

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

A

SAAKNOMMER: CC 482/85

PRETORIA

1988-03-08

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21  
ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN  
ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS  
ADV. P. FICK  
ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON  
ADV. G. BIZOS  
ADV. K. TIP  
ADV. Z.M. YACOOB  
ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

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KONTRAKTEURS:

LUBBE OPNAMES  
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VOLUME 361

(Bladsye 20 728 - 20 822 )

COURT RESUMES ON 8 MARCH 1988.

MR BIZOS : All die accused are present.

JOSHUA MATHE RABOROKO, d.s.s.

EXAMINATION BY MR BIZOS : Mr Raboroko, are you a journalist presently employed by the Sowetan newspaper published in Johannesburg? -- That is correct.

For how long have you been working for the Sowetan? --  
For six years.

Were you employed as a journalist before that? -- Yes.

For how long? -- For a period of over twenty years. (10)

For what newspapers have you worked? -- I worked for the World, the Weekend World, the Post newspaper and the South African Press Association.

Do you live at 571001 zone 3 Sebokeng? -- That is correct.

Were you living there during 1984? -- Correct.

When did you first hear about the proposed increases in rent in the Vaal Triangle? -- It was June 1984.

From whom did you hear this? -- I heard this from the town councillors.

Thereafter, after you heard it from town councillors, (20) did it become known in the Vaal that rents would be increased? -- Yes, it did.

When would you say that that became known? -- It was mid August when there were circulars that were sent to various householders in the area.

Did you yourself learn of any meeting that was held in the first half of August at the church of the Reverend Moselane, accused no.3 before the court to protest against the proposed rent increase? -- I read an article that was in the Rand Daily Mail. I cannot remember the date, but (30)

it/...

it was during August.

I want to show you EXHIBIT DA1 before his lordship. Is this the report of 14 August 1984? Did you see that? -- I saw this.

Did you get any information as to whether or not there would be another meeting? -- Yes.

When was the next meeting going to be? -- The next meeting was going to be on 19 August.

Did you attend that meeting? -- Yes, I did.

Did you file a report? -- Not on the same day, but I (10) filed a report the following day.

Is that Monday, the 20th? -- Yes.

And was what appears on AAQ7, the Sowetan of 21 August 1984 published in the Sowetan on that day under your byline? -- Yes.

ASSESSOR (MR KRUGEL) : It was not Monday the 21st, it was Tuesday the 21st.

MR BIZOS : He said he filed it on the Monday, the 20th. Did you go to the meeting of 19 August? -- Yes, I did.

Do you recall what time you arrived there? -- It was (20) shortly after 14h00, about 14h20.

And when you approached the church, did you see any police presence? -- As I approached the church, I was driving in a car with our driver. As we approached the church about two blocks away from the church I noticed a car that was parked at the corner of the two streets and as we approached I noticed that there was a policeman who was very familiar to me. He was parked there and looking at the proceedings of the meeting.

Do you know that police officer's name? -- Yes. (30)

What/...

What was it? -- He is known as Eric Radebe.

Did you know him from before? -- I knew him from before.

What sort of car was he in? -- It was a fawn Galant.

When you got to the church, had all the people gone inside or were there people outside? -- There were a number of people who were waiting outside and chatting.

Did you speak to them? -- I spoke to some of them.

Just ordinary chit-chat or did you try to get any background? -- Yes, I had gone out there to do a story and I needed to find out what was the purpose of the meeting.(10) I found out from them, I wanted to find out from them if it was true that they were not going to pay rent increases-

What was their response? -- They said they are not going to pay and that there was a resolution that was already taken to that effect.

Did you then go into the church? -- Yes.

Was it full? -- It was full. I managed to push a few people around there in order to go right at the front.

Did you find a seat right in front? -- Yes, I did. I must say I was lucky, because there were quite a number(20) of people in the church.

Did you see any of your colleagues there? -- Yes, I saw Ernest Nkabinde who was working for the Rand Daily Mail.

Has Mr Nkabinde since passed away? -- Yes, he did.

Were you at his funeral? -- I was at his funeral.

Would you say that you were in a position hidden from the speakers or were you conspicuous to them? -- I was conspicuous to almost everybody that was in front.

Were you carrying anything? -- I had my notebook in my pocket and a pen.

(30)

Did/...

Did you take them out of your pocket? -- Yes; as soon as the meeting started I took out my pen and notebook.

And were you making notes during this meeting? -- That is correct.

What happens to these notes that you take at meetings or in the ordinary course of your work? -- During the course of my work I must emphasise that as soon as one has taken down notes, after a year or so, we normally dispose of these notebooks.

Are the notes that you took at this meeting still (10) available to you? -- No, they are not available.

When you arrived there, did you see whether Mr Tom Manthata, accused no. 16 before his lordship was at the meeting? -- I think he formed part of the audience that was on the platform there. There were people that were on the platform there.

