demand and this sort of call made (20) before 1983 in your experience? -- I think this has always been the cry of the black people. We just need to look at the 76's long before 83 and in fact this particular instance that is another one of where members of the community even tried to make a contribution in their country. I often think that may be in a different climate the people, not because I was in that group, but I think those people who made such a tremendous effort to find something about the local authority in their community, I think they should have been commended for doing such a noble thing, even if the government did (30)

not/...

not want to accept that. It was something noble, it had no violence in it, people had gone out of their way to study and to really do something commendable for their community and their country and instead of the government coming back to say well done, may be I will take this and I will see how to implement it or can we come together and see how this can be implemented, on the contrary there was this harrassment of people who have done this and to put in jail.

Perhaps we can start here in view of what you have just said. Who was the first secretary of the African National(10) Congress? -- I remember, am not too sure whether it was in ThabaNchu, my grandfather or my maternal grandfather was the first secretary of the South African National Congress which ended up as the African National Congress in ThabaNchu.

What was his name? -- Jeremiah Makoloi Makgothi.

Was Dr Moroka a neighbour of yours on the farm that you have spoken of? -- Dr Moroka was more than a neighbour. He had his farm away from ours. By the way at that time I should explain that in addition to the farms that the people roundabout ThabaNchu owned, they also had homes in (20) ThabaNchu town per se . When I say town I mean in the township and this is where we lived side by side with Dr Moroka and he became our family doctor.

Did he become a president of the ANC in the early fifties? -- He did.

You yourself, did you become a member of the ANC? -- I was a member of the youth league prior to its banning.

Did you personally know the people holding high office in the ANC in the forties and the fifties? -- Yes, I remember the Msiranga's, I remember the Xuma's .. (Court intervenes)(30)

COURT/...

COURT : Just a moment, you will have to spell that for the record. -- I see, Msimanga. I forget his name. I do not know whether he was Selby, I am not too sure, but I remember he became renounced for his ability as a recorder, as a secretary of the organisation. M-s-i-m-a-n-g-a.

MR BIZOS : And you mentioned the Xuma's. Is that Dr Xuma? -- Dr A.B. Xuma. X-u-m-a. He was the president at one time. There were many people who were distinguished in education who were members of the ANC which then was the voice of the black people. (10)

Did you have anything to do with the ANC after it was declared an unlawful organisation in April 1960? -- I think that was one of the most painful operations. I ended when it was banned.

These calls for the release of the leaders of the African National Congress who were and most of them still are in prison, how are they regarded in your community? How were they regarded before 1983 - how were they regarded in your community? -- I do not want to make myself an illustration to talk about other people's feelings, but I also(20) would like to believe that some of the feelings that one has are the feelings of other people. Most of these men that are in detention are seen as men who have sacrificed their freedom, who have sacrificed their communities, who have sacrificed their families with the sole idea of hopefully thinking that there is going to be a liberation of black people to enjoy all the economic and political rights that other communities enjoy in the country and as a result of that and I think also because they have taken so long in jail, my personal opinion is that in reality their penalty(30) has/...

has exceeded their wrong doing and as a result of this, they have in recent years and I think in the oncoming years even by our grand children even if they die, they will always be seen as masters for their communities. People who have laid down their lives at all costs for the liberation of their people and I have no doubt - I do not always want to talk for other people, that is why I always go back and look at how I see a thing and I have no doubt that my perceptions could be perceptions of other members of my community in great numbers. (10)

Have you in 1983/84/85 attended commemoration services and meetings? -- Yes, as far back as 1976 after the unrests there have been a series of commemoration services and if I am at home and particularly if I am in good health, particularly in those years when I was younger than what I am now, I attended almost all commemoration services that were held in the community. May be my fear came when they also became the ground for teargas and I was not fast enough like the young people to run away from the teargas.

COURT : What was the last one you attended? -- I remember(20) it was at Regina Mundi and I remember it was, if somebody can remember when - I remember Jessie Jackson was around. When was that?

MR BIZOS : Well, we will possibly establish that year by other means if you cannot remember, but at this commemoration service, were there songs sung?

COURT : At a particular one or all of them?

MR BIZOS : I am sorry ... -- At all, those that I attended. I would say it would be unusual if the songs would not be sung at the commemoration services. (30)

Were/...

Were freedom songs sung at these commemoration services?

-- Yes, they were sung.

Were there any songs sung in relation to Mr Mandela for instance at the commemoration services that you attended?

-- There were many songs that were sung for him as a hero, as a leader of the black people.

Did you yourself sing these songs? -- Yes, I did.

Were there prominent church men at these commemoration services? -- At the commemoration services there are always different priests that are invited from churches to come (10) and help conduct the services.

Does everyone there sing these freedom songs including the one about Mr Mandela? -- Everybody sings. They sing this song - I do not know what perceptions, may be the white community as about this, but to us Nelson, I worked with Nelson Mandela in my days of a number of the youth leagues and when a man perhaps is taken into jail somewhere and you have lived with this person, it is extremely difficult to begin to have suddenly a different person in your mind unless that man was an evil person during that time. You (20) still live with the image of a man that you loved, the man that you worked with and this is the image that those men in detention have for the people that our outside in the black community.

COURT : You speak of freedom songs. Could you give me the titles of the freedom songs you remember? There are about Mandela, we know that. What else? -- There is another one - Somlandela is one of them.

That is Somlandela Mandela? -- Somlandela. Mandela can come there. I suppose another new leader who comes, will (30)

come/...

come there, but Somlandela has its origin in the church. Somlandela u Jeso. Someone who leads us. It has its origin in the church.

Yes, what other songs do you remember? -- Another one is "We shall overcome." It is an English song. It is another very popular song. I am trying to get the music in my head to try and remember then. They are running away. There is another one which was called "Sutha Sutha Sutha Strydom." It had an element of a train and I think it was during the time when Mr Strydom was in power and we would (10) say "Mr Strydom, please get out of the way. This train is going to injure you."

MR BIZOS : Was this at the time that Mr Strydom was the prime minister? -- He was the prime minister.

When he was no longer prime minister, was anyone else's name put to it? -- Somehow that song got out of rhythm but many other songs that are sung, which have particular words are old tunes and depending on the mood of the community at that time these songs are used as lyrics and they are sung into either - to praise someone or sometimes to debase (20) that person depending on the image the community has of a particular person.

COURT : We have three songs that you remember. What else do you remember? -- There is another one Sizoba Dubula.

What does that mean? -- It means we shall shoot them.

Do you sing that as well? -- It is sung by everybody. I sing it too.

MR BIZOS : Where did this song "We will shoot them" come into being? -- It is an old song and it was sung in the sixties. It is an old song that has been sung. May be (30)

what/...

what is not understood here is the fact that like all communities black people are creating. These are lyrics that sort of release this tension that lives with the community day in and day out. This is an expression of releasing the things you can never be able to put forward particularly to those in authority. The gerg that the people have had. Somehow this tension has got to be released and it is in the singing and it is in this creating of lyrics, of singing of dancing that a great deal of tension, of anger, of frustration is released by the black community, particularly when(10) they are singing together and they never end up taking stones or taking guns and shooting anybody. When everything is done at the end of the day, we all take our bags and go back to our homes.

COURT : Do you remember any other songs? -- I have come so far. I cannot remember any others.

MR BIZOS : Have you ever heard Senzeni na? -- Yes, I have. Thank you for reminding me.

Are you able to when called upon, I am not calling upon you, but if called upon would you be able to sing it? -- Yes,(20) I think I can sing most songs in my community. I think I can sing that one too.

What words does it have? -- The Senzeni na is "What have we done? What have we done? Are we guilty because we are black? Is that only offence that comes across? What is it that we have done. Sezeni na. Isono Sethu Ubumnyama.

COURT ADJOURNS.

COURT RESUMES.

ELLEN KAY KHUZWAYO, still under oath

FURTHER EXAMINATION BY MR BIZOS : Dr Khuzwayo, these songs do their words - are the words always the same or do they (30) change/...

change from time to time? -- The words change with the period in which they are sung and I think they go according to the climate which affects those who sings them or who puts in new interpretations to them.

The people in charge of the commemoration service or the meeting, do they dictate the tune or not? -- Nobody dictates the tune in that type of atmosphere. It is all young people old people and mostly it is young people who probably would be sitting right at the back who would start a song and it is taken up by the whole hall, if it is a (10) hall or the whole church and then they sing it accordingly. There is no order in a program that they are going to sing this song. They just come spontaneously.

Do you know any song relating to workers? -- Yes, Hlanganani. There is one that says particularly for people who are in the same type of work "Hlanganani Basebenzi", something like that. That is unite workers.

Have you ever heard a song about soldiers? -- "Amajoni". Amajoni is soldiers. It is very much related to the tune. It is not the same but it gives the impression of people (20) being soldiers and "Hlanganani", come together soldiers.

COURT : You mean it is "Hlanganani Amajoni"? -- It is "Hlanganani Amajoni".

But then it is the same tune as "Hlanganani Basebenzi"? -- The song changes. If it is "Amajoni", you sing it for Amajoni and if it is "Basebenzi", the workers could be seen as soldiers. It is just a question of personification in that case.

MR BIZOS : Have you seen what is commonly called a "Toi-Toi" being done? -- I have seen that. (30)

COURT/...

COURT : What is a "Toi-Toi"? -- The "Toi-Toi" is a dance that has come very recently with the young people of the high school age, but even the little ones just "Toi-Toi", they begin to "Toi-Toi".

MR BIZOS : What would they do if they "Toi-Toi"? -- They would sing a song or somebody will lead this. I want to say a solo, but sometimes it is not a song, it is words that are led by whoever and then there is a chorus by the rest of the group and in that process they are all - they get into a trance of dancing and they really give it and they dance(10) to some rhythm and they get in and repeat words and somebody says some words and the chorus takes it up . But it is a very new type of dance that is created by these youths in the age of high school, but I say also the younger ones are copying it and they "Toi-Toi."

COURT : When you say it is very new, does it mean in the last year or two or does it mean in the last decade? -- No, not the last decade. I think it is something that is relatively new. I would say something that has come roundabout 1986 if I am right. (20)

We need not toy with the "Toi-Toi." -- We need not?

MR BIZOS : I will leave it at that. The slogans that are used, are you familiar with the slogan of "Mayibuye"? -- Yes, I am.

And the response "Awethu"? -- "Mayibuye i Afrika." "Let it come back Afrika."

How far back does that go? -- I have known that from childhood even during the days of the ICU. ICU was Industrial Commercial Union I think. Many, many years ago during the days of Kadalie, Clement Kadalie, during the days of Champion (30)

this/...

this was common at the end of any meeting when people felt very sometimes frustrated and then at the end to boast their moral up somebody says "Mayibuye i Afrika".

Do the people respond? -- The people respond. The one says "Mayibuye" and the rest of the group says "i Afrika".

Would you consider any of these slogans as exclusive to the African National Congress? -- No, they were said in all types of meetings. In this particular one I have just mentioned had randomed the ICU and any other meeting that was at the - there used to be the African convention or (10) something like that and at the end of that "Mayibuye i Afrika." It is a statement that gives people hope that some day they will feel they are citizens of their country even if they share it with other people.

The last resolution that I would you to please have a look at, the one on cost of living which you will on A1 page 30, have you had an opportunity of looking at this resolution? -- I have had.

Would you go along with its contents and its sentiments?
-- I would. (20)

The sentiments expressed and the demands made by the UDF in 1983 is this something new to you? -- It has been something that black people have been agonising about for generations particularly taking into consideration the wages of or earned by the people who are supposed to be working and unfortunately in this community the majority of the people are within the lower income group and of course it is also exasperated by the high rate of unemployment in this community.

You have told his lordship that you are the president of the black consumer union? -- I am. (30)

Have/...

Have you been busy campaigning in support of any campaign to check the cost of living for black people? -- We as an organisation of the black consumer union and other groups that are concerned about the cost of living particularly on the basic footsteps has been working hard on these to a point where we have even gone out to work with some government, small government bodies that deal with things like the Maize Boards in particular which are handling a commodity that is the major staple food in the black community. We have agonised about the price of maize meal. We have tried to say the (10) government must not consider the farmer at the expense of the consumer because by and large the consumer cannot afford to ever rising costs on the basic needs particularly on foodstuffs. I would like to say we have been very much concerned about the fact that there seems to be starvation in the black community that is very apparent in places like Ethiopia and we feel in our country that is so rich where all of us according to our means are trying to make a contribution towards the economy of the country that should not be so, but particularly for young people. We are concerned(20) about substitutes that tend to make black people very dependent. In this particular case I am referring to this new organisation that has come into being into whom many people are pouring money, Operation Hunger which the most of us we see it as a dependency syndrome or it is creative and we often wonder what would happen if the employers rather than give money to this organisation who pay living wages to the families of these children so that the parents can look after own children.

COURT : It would not help the unemployed? -- It would not(30)
help/...

help the unemployed but it will reduce the people that will go and seek help of those that are employed. We feel very, very strongly about this.

MR BIZOS : In relation to these questions of cost of living and better housing, the other matters that you have spoken of in relation to women, in relation to education, are you able to separate these issues from the political situation of the country as a whole? --I think it is only when you live under some situation that you are the only person that can interpret it better to people who do not have the (10) experience that you are having. In our situation as black people, our needs, our sufferings, are bound together with the political socio-economic position of the country.

And is it - this coupling together of these, what the state calls, day to day issues with the lack of political rights by black people, is this a 1983 invention or was it there before? -- I would like to mention a book written by Solomon T. Plaatje at the turn of the century "Native Life in South Africa." He was trying at that time to challenge the land act and at that time he made all efforts even to(20) go to London, he tried to get to the king but the powers blocked him, because always this has been the cry for as far back as the turn of the century.

And has it continued throughout the .. -- It has continued. It is continuing now and to say that the UDF is dictating this to the people at this point in time, I think it would cast a slur of undermining the black people that without anybody saying do this, they would not. This cry has always been.

ASSESSOR (MR KRUGEL) : I am sorry, I do not quite understand(30) what/...

what you mean now. -- I am saying that if the impression is to believe that what people are tremoring for and have been tremoring for, it is - the result is something that comes as a result of UDF. To me I disagree with that altogether because there has always been a demand, a cry at all levels by men, by women in the black community for better opportunities, for better way of lives, for better jobs, for better housing, for better food. All these means have been the cry of the community for years.

MR BIZOS : I want you to turn to the last aspect on which(10) I want to ask you a couple of questions about and that is this. Which of the accused before his lordship do you know? -- I think the young man I know very well is the young man I brought up at a certain age. He was not very young when he came to me but he lived with me for some time in the person of Thomas Manthata. I do not know if he is in here.

Yes. You have known him for a long time? -- For a long time. In fact he has grown together with my two sons.

That is accused no. 16. You were together in the committee of ten in the Soweto Civic Association? -- We (20) were.

K1198 By 1984 was he wellknown in the community? -- He was very wellknown.

How did he become wellknown? Why was he wellknown? -- It has been indicated that I sat with him in the committee of ten but even prior to that he served with the other young people in SASO and he has always been in the forefront. In fact he belonged to my youth club when I was working for the Worl Affiliated Young Women's Christian Association and he has always been active in different groups of young (30) people/...

people and later in life even those of adults.

By August 1984 had he established either a reputation in Soweto or in the Transvaal or in South Africa as a whole? Was he generally known by then? -- He was and I should also mention that he is a staunch member of the Roman Catholic Church and in fact another thing that brought him into the forefront was that he has been in several detentions, some of them very severe and that sometimes it was even difficult to reach him. On several occasions I have gone to John Vorster Square when he was detained to try and plead with the authorities there to allow me to see him.

Well, I think we will not go into that details. Where was he working at the time in 1984? Do you know? -- He was working for the South African Council of Churches.

Was that a junior or a senior position that he held there? I would have thought it was not the top, top job, but he was in a responsible job with the South African Council of Churches.

Did his job expose him to publicity as an employee of the South African Council of Churches? -- He did a lot of (20) travelling. When you do organisational work the office tends to send you out to go in any sphere to go out and do whatever co-ordination work you can do for whatever people employed.

Do you know any of the other accused? -- I know Father Moselane. I know him because he belonged to the Anglican Church. In fact where I am now I am worshipping in a church where he used to be.

Is that in the seventies?

ASSESSOR (MR KRUGEL) : No, 3, Moselane?

MR BIZOS : No. 3, yes. -- In the seventies he was at (30)

St/...

St John's but now he is in another parish.

Other than know him as a parish priest, did you have anything else to do with accused no. 3? -- I did not work with him, but I know that accused - I do not want to call him accused no. 3. I think Father Moselane has always - he was also, if I remember well unless I am wrong, interested in the education after 1976. He was one of the people who were in the forefront of saying what can be done for young people, how can the education become acceptable.

Any other accused that you know? -- Others I know much(10) more by reputation and not working together with them.

Were you still an executive member of the Soweto Civic Association when Mr Popo Molefe, accused no. 19, joined it? -- I think at that time particularly if it was after 1982 I think I had just stopped being active as the executive member at that time. I knew of him a great deal, the contribution that he was making in the UDF, I am sorry in the SCA but I did not have the privilege of working with him.

CROSS-EXAMINATION BY MR FICK : Dr Khuzwayo, do you regard yourself as an expert on the fields of housing, removals, (20) education? -- Perhaps not an expert, but I think I would say I am fully knowledgeable.on those fields.

Have you made any study in the field of housing? -- Not a special study, but I have had active interest in it.

Have you made any study in the field of removals? -- Not as such, but I also belong to a group that is trying today with the homeless and as such in the Witwatersrand area and as such I am exposed to what is happening to homelessness.

Have you made any study in the field of education after 1952 when you left the teaching profession? -- Not a study(30)

as/...

as such, but I had active interest in the education particularly as there was a number of disruptions in the community. I have never had an opportunity to sit back.

Have you made any comparative studies in the fields of housing, removals, education having regard to countries like Zimbabwe or any other African state? -- I have consciously refused to do so, may be for a very specific reason and if I may give this. I have refused to do so because I felt that the black people in South Africa belong to South Africa and they make a contribution to the wealth of this country (10) and I did not see any reason why I would have to go and study other communities in Africa where we do not live.

Am I correct in saying that many of the opinions you have expressed here in court are based on what you have heard from other people? -- I would say you are not correct.

On what did you place your opinion as far as the youth is concerned, the education and the question of the youth? The position of the youth and education? -- May be one of my specialities in employment has been the youth of this country. From as far back as 1956 even earlier, before I (20) qualified as a social worker, youth was my special concern in employment and in my study as such and even in my training, in my higher diploma I did certain special studies on youth of my community and I have worked with youth from 1956 to 1963 before I got into the WYCA and specially youth as that.

Have you ever heard of the education charter? -- I have not heard of that.

Have you ever heard of the women's charter? -- I have not heard of that.

Are you not aware of the fact that COSAS and AZASO (30)

had/...

had worked together on the education charter? -- Not on the education charter. I have not heard of that.

Except for EXHIBIT A1 have you ever seen any other UDF documents before? -- I have not seen those except for what I read in the papers

Have you attended any UDF meetings? -- I have not.

After 1960 have you read or seen any ANC documents? -- I have read a great deal of these in reports about the ANC in papers, not documents as such.

COURT : Documents issued by the ANC? Published and issued(10) by the ANC? I think that is what is meant by ANC documents?

MR FICK : That is correct. -- Except through - I have not seen these.

Am I then correct to say that you are not in a position to tell the court what the ANC or the UDF policies are in the fields of housing, removal, education, the group areas or cost of living? -- Under no circumstances have I tried to discuss the policy of UDF, but what I have been trying to say is that things that are in this document here, if they are UDF policy, they could well be, but I am trying (20) to say also these have been the concerns over years by the black community and that the black community has articulated these years and years through many groups, through many organisations.

You were no longer a member of the executive of the Soweto Civic Association from 1982? -- That is correct.

And am I correct in saying that you were not the only member of the executive who was not re-elected in 1982? -- I did not say I was not re-elected. I said I gave up my office because I had other things to do, particularly at (30) the/...

the time that I was writing my book.