Was part of the audience on the platform? -- Yes.

Did you know Mr Manthata before this? -- Yes, I knew Mr Manthata as a senior employee at the South African Council of Churches and he is also the secretary of the Soweto Civic (20) Association and I have also known him to have been a senior member of the Black People's Convention and the South African Students Organisation.

Known as SASO? -- Correct.

Were you visible to Mr Manthata when you went there and sat down with your notebook and pen? -- I was visible to him.

Since August 1984 have you attended many meetings and conferences?

COURT : Are you going away from this meeting?

MR BIZOS : No. Merely ... (Court intervenes) (30)

COURT/...

COURT : Now why are you interested in other meetings?

MR BIZOS : Merely as to how much he remembers and as to how much he does not remember of the meeting of the 19th.

COURT : Very well.

MR BIZOS : Have you attended many meetings? -- Yes, in the course of my work as a reporter we attend - I attend hundreds of meetings a year. It is basically very hard to remember some of the things unless you have taken down notes and the notes are in your possession.

In this particular case, has your report of the (10)  
meeting refreshed your memory? -- Yes, it has.

And do you make notes of everything that is said at the meeting or not? -- Well, we take notes of things that are very much important at meetings. The rest of the stuff we would not consider as very important. If for instance there is anything dramatic at a meeting one would always remember and one would dot down this in his notebook.

In relation to this report, did the report that you filed on Monday the 20th did that appear as you wrote it or not? -- No, it certainly did not. (20)

Why do you say that? -- I say that because my original report is much longer than that and number two, what had happened was I had included in certain paragraphs in the story which were intended to serve as background to the - how the black people or organisations felt about the increases in rent and number three, another reason was that in the report that I had filed some of the speakers who I had mentioned in my story, what they said at the meeting was deleted from the story.

Who made the decisions to alter the report as filed (30)  
by/...

by you? -- Well, this is normally done by the sub-editors who have to work under extreme pressure most of the time and they have to cut down what they do not regard as important in the story and in the course of events, they can do whatever they like to do with the story, but this does not normally cause problems, because if it does, then we go to them.

I would like you to please go to your report you have before you. The headline on EXHIBIT AAQ7, who is responsible for the headline? -- That is the sub-editor. (10)

Did you have any quarrel with your sub-editor's headline? in relation to the meeting? -- No, not with regard to the headline.

Would you please read the first paragraph into the record? -- "More than one thousand five hundred angry Sharpeville residents have resolved not to pay house rentals ..."  
(Court intervenes)

COURT : New house rentals? -- Yes, "new house rentals ..."

Rents? -- "rents and service charges increases to be introduced by the (I cannot see this) Liquor Council as from(20) ... "

Town Council? -- "Town Council as from September, 1."

MR BIZOS : Did you write that paragraph? -- I wrote the paragraph.

I want to ask you, in relation to the number of people present, how did you estimate the number of people present? -- I estimated the number of people present at the meeting after I had gauged the situation outside. There were a number of people who were gathered outside and some of them were also coming at the time when the meeting was about to start.(30)

I/...

I combined this with the number of the people who were already in the church at the time.

Were the people at the meeting angry? -- Yes, they were angry in the sense that they were showing signs of anger after every speaker had to make his speech and they were not so angry as most probably that they could have done something, but I think they were angry in the sense that after speaker had spoken they shouted "Amandla", which meant that they were in agreement with what the speaker had said.

COURT : Does the shout of "Amandla" always mean that you(10) are angry? -- At several meetings this has been said and it means that they are in agreement with what you are saying.

Does it mean that you are angry when you shout "Amandla"? -- But the way it was done, people were saying it in that manner.

MR BIZOS : The decision not to pay rent and also the other resolutions that were passed, did that indicate to you whether or not the people were happy and content or whether they were angry?

COURT : The witness has said the people were angry. So, let(20) us go on to the next paragraph. I can interpret the resolution for myself.

MR BIZOS : "The resolution was taken at an emotionally charged meeting held at St Cyprian Church at the weekend, when residents also called for a boycott of shops and other concerns owned by councillors who they asked to resign." Did you write that paragraph? -- Yes.

What did you mean by emotionally charged? -- By emotionally charged I mean the people were angry and they were dissatisfied and it just explained that they were angry. (30)

Then/...



Then the next paragraph "Members of the security police in two vehicles watched the proceedings from a distance amidst shouting of black power slogans and chanting of songs by the crowd which crammed the church." Did you write that? -- Yes.

Did you see any other police officer at any other time than the one that you mentioned to his lordship at the beginning of your evidence? -- Yes, I did. When I was about to go away there was another police vehicle that drove past the entrance of the church and parked on the northern (10) side of the church.

COURT : We had one parked on the one side and the other one on the other side? -- The one was on the southern side and the other one was on the northern side.

Mr Radebe was on the southern side? -- He was on the southern side.