Am I correct in saying that Mr Leonard Mosala was also not since 1982 a member of the executive of the SCA? -- I would not be aware of that, because I tendered my resignation. I did not know that Mr Mosala ended his membership then too.

Can you say whether Mr Ndabezitha and Mr John Motata were members of the executive of the SCA after 1982? -- I would not know, because when I left the SCA I did not monitor who the members of the executive still were and who were (10) no longer members of the executive.

These people, the names of which I have mentioned, were they members of the Soweto Civic Association executive until 1982? -- They were members of the Soweto Civic Association when I - I know Mr Ndabezitha very well, but when he left I would not say.

COURT : Were they on the executive? -- I know Mr Ndabezitha very well. He was.

And Mr Motata? -- Mr Motata too was.

MR FICK : Mr Mosala? -- Mr Mosala was. We got in together (20) with Mr Mosala as members of the committee of ten.

You became involved in writing a book. Is that correct? -- I did.

It took much of your time? -- A great deal. It was searching all other things.

That is not that you got involved in. You also got involved in the making of a film? -- Yes, I did together with that book.

The name of the film is Tsiamelo? -- Yes, the place of (30) goodness/...

goodness.

This film was about the removal of your family from ThabaNchu? -- The dispossession of my family.

And this film was made for not only to be viewed in South Africa but also in Europe? -- It is viewed all over the world.

After 1982 did you attend any SCA meetings whatsoever? -- Not SCA meetings per se as such except the local ones in my street.

To which branch of the SCA did you belong? -- I lived (10) Orlando West extension.

How many meetings after 1982 of the SCA did you attend? Street meetings? -- Do you mean of the local one?

Yes? -- I think one or two, at most three.

Did you at any of these meetings receive reports about the activities of the UDF? -- Not to my knowledge. We were dealing with neighbourhood affairs in that meeting.

You have given a reason for the 1976 unrest and uprising in Soweto and you mentioned a number of grievances of the students. Is that correct? -- I did. (20)

Do you know a person with the name of Elias Jimmy Mabasa? -- I do not know him.

I want to put it to you that this Mr Mabasa was the executive of the SRC in Soweto, he was the chairman of the SRC in Soweto. Do you know about that? -- He must have been having a very low profile because to this day I know if we were to talk about the chairman of the SRC, we would be talking of Tsietsi. I do not know Mr Mabasa.

Do you know an organisation by the name of Soweto Students League? -- I do not know that one. (30)

I/...

I put it to you that this gentleman Elias Mabasa was also the chairman of this organisation, the Soweto Students League which was formed after the banning of the SRC in Soweto? --That is something new to me.

And I put it to you that this gentleman Mr Mabasa was convicted for conspiracy to damage schools in Soweto and for having the schools Sizanane/Thusanang and Moqhoka petrolbombed? -- I have nothing to say to that.

But were you not involved in education in 1976 in Soweto? -- I was but being involved in education I suppose it (10) could take many forms. If you are involved in education it does not mean that you get into student organisations. Being involved in education can have many phases.

MR BIZOS : Could we have clarity. If this is connected with the reasons for the 1976 unrest, when is it suggested that the conviction took place because it has been coupled with one of the causes of the 1976 arrest and I seem to remember from knowledge which I can disclose if need be, that this happened after June 1976 affairs. I do not know on what basis it is being put. I do not know how your lordship is(20) understanding it.

COURT : I am not understanding it.

MR BIZOS : That makes two of us, but I think the date in fairness to anyone will make it clear that it was some time after the unrest on 16 June 1976.

MR FICK : This man was convicted and sentenced on 18 May 1978. I put it to you that the Soweto uprising was a result of the mobilisation, organisation of the youths in Scweto by the SRC's? -- I would not refuse that. I have said time and again that students organisations were created (30) for/...

for students to come and look at their affairs and look at their grievances and particularly around that time Afrikaans was used as a media of instruction in those schools. I would have expected young people if they could not get help from somebody to come together and say "What do we do about this problem?" I think that is a normal development.

Can you tell the court whether any of the organisations except for the SCA to which you belonged or still belong, are affiliated to the UDF? -- Say that again, please?

The organisations you mentioned to which you belonged(10) or still belong, were any of these affiliated to the UDF except now for the Soweto Civic Association? -- None of these are affiliated.

Do you know what the ANC or the UDF mean when they talk about the liberation of the masses? -- I can only interpret it ... (Mr Fick intervenes)

No, no, I do not want any speculation. I want to know whether you know what the UDF and the ANC mean? -- I do not know.

Am I correct in saying that you in the organisations (20) to which you belonged, the women's organisations, took up the issues which you have explained to court for the sake of solving the problem itself. You had no other purpose or aim by taking up these issues? -- I would ask the gentleman to put the question again.

COURT : Well, let us give you an example. At a time you agitated to get toilets in the centre of Johannesburg. Did you do that really to obtain toilets or did you do it for an ulterior purpose? -- You know there were women who walked into the cities and I would like to put it to your knowledge(30) that/...

that some of them as a result of lack of lavatories in the city were raped.

So, is your answer you did not do it for any other reason but to get toilets? -- Yes, and I had hoped that it would have been obvious.

MR FICK : And do you have any personal knowledge, no speculation please whether the ANC or the UDF took up the issues of women, housing, removals, education for any other purpose than to solve the problems? Do you know whether the ANC or the UDF had any ulterior motives for taking up these (10) issues? -- I had no idea that they had other ulterior motives but I would also see them as, members of the community would be concerned about this issue.

So, you do not know? -- No, I do not know that they had other ulterior motives other than solving the issue which is a concern of all of us.

Whilst you were a member of the executive of the Soweto Civic Association, it was the task of the Soweto Civic Association to take up the issues of the people in Soweto. Is that correct? -- To make the residents of Soweto aware (20) of the issues of concern in the community.

Did you educate the people on that? -- In my capacity I did more than educate the people, because we did not only educate people but we went together to alleviate some of the problems that surrounded us in my neighbourhood.

How did you educate the people whilst you were a member of the executive of the SCA? -- Say that again?

How did you educate the people? By mass meetings of house meetings or how did you educate them? -- In my community as a member of the SCA we worked together. If there is a (30) house/...

house meeting we were planning on, I am thinking in particular of my own area where we identified some of the major needs in the community and some of them were the rubbish that had piled during the 1976 unrest, about the rain that was coming out and the first time we realised that we had no drain storms or is it the other way, the drains that would carry away the storms of the water in my ... (Court intervenes)

COURT : Storm water drains? -- That is right, in my own neighbourhood and the roads were impassable. We identified these and they were realities and they were there and we(10) said what do we do about that and we got into a program of doing something of these.

Did you in fact get better roads and get storm water drainage? -- We got storm water drainage. We went into the city and we came together as a community and we said the roads where I am today, it is a pleasure for anybody who comes to my house, but prior to then, some of my friends did not even want to come near my door.

MR FICK : You gave evidence to the effect that it was not the duty or task of the Soweto Civic Association to create(20) alternative structures in Soweto? -- Yes, I said so.

You cannot comment on an allegation that after you had left the Soweto Civic Association the Soweto Civic Association as an affiliate of the UDF did work towards the establishment of an alternative structure in Soweto? -- I cannot comment on that allegation, but I would be surprised because I would say I think a foundation had already been laid by the committee of ten in the studies that they did about the local authorities and that they intended to start a new structure. It is something new to me. (30)

On/...

On the question of Mr Mandela, the people in the ANC you worked together with. First of all, what is your attitude towards communism in South Africa? Is it acceptable? -- I can spell the word, but what it entails I do not know. I only know very haphazardly that there is something about communism very frightening and really I have never even found time to sit down. There are so many demanding things to say. This is communism. I do not know what it is.

But you are involved in community affairs, you are involved in politics, almost since your childhood. Have (10) you never tried to find out what communism is? -- I think what I know about communism is, may be it could be right, it could be wrong, but it is something that I never found the need to make a study about in my country. I have never had the urge to study that.

Are you aware of the fact that Mr Mandela wrote a book on communism? -- I am not aware.

He never told you about his book "How to be a good communist"? -- We dealt with other issues when I worked with him. I am afraid that never came into a program of study. (20)

MR BIZOS : Is the suggestion that any such book was ever published?

COURT : Well, that has not been put so far. He just wrote it. That is all that has been put.

MR BIZOS : Well, the last question was he wrote a book and did he not discuss his book ... (Court intervenes)

COURT : Did you write a letter does not mean you posted it. -- I still do not get the implication here.

No, the only question is, it seems to me that counsel is saying that the book was written, he is not saying (30) that/...

that it was published and he is asking you whether that was ever discussed with you by Mr Mandela. Your answer, as I understand it, is no? -- No.

MR FICK : What is your attitude towards violence? -- I am, totally opposed to violence as a person.

Are you aware of any statements made by any member of COSAS or person on behalf of COSAS in relation to violence? -- I am not.

You have mentioned a number of songs. Are these the only songs that you know? -- Those are the ones that I (10) remembered, but I know many others.

Do you know about a song "Tambo is in the bush training the soldiers"? -- Which one is this?

A song with the words "Tambo is in the bush training the soldiers"? -- Tambo is in the bush?

Oliver Tambo? -- Oh, I see. "Tambo is in the bush training the soldiers." I have never heard of that one.

Have you heard about the song "The Supreme Court is on fire"? -- I have not heard that one.

Do you know the song "Take my hand. Do not let it go, (20) Tambo"? -- I have not heard that one.

Do you know the song "Please lead us Tambo. We will come back with socialism"? -- I have not heard that one.

Do you know the song "We cry for Tambo"? -- I have not heard that one.

Do you know the song "Bring the gun"? -- I have not heard that one.

Do you know the song "We shall them with their children"? -- No, I have not heard that one.

Have you heard the song "Across the river we shall (30)

get/...

get them"? -- No, I have not heard that one.

COURT : What is put to you is the English translation of a song. Do you understand it that way? Some of these songs are sung in English and some of these songs are not sung in English, but counsel is putting to you the English translation of these songs. The song "Across the River"'s name is "Phesweya Komfula." You do not know it? -- No, I do not know it.

MR FICK : Do you know the song "The guns is in Angola, come with it"? -- I have not heard that one. (10)

Have you heard the song "There is Sasol II on fire. The Supreme Court is on fire"? -- I have not heard those songs.

Have you heard the song "The guerrillas are soldiers. Tambo is our father"? -- I have not heard that one as a song but I think these are some of the words that I was referring to in the "Toi-Toi" movement with the little ones.

Have you heard the song "There is Warmbaths on fire. The boys of the spear hit it yesterday"? -- I have not heard that one. (20)

Have you heard the song "We are Mandela's soldiers"? -- I have not heard that one.

Have you heard the song "We came from Soviet carrying bazookas"? -- I have not heard that one.

Have you heard the song "They do not know MK" that stands for Umkhonto we Sizwe? -- They do not know?

"We will hit them with the AK and the mortar"? -- I have not heard that one.

Have you heard the song "The boers we will shoot them of course"? -- I have not heard that one. (30)

Have/...

Have you heard the song "The spear arrived in Roodepoort"?
-- I have not heard that one.

"They are in the bush. Here are the bush commissar"?
-- I have not heard that one.

The song "Joe Modise is a general, Thabo Mbeki is a commandant, Joe Modise is a communist, Mbeki is a communist, Oliver Tambo is our father, Tambo is a communist"? -- I have not heard that one.

Have you heard the song "We will enter in the dark"?
-- Which one is that? (10)

"We will enter in the dark"? -- I have not heard that one.

And the song "We entered Pretoria. There a boer woman cried"? -- I have not heard that one.

And the song "The boers we will them, Tambo said we must kill the boers"? -- I have not heard that one. I have that one in the Toi-Toi. It is not a song. The children just talk.

Have you heard the song "Tambo hold my hand. Shoot with the bazooka"? -- I have not heard that one. (20)

And the song "Mandela's soldiers shoot with the canons. Here is Mandela. We are going if they are going to shoot us"? -- I have not heard that one.

The song "Shoot with the canons, the canons, throw the grenade, Slovo our father, Tambo is our father. Where is MK soldiers"? -- I have not heard that one.

And the song "We shall shoot them, here is Mandela, shoot"? -- I have not heard that one.

And the song "The power is ours. They died in Zimbabwe. They fled"? -- I have not heard that one. (30)

And/...

And the song "We shall be sitting with Tambo and see the boers rolling down"? -- I have not heard that one.

The song "The warriors are spitting fire, we are going"? -- I have not heard that one.

The song "Please lead us Tambo, you Umkhonto"? -- I have not heard that one.

The song "Tambo lead us to see the people. Lead us home"? -- I have not heard that one.

And the song "Mandela said forward. We are going whatever the conditions are"? -- I have not heard that one. (10)

The song "Those who hate Umkhonto UDF or SOYCO, we will them"? -- I have not heard that one.

I put it to you that you have not heard many songs sung at meetings, freedom songs? -- I have heard and I have mentioned those that I have heard earlier.

COURT : Can I be correct if I put it that your repertoire is not up to date? -- May be with the songs.

With the songs? -- These songs. May be I am out of date or may be because in recent years I have not gone to most of the community meetings. I have indicated earlier(20) this could be why I missed knowing some of these songs.

ASSESSOR (MR KRUGEL) : Can you remember when Mr Jessie Jackson visited here? You say that was the last time that you were at such a meeting? -- Yes. I cannot remember the year. Perhaps one should look this up.

COURT : Could we come back in history. Was that before the Kennedy visit? It was before you left the SCA? -- I think it was roundabout the time when I was going to leave the SCA. May be in 1982. I am not very sure. It is a long time ago. (30)

ASSESSOR/...

ASSESSOR (MR KRUGEL) : But after that you did not attend any of this type of meeting, commemoration ... -- I did not find the time to go to commemoration services. Since this book has been published I have been travelling a great deal overseas and I would expect that inbetween I could have missed many meetings.

MR FICK : When the freedom songs are sung the chairman sang along. Is that correct? -- Yes, we all sang, chairman and all. Everybody included.

Did you attend any mass meetings organised by the (10)
UDF? -- I think I have said earlier I have not.

Any commemoration services organised by UDF or affiliates of the UDF? -- I do not think I know the affiliates of the UDF as such and I have gone - the commemorations that I went to , I was aware that they were arranged by the community somewhere by the community of ten and I was not aware at any time of those that were arranged per se by the UDF.

Did you attend any commemoration services after the launch of UDF in August 1983? -- I said I think the last commemoration meetings I attended was some time roundabout(20) 1982. May be I should make it very clear that since 1984 I have travelled a great deal and I could have missed some of the commemoration services that were run by whichever group.

What commemoration services did you attend? On which date?

COURT : The last one she attended was the one where Jessie Jackson was present. Now, we can just determine the date when he was here and it is easy enough. It is in the papers somewhere. (30)

MR FICK/...

MR FICK : No, what I would like to know is, was it the commemoration service of June, 16? -- I think it was a commemoration, you see after the young man had died, Hector Peterson, following on his death and his burial the civic association together with the committee of ten came together and to remember the day when he was buried and these were the commemorations that we used to go to, those years.

Did you attend any commemoration service on 16 December of any year? -- Which year?

Any year, 16 December? -- No, I have not been to those.(10)

Do you know for purpose freedom songs are sung? No speculation please. Do you know? -- I know that they are sung for the good of singing them. I do not know that there is any special laid down rule why they are sung.

I put it to you that freedom songs are sung not merely for the love of singing but freedom songs are sung to popularise the ANC and its leaders or the UDF and its leaders or to popularise ... (Court intervenes)

COURT :Mr Fick, this lady has not attended a meeting organised by the UDF. We do not know whether she attended any meeting(20) where there was any song in which the UDF was mentioned. We do not know whether there was any song in which the ANC was mentioned. On what basis are you putting it to her? I am not interested in her views on the present situation. Her last meeting she attended was approximately in 1982.

MR FICK : Did you attend any meeting of COSAS? -- Not a meeting of COSAS but I have sat with the representatives of COSAS, not in a meeting as such.

ASSESSOR (MR KRUGEL) : In discussions? -- In discussions with the members of the committee and I think I mentioned (30)

earlier/...

earlier about how they came to seek guidance and we sat down with them and gave what we could in our guidance.

MR FICK : What guidance did you give the members of COSAS?

-- I think we shall remember that COSAS had come as a replacement of the SRC, the student representative council and I think at its formation naturally young people were aware of the fact that perhaps they could also be seen in the light in which the authorities saw COSAS, but I felt in that committee that it was important for these youngsters not to drop an institution that could help them to come together to (10) discuss, to talk about their problems and to formulate some way either of presenting it to the authorities if this was possible or to have a common way of dealing with what problems they had. To that extent I was very strong in feeling that these kids could not operate in the absence of a body where they could state their views, guide one another,. seek other other people to come and give them whatever guidance they have and I felt very strongly about that and still do.

What did you advise them, what must they do? -- That they must come together, they must, whenever they had a problem(20) that there was no point in saying we have a problem somewhere in the air and not looking down. When you have a problem you look at the problem, you study it, you see its effects, you see its size and when you are dealing with it whoever you go to, you make preparations for it. So, that when you make that presentation of your problem, you do not suck it somewhere from your thumb, but that you have statistics that help you to deal with your problem. It was in this regard that this has always been my consultancy in all groups.

When last did you consult with members of COSAS? -- (30)

Shortly/...

Shortly after they had formed the COSAS as I said earlier. I was still a member of the committee of ten then.

Was that the last time? -- That was the last time. I have not seen them since.

Did you attend any meetings of the federation of South African women? -- I have not attended any.

Have you attended any meetings of the Soweto Youth Congress? -- I have not attended any.

Do you know an organisation or a committee known as the committee of concern of Soweto? -- No. (10)

Have you heard about the Soweto Parents' Committee? -- I have heard about that.

When was it formed? -- I do not know when it was formed but I heard of it.

Did you attend any of its meetings? -- I have not been invited to that committee.

Your son, what is his name? Justus? -- He is.

Where is he today? -- He is in South Africa in Johannesburg.

The BPC, Black Peoples' Convention, do you know any-(20) thing about them? -- It is one of the organisations that was banned in 1977 on 19 October.

Were you involved in any protests against the banning of the Black Peoples' Convention or SASO? -- On that day I could not be involved because it is the day I was taken into custody. May be I could have stood up to protest as the rest of the other members of the community.

Your husband, Mr Judson Khuzwayo ... -- That is a new husband.

What was the name of your husband? -- No, you know (30)

my/...

my husband. I do not know Judson. I have never been married to Judson.

I am sorry then. What was the name of your husband? --
My husband was Godfrey.

COURT : But have you not been a widow for many years? --
For a long time. Since 1965 I have been a widow.

MR FICK : Was your husband involved in the ... -- My husband was not involved in anything. Do I have the right to find out who Judson was in your court?

COURT : You can ask counsel during the adjournment, because(10)
I do not want it on record.

MR FICK : What is your attitude as far as boycotts, economic boycotts against the Republic of South Africa are concerned? -- My attitude towards boycotts is that it is part of the way some people express their dissatisfaction in the country.

No, no, I am talking about international boycotts against South Africa? -- It is the freedom of each country, to decide whether they are going to boycott South Africa or not. I have very little to say about what people feel in other countries. (20)

Do you encourage other countries to boybott South Africa economically?

MR BIZOS : Last week this may have been a permissible question. I do not know that it is a permissible question any longer in view of the amended emergency regulation.

COURT : Is there an amendmend?

MR BIZOS : Yes.

COURT : What does it state?

MR BIZOS : It says that anybody who encourages is capable of being sentenced I think to ten years' imprisonment (30)

contrary/...

contrary to it - I have not studied it fully, but there is provision there making it a serious penal offence for the first time in the last lot of regulations.

COURT : Will you be able to give me a reference to those regulations?

MR BIZOS : Yes, I think at 14h00 I would be able to do it.

COURT : I would like to have it for my own purposes. Do you persist in your question, Mr Fick, in view of the objection?

MR FICK : I will change it and ask her were you. (10)

COURT : Were you two years ago? -- I have never participated. I have my own opinions about it, this question of boycotts. I have always said who does it affect in any case. It does not affect my community as much as it affects other communities. So what? It does not make anything worth for us, because we have really been disadvantaged right through the years.

COURT ADJOURNS. COURT RESUMES.

K1199

ELLEN KAY KHUZWAYO, still under oath

FURTHER CROSS-EXAMINATION BY MR FICK : Doctor, you (20) gave evidence-in-chief that women were demanded to remarry to prevent from being ... (Court intervenes)

COURT : Required not remarried.

MR FICK : Evicted. I am using the word the witness has used. -- Yes, they were required to remarry after they have lost their husbands.

COURT : How long ago was that? -- Roundabout in the early sixties, middle sixties I think and into the seventies.

MR FICK : Then you gave evidence about what had happened during the unrest in June 1976 and you gave evidence, I (30) will/...

will quote your words "The story goes how the children put up the V-sign and emptied their pockets to show that they were not armed"? Is that correct? -- Yes.

You do not have personal knowledge about that? -- I did not have personal knowledge. That is why I said the story goes on.

And then when you were asked about the reaction or the response of students if people were detained or expelled you said "I would summarise if one represents me and his position is jeopardized. You feel you placed him in that (10) position. You would not sit down. You would go to the authorities again." Is that what you said? -- Yes, that is what I have said.

Is that your personal feeling? -- That is my feeling.

And the evidence you gave about the teachers that went into the class-rooms armed with revolvers, is that also what you heard? -- That is what we heard. I had a little girl who lived with me and they were very agitated. They said that some of the teachers were armed in the class-room.

When was that? -- Shortly after 1976. (20)

What do you mean by shortly? Was it still in 1976? -- Well, it is difficult. I mean, it has happened in 1976 and it dragged on into 1977 as well.

Was it still during the unrest period in Soweto? -- The unrest period had been going on for a long time. I do not know what happened for the period when I was not in Soweto in detention but I am aware that it still even continued after my return from detention.

When you gave evidence you were asked about the housing policy in Soweto and you said you gained knowledge to a (30) certain/...

certain extent. What do you mean by that? -- That I knew certain things about the housing policy, but not all.

Is it correct that you said that all the issues namely the issue about women, removals, education, cost of living and harrassment are issues which were taken up long before the UDF? -- I would definitely say that.

Do you also agree that these issues were taken up on a loose and isolated basis before the UDF was launched by the different organisationis and communities? -- I do not remember using the word loose, but I said they were taken(10) by different organisations.

Independently? -- Most of the time independently.

And are you aware of the fact that it is only after the launch of the Udf in 1983 that all the issues were taken up on a national basis under the auspices of the UDF? -- I am not aware of that because certain issues to this day are still taken up by different organisations as well.

And are you aware of the fact that the people on a national basis were organised and mobilised and politicised by the use of the issues you mentioned? -- I would not deny that (20) because I do not know, but I am also aware that all that has been done by other groups independently of the UDF.

And are you aware of the fact that the people on a national basis since the launch of the UDF fought against the so-called enemy, that is the government to achieve their freedom and to bring about the government of the people as envisaged by the freedom charter? -- I am not aware of that, but I am also aware that people, the word enemy could mean anything. It could mean the denial of opportunities. I do not know if that word was used per se or what it could(30)

have/...

have meant in that case.

Is it correct that you tried to give a meaning to the resolutions of the UDF? -- Perhaps I should not.

Without having the vaguest concept of idea of what meaning the UDF and its affiliates attached to the resolutions? -- I have already said if that is the impression I am creating, I would withdraw that.

You withdraw that because you are not aware of the UDF's and its affiliates' policy? -- I am not aware of that.

You have referred to the word struggle and liberation.(10) Do you regard the struggle of the people as a revolution? -- I do not see it as a revolution, but I see it as a means of liberating ourselves from the political, economic and social injustices that have always been the lot of the black people in this country.

When you had discussions with the people of COSAS, did they tell you that you were engaged in a revolution? -- I never discussed any revolution with COSAS.

Then I simply want to put to you lastly, COSAS according to a statement by the COSAS national executive made in (20) EXHIBIT V25, at the inauguration of the Soweto Youth Congress in 1983 said that they are part of a national democratic revolution to destroy the existing social and economic relationship? -- It does not convey any specific meaning to me. I do not quite understand what it implies.

I put it to you that COSAS according to COSAS, the national sense of grievance is regarded as the most potent revolutionary force which must be harnessed in the struggle. -- I would not deny that they are saying so, but certainly one could see the grievances of any group of people being (30)

a/...

a legitimate thing.

My lord, I am referring to V25 on page 42 where that is stated. I put it to you that the grievances are the day to day issues? -- I would accept that.

RE-EXAMINATION BY MR BIZOS : Dr Khuzwayo, when you were in the Soweto Civic Association, did you help draw the blue print? -- In the committee of ten?

In the committee of ten? -- I did.

In view of what you were asked as to what the functions of the Soweto or civic association or committee of ten (10) might have been before 1982, I want to refer you to just a portion of EXHIBIT DA52. It says "Soweto local authority. Whereas the people of Soweto having rejected the powerless advice tribunals and all that it represents in terms of ethnicity and the frustrations of natural genius and creativity and resourcefulness of community and, whereas the point in the development of the history of Soweto is reached with the natural leaders and the true representatives of the people should take over reigns of leadership and, whereas people have in the clearest terms rejected in toto the imposed (20) appointees of the central government of the Republic of South Africa to direct the affairs of Soweto in the interest of the regime and not in the interest of the people and, whereas the people will not accept any but those representatives whom they choose and in whom they have confidence and trust to represent their interests and to do the things that are necessary for the social and economic welfare of the people of Soweto, and further whereas it is self-evident that even the most casual observer of the metropolis of Soweto that during the period in which the central government(30) had/...

had control over the city of Soweto that little or no facilities were provided for the people of Soweto who number in excess of one million and whereas the people of Soweto are not prepared to allow the state of affairs to continue to their detriment ..." et cetera and then right at the end the second last paragraph on page 5 of that document "That given the spirit and goodwill of the black concept of sharing and communilism that the affairs of Soweto must be run by the people for the people and the people of Soweto should elect their own representatives ..." et cetera. (10)

In view of that, what do you say to the suggestion made to you by the state that before 1982 Soweto was really not interested in any wider issues than street paving and rubbish removing and things like that? Did you discuss the national politics of the country? -- As a community of Soweto but in particular as the members of the committee of ten we were aware of very major issues that affected that community beyond removing the rubbish, beyond seeing that there was storm drainage in the community and may be if I were to mention some of the issues of great concern, were(20)

the state in which the roads were at that time and the people were not mindful, were not unmindful of the number of cars that were being bought by Soweto residents and in addition to that, the Soweto people were very much aware of areas in Soweto that could have been easily developed for industry and commerce within that community and in fact in our discussions, we realised that in the interest of Soweto residents, in the interest of the local authority under which we had been placed the Johannesburg City Council, in the interest of the country, it would have been of (30)

great/...

great benefit if all those opportunities of creating income for Soweto as such could be used to help the Soweto people to get out of the mud in which they found themselves. So, to that extent as the statement has been read, it was truly the intention of the committee of ten and the intention that spread onto the civic association that were envisaged and followed by the committee of ten and the civic association members who came in at that time.

What do you say to the suggestion that was made to you - I am sorry, I withdraw that. Whilst you remained a member(10) of the Soweto Civic Association after you were no longer on the executive, did it ever come to your notice that there was any major shift in the policies or the aspirations of the organisation of which you continued to be a member? -- As far as I am concerned, I have not had anything that has changed in policy within the Soweto Civic Association or even within the committee of ten structures or policies. If there is, I am not aware of it.

You were asked whether you knew and why other people sung the freedom songs and you were told not to speculate (20) but whether you knew and the question remained there. What I want to ask you is this. You told his lordship that you sung a song in praise of Mr Mandela. Why did you sing it? -- I think Mr Mandela and many other black leaders by the time they were put into prison, they had made a valuable contribution in the black community towards creating awareness within the community and also towards trying to create lines of communication with the authorities to say please see us as people, here we are and to that extent his image as a person is the contribution that he has made and I would(30) want/...

want to believe that if Nelson Mandela had belonged to any other organisation and had made the contribution that he had made, he would still be seen in the light that he is seen by his community to this day.

Did you, in singing it, believe that you espoused a policy of violence for the solution of the country's problems?

-- Singing of songs in the African community at all times particularly where there are groups, whether these groups were working or doing anything, has been a tradition that is within that community at all times and may be perhaps (10) I should say that singing songs and particularly songs that - to certain tunes, it is their tunes that have been there for a very long time and may be the difference here comes into the words that the people put in at a particular time because of the events that surround them and singing in the black community is something that one brings us together as a community too that gives us an opportunity through songs, through action to express some of the frustrations that have been watted in the community, sometimes because of some very stringent legislation that was passed and when you (20) sing, you sing to take out your own frustration as a person and to express your belonging with the rest of your people. I would very well understand how other people could misconstrue this to me something else other than what the community sings for. It does give us strength to stand against some of the great depressing experiences that we have in the community, be they political, be they social, be they economic, be they religious, be they anything.

The words in English of a number of - the opening words in English of a number of songs were quoted to you, his (30)

lordship/...

lordship quoted to you one in one of the vernacular languages and you said that you were not familiar with those songs. Do you know - I am sorry, I withdraw that. These tunes that you have spoken of, are different words fitted into the same tune by different people or do people make up entirely new songs in your experience? -- As I have said earlier that there are many, many old tunes and tunes which according to the period of time in the history of this community have had different words fitted in to fit that particular era in the life of that community, but by and large, the tunes (10) that we sing are as old as the hills. We have been singing them all the time. They have been our culture. From time to time the history has developed new words according to the climate that fitted that particular community at that time.

There are just two other matters that I want to deal with. In your evidence-in-chief you will recall when you referred to the various resolutions you said if this is the policy of the UDF then I go along with it. Do you remember that in your evidence-in-chief? -- I remember (20) that.

I do not know what question you were answering or whether it was clear to you, but let me ask you this. What is it that you withdraw? I do not know if his lordship or I or anyone else understood that. What is it that you withdraw when you said "I withdraw if that was meant" to the prosecutor? -- I wish I could remember very clearly ... (Court intervenes)

COURT : The answer was clear. The witness said "Perhaps I should not give any meaning to the resolutions of the (30)

UDF/...

UDF."-- That is right.

"I withdraw that." -- That is right.

MR BIZOS : Is that all, then I misunderstood the answer.

COURT : That is as I understood it. She did not intend to interpret for the court the resolutions of the UDF.

MR BIZOS : I am sorry, I understood - is there any part of evidence that you want to withdraw other than interpreting the resolutions for the court? Is there any part of the evidence that you want to withdraw? -- I have nothing to withdraw. (10)

Just one final thing. I do not know why you were asked about your son and whether he was in the country or not, but is your son a member of the legal profession in Johannesburg? -- He is. I do not know at this point if I can also ask for a clarification on something, about the film that was mentioned. I thought something was going to follow on that.

COURT : It does not seem so. I wanted to ask you whether it was a box of success? -- It was. In fact it has gone international and when I brought the film back to this (20) country, I did not sleep for the next night in Soweto and the next day I got into the plane and I went to Cape Town to the Board of Censors and presented the film because I felt it had to be shown in the country without any prejudice and without showing it under the table.

ASSESSOR (MR KRUGEL) : Dr Khuzwayo, just before lunch you were asked about your views on the so-called economic boycotts. I believe you did reply to that by indicating that while you have never participated in such a boycott, you do feel that such a boycott does not make matters (30)

for/...

for your community much worse, because you are economically in a position which is shall we say inferior? -- Right. This question of international boycotts to me as a person, I have tried to analyse it for myself and in my analysis I have tried to use the existing structures within the country say like the multi-national companies and I have tried to say here they are and they bring the money and I have also tried to say who are the people who are employed in these multi-national companies and in terms of the ratio of different communities and I went further to try and understand(10) the economic structure within it, who receives things what salary and if you look at that objectively I would come out with the understanding that in the long run the people who might even feel the pinch more than the black people, we have always suffered, would be the people who have enjoyed the best of these multi-national companies in high salaries, in high opportunities, in - may be in french benefits that they receive and may objection is that the emphasis must always be laid on the fact that it is the black people who are going to suffer. I think many other people other than(20) the black people would feel the pinch much more, because they are used to the comfort that we have never been used to.

Do you not also consider that many jobs will be lost for people, all people, if these companies withdraw and that unemployment will rise? -- I am aware of that. I am not saying whether there should be boycotts or not, but I am trying to explain to the court my own analysis of the situation via the fact that black people are always used as an excuse that we are going to suffer. I think we (30) should/...

should be honest enough to say all groups are going to suffer. It is not one group that is going to suffer and what surprises me is that there has never been such a feeling before talking about in sympathy with the black people. We have suffered for a long time and when the sympathy comes now, then there is talk about boycotts. It has other connotations, but in fact I feel very strongly that it is not only us who are going to suffer. May be other people will rely on their own banking accounts, but in terms of jobs and in terms of denial, I think we will feel the pinch as anybody else(10) would feel and therefore I think it is unfortunate if we are used as the only people who are going to feel the pinch, when in fact we know that many other people in other communities are benefitting from the boycotts if they do not come in. They have always benefitted more than the black people.

Yes, well, it seems that you have not given a clear reply to us whether you are for or against it? -- I have felt always and I have travelled overseas and I have been asked about this question openly in universities and all and my answer has always been it is you who make the deci-(20) sion, but I have said all these things that I am saying to court now in terms of particularly the multi-national companies who they employ, who benefit from what in terms of wages. The disparity is not only in education. The disparity in this country is right through the spectrum. The black people 's income is far lower and I have said to them this is the situation. It is not for me to say people should not send money into South Africa, but I am giving this to you so that when you do or you do not, you know why you are doing it and I have said this openly in groups(30) where/...

where I have been asked. May be even earlier than now although there has been an understating that certain legislation jeopardizes now, but I think that there has always been a threat that anybody who advocated boycott, being an South African, was going to go to jail and I think I have had enough of my own cup of going to jail and I would never place myself in that situation. So, I have given people the facts. It is your baby. You decide what to do. It is not for me to tell you whether you boycott or you do not boycott, but as far as I see it as an individual, it is (10) this.

COURT : Do you still have EXHIBIT A1 before you, a green book? Will you turn to page 28. -- I have got it.

It is the resolution on education. You dealt with that in chief and the second portion thereof starts with "And believing that" and the fourth resolution under "And believing that" or statement under "And believing that" is "unequal access to the wealth and resources of our country means that very few of the oppressed people have access to primary, secondary and higher education." Let us just deal (20) with the access to primary education. If the statement is put succinctly "Very few of the black people have access to primary education - very few", would that be right or wrong? -- I think it would be wrong if you think particularly of primary education as being divided into two sections lower and higher primary.

Well, even if we say that primary education includes lower primary and higher primary, then the statement would be clearly wrong? -- I would have a certain element of not being one hundred per cent correct. (30)

Well/...

Well, it would be nearer hundred per cent wrong than hundred per cent correct, is that not so? -- I would feel that way, particularly in urban areas.

And reverting to the rural areas, can you give us any figures on how many young blacks do not have any primary education at all compared to those that have? What percentage have and what percentage have not? -- I do not think I would - I am basing my argument on the number of schools on farms, (1). (2) On the distance that the children have got to travel from their homes to the school. (3) On the fact (10) that not all but some farmers require some of the school children at certain periods of harvesting that the kids should give some of their services to the farm labourers.

These might all be unsatisfactory aspects of the rural education system that they have to go very far and that they have difficulty in getting to school, but I was just asking you about numbers, how many do attend school and how many should attend school. You have got no numbers at all? -- I do not have those numbers. I am sorry.

We dealt with 1976 and the unrest in Soweto in 1976. (20) Would it be correct to say that after June, the 16th there was total chaos in Soweto? -- There was.

And how long did that last? -- I would say it stretched on into 1977 and then I think it became also exasperated by the detentions that followed in 1977 and carried on to other years, 1978 and I think the atmosphere of relieve came towards the end - the beginning of the eighties may be, 1979/80. There was a hope that things were going to settle, but other issues came in when the teachers - many teachers left teaching and there were replacements. There (30) were/...

were a number of issues that never quite allowed the situation to settle down where you could say it was settled down.

When we speak of total chaos in 1976 just after June the 16th, does that include arson, stone throwing? -- That is right.

Barrocades in the streets? -- That is right. Shootings of children.

Shooting of people, of crowds? -- Shooting of crowds.

Crowds attacking police, police shooting crowds, that sort of thing? -- Yes, never knowing which one started (10) first and sometimes cars passing in the street and witness to that in white city you would see a car passing and through the windows there would be shots fired. I know of children who were shot, young ones literally playing by themselves from the cars that were passing. There was a time when people were telling me about the green, that we should be very careful of the green car, that really distabilised the community and we could only guess, we never quite proved who those people were in those cars that shot children.

It in fact was a period of total lawlessness? -- That (20) is right. It was.

As far as the school situation is concerned, after June the 16th in 1976 in Soweto what was the situation? Were there boycotts? How long was there no schooling at all? Can you remember? -- I cannot remember quite precisely, but I know particularly in high schools there was complete disruption of the school program. In primary schools the young people still attempted to go to school but I think they were not very free in going to school. They felt extremely inhibited by the atmosphere that was prevailing particularly (30)

in/...

in the high schools.

And were there boycotts, school boycotts? -- There were particularly in high schools.

How long did these last? -- I wish I could remember. I think it stretched on into 1977 a great deal and as I say when you hoped that they would be stabilised, then an issue would come up and it would create another period of boycotts. I am thinking particularly of when people were arrested and the organisations were banned which took the school children back and it took some time for them to settle, a period (10) of six, nine, twelve months and those who went to school often said that they went to school and they just sat there and they did nothing in class.

During the boycotts, were these peaceful boycotts or were they accompanied by violence like stone throwing and arson? -- I do not know what prompted some schools to be the area for the police - South African police to remain on these.

On the premises? -- On the premises and this distabilised the school program tremendously. The kids just became (20) frightened of getting into schools. In as recent I think as 1985/86 there was talk of some of the police who were coming into the school yards and even trying to woo the youngsters to play football with them and sort of - this did not quite settle nicely on the minds of the parents why do you want to play with the children and I remember one mother, I was very closely and she - the other children sort of suspected why do you play with the police and this brings unnecessary suspicion when other children innocently they just think I am going to kick the ball with him.(30)

He/...

He gets back home. They can be taken as informers, because the relationship between the police and the community has not been healthy for a long time.

The school boycotts, were they accompanied by violence from either the one or the other side? -- They were accompanied by both. I think the most difficult thing would always be who started the violence.

What type of violence? Stone throwing? -- The violence I think from the children was always stones.

And from the police teargas and rubber bullets? -- (10) Teargas and sometimes shooting.

FURTHER RE-EXAMINATION BY MR BIZOS : Do you recall whether in 1976 after the tragic events of the morning of 16 June 1976 when Hector Peterson was killed, do you remember whether the schools were left open or whether they were closed after that? -- There was chaos in Soweto at that time. I remember that the very day when this happened I was staying with the university here and I went back home and it was such chaos that when I went over to Mapunya's which was almost the scene of the real trouble and when I got there, it was (20) frightened to say the least. Cars were going on fire and you could see that the anger of the young people had exceeded and after that there could never have been school the next day.

Leaving aside the next day, do you know whether the schools remained close for any period after the next day? -- If we talk of really closed, I think the teachers went to school and I think they had nobody to teach particularly in high schools and the younger children in primary schools were too terrified and so were there parents so that for(30)

two different reasons the primary schools were put out of usual existence, but the high schools were completely paralysed by the absence of the students.

Do you know whether the schools were open for the righting of examinations at the end of 1976? --Some schools were or some students I should say went to some centres which were not even disclosed openly to write their examinations, but most schools were closed. There were centres that were opened where children wrote exams. Unless my memory is not very clear, I do not remember any schools (10) being open centres for writing exams.

You prefixed your answers to what you thought the position in 1977 was. Do you recall specifically whether schools started operating in February 1977 or not? -- Unfortunately February 1977 I was in detention. So, I find it extremely difficult to reply to that question.

Thank you, my lord, I have no further questions.

NO FURTHER QUESTIONS.

- - - - -

LITHEBE ISHMAEL TAU, d.s.s. (Through interpreter)

COURT : His field of expertise? (20)

MR BIZOS : Seeisoville.

EXAMINATION BY MR BIZOS : Mr Tau, do you live at 1275 Seeisoville, Kroonstad? -- That is so.

Are you a shopkeeper owning a butcher shop in Seeisoville?
-- That is so.

Were you in business - have you been in business there since 1981? -- That is true.

During 1983/84/85 did you belong to any civic or political organisation in Seeisoville? -- No.

Do/...

Do you know accused no. 20, Mr Terror Lekota before his lordship? -- Yes, I do.

How do you know him? -- We grew up together in Kroonstad. He was a soccerite for the Roman School and I was soccerite for the Phomolong school.

ASSESSOR (MR KRUGEL) : Soccerite? -- Soccerplayer.

MR BIZOS : After he left school, did you keep up with his activities? Did you meet at all? -- I used to see him during holidays.

Did you continue your friendship? -- He was not in (10) fact a friend of mine. He was just a person who was known to me.

During 1983 or 1984 or 1985 did you ever have any political discussions with him or did you discuss the UDF with him? -- No.

We heard that a party was held in his home, his mother's home after his release from Robben Island. Did you go to that?-- No, I did not.

Do you know Mr Dennis Bloem? -- Yes, I know him.

Where do you know him from? -- He grew up in Kroonstad(20) and he is one of the business men in Kroonstad.

Perhaps an explanation is needed. Where did you grow up before Seeisoville was established? -- Marantha which is an old location.

And Mr Bloem, was he living in that old location as well? -- That is true.

Did you have any dealings with Mr Bloem during 1983/84/85? -- I used to sell some potatoes to him.

Is that a sideline besides the butchershop business? -- I am only a butcher and a general dealer and that business(30 of/...

of selling potatoes is part of the general dealer.

Did you have ever discussed the UDF or have any dealings of any political nature with Mr Bloem? -- No.

Were there elections in 1983 for the community council in Seeisoville? -- That is so.

Did you vote in that election? -- No, I did not.

What was the reason for it?-- It was because of the newspaper reports I read that were contradicting each other. There was an article where it was being said the elections were not important. On the other hand there was another(10) newspaper report that I read in which the councillors themselves were saying it was important that one takes part in the elections of the councillors. And secondly, there were two candidates for the elections whom I favoured and I respected both these people as far as politics were concerned, namely Philip L. Tau and Sipho Koekoe. Because of that that I felt that I respect these two people on politics and they are both in business and are close to me, both of them, then I felt I better not take part because it would mean that I am identifying myself with the other one. (20)

COURT : You could have voted for both? -- No, it does not happen.

MR BIZOS : In Seeisoville, was there any campaign run by any organisation to your knowledge to tell people not to vote in the elections? -- No.

Did you see any pamphlets or placards or other material from the UDF telling people not to vote? -- No.

Are you related to Mr Philip L. Tau? --That is my elder brother.

And he was one of the candidates? -- Yes. (30)

Although/...

Although you did not vote, did any disruption of the elections come to your notice on the day that your brother and other candidates were canvassing for support? -- No, nothing.

Did you then regard yourself as a supporter of the UDF? -- No.

Did you become aware after November 1983 of any mass meetings held by the UDF in your area? -- No.

Were there any civic organisations or other organisations during 1984 and in the beginning of 1985 against the (10) black local authorities or the council system? -- No.

COURT : Were there any civic organisations in existence? -- No.

MR BIZOS : Do you know whether any of the councillors of your area resigned during 1985? -- Yes, I know of four.

Who were they? -- Mr Mfazi, Mr Lefafa, Mr Moleme and Mr Nkomonde.

Do you know these gentlemen? -- Yes, I know them.

Do you know of any pressure placed in them by any community organisation or community as a loose term or (20) anyone else putting pressure on them in order to resign? -- No.

COURT : Did Mr Koekoe not resign? -- No, he did not.

MR BIZOS : Do you remember when they resigned? -- All I remember is that it was during winter time when they resigned in 1985.

Did you ever find out the reason why? -- Yes, on questioning them why they resigned, to me they said it is because they failed to convince the mayor that they will all have to alternate each and every year, that somebody else takes (30) the/...

the seat of the mayor. The mayor was not prepared to accept that. That is what resulted in their resigning as councillors saying they reason that you people speak better English than me, would not make you qualify as mayors in other words meaning do not think because you are laymen that you can be elected as a mayor.

I would like to try and fix this resignation. I am going to ask you questions about the damage that was done to shops on 11 February 1985 and the funerals that were held on 18, 21 and 27 February 1985. Was it before these (10) events or after these events that this quarrel about the mayor or chain occurred? -- They resigned after the funerals.

Have you got a shop in what has been described as the shopping area or shopping centre of Seeisoville? Is that where your shop is? -- Yes.

Were you there at the time that the shops in the shopping area were attacked? -- No, I was not.

Where were you? Do you recall? -- I had left that day going to the abattoir, the wholesaler and the market. It is only then that I returned to my shop. On arrival (20) there I found that the shops had been damaged.

COURT : How many shops? -- Five in number.

How many shops were there? -- There were nine shops operating at the time. There were other small shops or buildings which were meant to be shops which were not operating.

Was your shop damaged? -- Yes, it was.

MR BIZOS : How was your shop damaged? -- The windows were broken. The window-panes on the butcher side and the general dealer.

(30)

Are/...

Are they adjoining shops? -- Yes, they are.

Was your stock left intact? -- Yes.

COURT : Your shop was not looted? -- No, nothing. The shop was not looted. All that was done was that the window-panes were damaged. The reason for that is that my burglar proofing is made of steel outside and this is strong enough. One could describe it as a - in the form of a cage. So, therefore a person cannot gain access to those bars.

And the other four shops, do you know whether any stock was taken from them? -- Some of the shops, yes. Very (10) much so.

MR BIZOS : Were any of the shops burnt? -- Not at out shopping centre, no.

COURT : Where were they burnt? -- In Phomolong.

Were shops burnt there? -- One shop was burnt.

How far is that away? -- I estimate the distance to be about a kilometre from my shopping centre.

MR BIZOS : Do you know the time, if you do not know, do not tell us, whether it was the same time or before of after the attack on the shops in your shopping centre that the (20) one in Phomolong was attacked? -- No, I do not know.

Were any of the five shops, the property of any councillor? -- No.

COURT : And at Phomolong, how many shops were damaged? -- There were two.

That is the one that was burnt and one more? -- Yes.

Did anyone of those belong to a councillor? -- No, none of them belonged to councillors.

MR BIZOS : Did you expect any trouble to occur on the morning (30)

of/...

of the 11th before you went off to the market and the wholesalers? -- No.

Had there been any meetings beforehand, public meetings or any pamphlets or any posters or any banners or any protest? -- No.

In whose charge have you left your shop or hops? -- My wife's.

At what time did you learn of the trouble in Seeisoville? -- I cannot remember at what time this was when I heard (10) from a person who lives in Constantia that some businesses are being damaged in the township.

Did you return to the township? -- It was about time that I was to leave for the township when I got to know about this report. So, I went to the township.

What time more or less did you go? -- 13h30.

Did you notice anything peculiar as soon as you arrived at the township? -- Yes, I saw a lot of police vehicles in the township and the township itself had a load of smoke.

What sort of smoke? -- It was a smoke which I associated with something very large which was burning. It was not the ordinary smoke from a stove.

Where was it coming from? -- This was from the direction of the township.

COURT : Seeisoville? -- No, I cannot say it was from Seeisoville. What I can say is that Phomolong and Seeisoville are in line as townships from the direction which I came and there was some smoke from the direction of the two areas I have just mentioned. Now, I cannot say whether it was from Seeisoville or from Phomolong. (30)

Did/...

Did you later find out what caused the smoke? -- Yes.

What was it? -- Johnny's shop.

Johnny who? -- Unfortunately he is only known to me as Johnny. I do not know what his surname is.

At Phomolong? -- The shop is in Phomolong but Johnny lives in Welkom.

MR BIZOS : Is that one of the two shops that you mentioned earlier? -- Yes, the damaged shops in Phomolong.

Where the one shop that you have already told us about was burnt? -- Yes. (10)

And what did you do? Did you go into the township? -- Yes, I succeeded getting home, because my house is not far from the police station. It is just nearby.

Did you see any people on the streets? -- Yes, there were people standing on the sides of the road.

What sort of people? -- Mixed, grown-up people and children and the youths.

Did you see any obstructions on the road? -- No.

Did you see any overturned vehicles on or alongside the road? -- No. (20)

Did you get home? -- Yes.

COURT : Did you not go to your shop first? -- No, I decided to go and check on my children first.

MR BIZOS : Whom did you find at home? -- My wife and a child were home.

Did your wife make a report to you? -- Yes.

Did you then go to the shopping centre? -- Yes, I did.

Were you able to drive or were there obstructions on the road? -- I drove to the shopping centre.

Without any difficulty? -- Without any difficulty, yes. (30)

And/...

And when you got to the shopping centre, did you find them in the state in which you have already described to his lordship? -- Yes.

Was there any looting going on at the time that you got there? -- Yes, there was.

At whose shop? -- It was Mr Khoase's shop from which they were looting.

Who was looting the shop? -- Some young boys and girls. From the way in which they were doing this and the way they were doing it fast, I could see that they were not people(10) from nearby.

COURT : How late was it? -- 14h00, 14h30 somewhere around there.

MR BIZOS : Were they in school uniform? -- No, they did not have uniforms on.

Did they have any clothing of an identifiable nature? -- No.

Did you get any impression of the average age of the members of the group? -- Between 20 and 22 was my estimation.

Where did you go from there? -- I went home. (20)

COURT : Does it matter?

MR BIZOS : It does. Did you hear anything about anybody having been killed? -- During the time of the breaking?

No, after you got home, did you hear whether anybody was killed? -- No.

K1200 When did you hear about any death? -- The next day in the morning.

Did you hear the name of the person that was killed? -- Yes, it was said Matches is the name of the person.

Did you know him? -- Yes, I did. (30)

Did/...

Did you know his parents? -- Yes, I know the parents.

Do you remember the date on which he was buried? -- Yes, it was 18 February.

Did you go to the funeral itself? -- No, I did not.

Did you visit the deceased's home? -- Yes, I did.

Before or after the burial? -- After the burial.

COURT : On that day of the burial? -- Yes, on the day of the burial after they had returned from the grave-yard.

MR BIZOS : Did you see Mr Bloem and Mr Lekota there? -- Yes, I did. (10)

What happened to them? -- What happened is, Lekota and Bloem and some other four, five people were seated on the stoep. The police arrived there. The two of them, that is Lekota and Bloem spoke to the police and later they were taken along with the police. They got into the police vehicle and the police took them away.

Did you go to a funeral on 21 February 1985? -- Yes.

Whose funeral was this? -- Makhoko.

Why did you go to this funeral? -- They were my customers. In fact himself and the parents were my customers in the (20) business.

Did you join the funeral procession before or after it had left the deceased's house? -- They were about 10 metres away from the deceased's house when I joined them.

Were you walking? -- No, I was driving a car.

Were you alone in the car? -- On arrival there in my car was my wife and then I picked up some other three people who were already there.

And did you drive to the cemetery? -- Yes.

Did you drive all the way to the cemetery? -- Yes. (30)

Were/...

Were all the people in cars? -- No, there were other people on foot.

Were the people proceeding absolutely quietly towards the cemetery or were they doing something else? -- They were singing.

What were they singing? -- Senzeni na is the song they sang.

Did you see anybody in COSAS T-shirts or AZASUM T-shirts? -- No.

Did you see anyone in a UDF shirt? -- Only at the grave-(10) yard, not along the way.

How many? -- About six.

How many people would you say attended this funeral? -- I estimate the people to have been about seven thousand. There were quite many.

Did you go very near the graveside at the funeral at the cemetery? -- No, I did not.

Were there any banners at this funeral? -- There was a banner yes written "Asseblie moenie skiet nie. Ons baklei nie." (20)

What sort of banner was that? On what sort of material was it written? -- It was written in black on a white background cloth.

Were any slogans such as "Amandla Ngawethu" or "Mayibuye e Afrika" shouted at this funeral? -- No.

Did you see Mr Lekota at this funeral? -- No, I did not see him.

Were you at the funeral from the time of the arrival of the coffin at the cemetery to the time that the people dispersed? -- Yes. (30)

Have/...

Have you ever heard Mr Lekota make a speech at the funeral or for that matter at any other place? -- No, I have not heard him.

Did you see Mr Bloem there? -- Yes, I saw him.

Did he play any part at this funeral? -- He was the chairman.

Do you know whether he represented any political organisation at this funeral? -- No.

Did he mention the UDF?

COURT : Could you hear him speak? -- Yes, I could hear (10) him speak.

MR BIZOS : Did he mention the UDF? -- No, he did not.

Did anyone there ask the people to leave? -- Yes, Mr Bloem said that the people must leave.

Where was your vehicle parked? -- It was parked in the premises of the grave-yard.

Was that the only vehicle parked inside? -- No, there were quite many parked there.

Did you manage to get out right away or did it take some time? -- It took me some time before I could get out of (20) the premises. The delay was caused by the people on foot, that they first passed and some other vehicles ahead of me.

Did you get out of the gate of the cemetery? -- Yes, I got out.

Were there cars in front of you? -- Yes, there were cars in front of me.

Were there cars behind you? -- Yes.

Were there pedestrians around? -- Yes, there were.

Walking in a formal procession or not? -- They were scattered all over.

(30)

What/...

What happened whilst you were travelling out of the cemetery? -- I was about some hundred metres away from the gate of the grave-yard when I noticed some smoke right in front and thereafter I smelt teargas. Some rubber bullets passed there and I heard people screaming, those who were pedestrians next to my car. Just when I got near the township where I lived, one of the hippo's fired a teargas which passed just above my vehicle which I was driving. That is not the township in which I live. That is emerging just towards the first township from the grave-yard as I was (10) heading for that. I continued driving on my way. I became aware of some people who had been injured. Some bleeding. I went on until I reached the deceased's home.

Could I ask you to just pause there for a moment. Before this teargas was fired and the rubber bullets were fired outside the cemetery, did you see any person behaving in a riotous manner or misbehaving in any way? -- No.

Did you reach the deceased's home? -- Yes, I did.

What happened then? -- I washed my hands, got hold of a plate and stood in a queue from where I was going to be (20) served with food. While still standing there I smelt teargas again. The next thing I heard people screaming, some shouting as a result of which I decided to get away from there. In my getting away from where I was, I went to take cover behind a toilet. The police came there with thick or big sjamboks known as "donkiepiel". Of those policemen who got there some kicked the pots and some kicked the table from which the food was to be served and immediately started hitting the people. As a result of that I ran away.

hoe laat is u die oggend van u huis af weg? -- Om 08h00.

Was u besighede toe al - het u dit toe gaan oopsluit, die slaghuis en die winkel? -- Ja, ek het dit eers gaan oopmaak voor ek weg is.

HOF : Is 'n slaghuis nie baie vroeër oop as 08h00 nie? --Nee.

MNR. JACOBS : En was al die ander winkels in daardie kompleks ook oop gewees? -- Ja.

So, kan u dit miskien aan die hof verduidelik, toe die mense daar blykbaar gekom het wat die plek beskadig het, dan kon hulle mos ingegaan het, die winkel en die slaghuis(10) was oop gewees? --Bedoel u by my winkel?

Joune en ook die ander winkels?

HOF : Wil u hoor van die teenwoordigheid van gees wat sy vrou aan die dag gelê het om vinnig die barrikades op te sit?

MNR. JACOBS : Miskien kon ek u ander antwoord gekry het.

HOF : Ons kan maar hoor. Dit is dalk interessant.

MNR. JACOBS : Kan jy vir ons sê? -- Die inligting wat ek het is dat toe die mense daar gekom het het hulle die eerste winkel aangeval wat net om die hoek was. Iemand het toe begin skreeu dat daar mense is wat besig was om die winkels(20) te beskadig, as gevolg waarvan my vrou geloer het en gesien het dat daar 'n groot klomp seuns by die winkel was. Met die gevolg is dat sy die winkels, die besighede toegesluit het en weggegaan.

Daar by u winkel, toe u nou daar gekom het en u buurwinkels daar in die omgewing, kan u vir die hof sê, is daar 'n klippe-rige terrein daar? Is daar baie klippe? -- Ja, daar is baie klippe.

En was daar ook baie klippe wat gelê het op die stoepe van die winkels, u eie en ook die ander? -- Ja, daar was (30)

klippe/...

klippe.

En ook baie klippe selfs binne-in die winkel waarmee die ruite stukkend gegook was? -- Ja, daar was.

Is u seker daar in daardie kompleks by u is net een winkel gebrand?

HOF : Dit is nie die getuienis nie. Daar is geen winkel gebrand by hom nie en een is gebrand in Phomolong.

MNR. JACOBS : Ekskuus, ek het dit verwar. Is daar by u kompleks hoegenaamd geen winkel gebrand nie? -- Nee.

Is u baie seker daarvan? -- Ja. (10)

By die Phomolong gebied is daar net een gebrand? -- Ja.

En daarvan is u ook baie seker? -- Ja.

Kan u vir die hof enige rede gee hoekom dat julle winkels daar aangeval en beskadig is? -- Ek weet van geen rede self nie, behalwe wat ek gehoor het, naamlik dat die kinders van Bodibeng Skool is na Kanane Skool toe en terwyl hulle daar was het die polisie hulle uiteen gejaag met die traangas. Toe hulle daarvandaan gevlug het, het hulle omgekom tot by die winkels waar hulle toe die winkels aangeval het. Wat ek verder kan sê is dat nie baie ver van die winkelsentrum (20) van ons af nie, is daar 'n plek wat eintlik deur 'n hele klomp seuns altyd besoek word wat werkloos is. Daardie klomp seuns wat daar sit sal ek sê is baie gevaarlik.

Wat het die klomp seuns wat nou daar sit te doen gehad met die mense wat joune en die ander winkels aangeval het? Ek vermoed dat hulle ... (Mnr. Jacobs kom tussenbei)

Ek wil nie vermoedens hê nie. Het jy enige feite wat jy voor die hof ... (Mnr. Bizos kom tussenbei)

MR BIZOS : If the witness is asked to express an opinion, then the answer must be listened to with respect. (30)

HOF/...

HOF : Heeltemal reg, mnr. Jacobs. U het hom gevra, u weet hy was nie daar toe die aanval gepleeg is nie, maar u vra sy mening oor die aanval, wat ek nie gedink het so 'n baie intelligente vraag is nie, maar nou gaan u die antwoord hoor. Wat is die antwoord? -- Ek vermoed dat daardie seuns het 'n sterk invloed gehad op die skoolkinders deurdat hulle eers die winkels begin aanval het dat die skoolkinders dan ook agterna aangesluit het by hulle.

MNR. JACOBS : Die Kanane Skool, hoe ver was hy ... (Mnr. Bizos kom tussenbei)

MR BIZOS : The witness was about to add something.

MNR. JACOBS : Ekskuus. -- Dit sê ek omdat na al hierdie voorvalle nou verby is, is 'n sekere seun se naam wat al die deure van die winkels oopgeskop het bekend gemaak.

Die Kanane Skool en die Bodibeng Skool hoe ver is hulle van die winkels af? -- Die skool Kanane skat ek ongeveer 'n kilometer vanaf my winkel en hierdie ander een is 'n bietjie nader as wat 'n kilometer is.

HOF : In verskillende rigtings? -- Ja, verskillende rigtings.

MNR. JACOBS : En soos u nou daar vir die hof beduie het met u hande dan is dit eintlik 'n V vanaf die winkel, een dié kant en een ander kant? -- Ja, dit is heeltemal reg.

HOF VERDAAG TOT 3 MAART 1988.