MR BIZOS : What songs were sung? -- The songs that were sung at the church if I can remember well were the songs "Re a ho Boka Morena" which means "We thank you, Lord" and the African anthem "Nkosi Sikilele e Afrika." (20)

And you referred to the shouting of black power slogans. What slogans were shouted? -- "Amandla Ngawethu" and "Kopano ke Maatla" "Unity is strength."

COURT : Are these slogans generally known as black power slogans? -- Yes.

MR BIZOS : Do you know the origin of this expression? -- The origin of?

Black power slogans? -- I do not understand the question.

COURT : The phrase black power slogans, do you know where that comes from? -- Yes, I think they originate from (30) America/...

America.

Are these the only black power slogans that you know or are there other black power slogans apart from what happened at this meeting? -- Not that I can remember at this point in time.

MR BIZOS : Let us take the next paragraph "Several leaders from various political and civic associations including the United Democratic Front, AZAPO, Azanian National Youth Unity, Soweto Civic Association and trade unions launched a scathing attack on the councillors for increasing the (10) rents." Did you write that paragraph? That is in the way it is here? -- I must emphasise at this point in time that this paragraph was intended to serve as background material to what the organisations that I have mentioned here had already said about rent increases.

COURT : You mean not at the meeting? -- Not at that particular meeting.

So, in fact you say that this is entirely incorrect, this paragraph? -- Yes.

MR BIZOS : Is it usual to write into a story what you call (20) a background paragraph? -- It is usual because we are normally called upon to inform the readers about the current events.

ASSESSOR (MR KRUGEL) : Even though you create an entirely wrong impression? -- No, at this point in time I have already emphasised that this background was intended to be background material to the stance that was taken by the organisations mentioned in the paragraph.

COURT : But did you write this paragraph in this sequence, that is after paragraph 3 and before paragraph 5? - No, it was not written in this way. (30)

Where/...

Where was it put in then? -- It was put right at the end of the story.

MR BIZOS : And this background information, do you use only your own knowledge or do you use any file material in order to write the background paragraph or paragraphs? -- I use both my knowledge and what I have asked the people and material that we obtained from the libraries or other sources.

Do you rely only on your own newspaper file or do you rely on other newspaper reports as well for background material? -- I rely on other newspapers too. (10)

In connection with giving your readers the wrong impression, is this done deliberately or not?

COURT : Well, can he speak for the sub-editor?

MR BIZOS : I will leave it at that. The fifth paragraph "Mr Tom Manthata of the Soweto Civic Association said that when councillors campaigned under the new black local authorities' act, they had promised that rents would not be hiked but now they have increased rents." Did you write that paragraph? -- Yes.

"He asked the council and the government to pay the (20) rents in the black residential areas because they are responsible for building up apartheid houses for blacks." Did you write that paragraph? -- Yes.

I want to pause here for a moment. It was alleged by the state that at this meeting during his speech Mr Manthata said that councillors should be killed, their property should be burnt. What do you say to that? -- That councillors should be killed?

Yes and that their properties should be burnt? That Mr Manthata said this at the meeting that you were at? -- (30)

Certainly/...

Certainly not.

What would you have done if a person in the position of Mr Manthata had incited violence at this meeting against anybody? -- If a man of Mr Manthata's standing in the community had asked that councillors should be killed, it would have been a major story for the newspapers and I think it would have made headlines in all the newspapers. What I would have done was to get in touch with my office immediately with the view to phone in a story and tell them that Mr Manthata is capable of saying this and he is a man who (10) is a prominent leader in the community.

Did you get in touch with your editor on that day, Sunday, the 19th or anyone in your office? -- No, I did not, because there was not any need for me to do so, because the story that we were going to carry was not much of a punch story and by the time the meeting had elapsed, we had passed the deadline already.

It is also said by state witnesses that Mr Manthata dramatically tore a piece of paper which announcement the rent increases threw it on the ground and said that it (20) should be burnt. What do you say to that evidence? -- That certainly did not happen because I would have recorded that in my notes. I mean, it would have been a dramatic event that would have gone along with my story.

Could we please go on to the next paragraph. "AZANYU's Patrick Baleka said most blacks were already reeling under the escalating cost of living and could not afford to pay high rents. The delays in receiving unemployment insurance fund payments, the increase in the general sales tax and the high rate of unemployment had frustrated most blacks. (30)

The/...

The increase in rents will be a heavy blow to them, he said, we are being robbed of our rights." Did you write that? -- Yes, I did.

And is that what Mr Baleka said? -- Yes.

Did you know Mr Baleka before this? -- Yes, I knew Mr Baleka before this.

What did you know him as? -- I knew him to be a member of AZANYU.

Did AZANYU have an office as far as you knew in 1984? -- No, they were at the time still an up and coming organi-(10) sation. So, they did not actually have an office where one could actually visit them and talk to them there.

COURT : Have they since arrived? -- Not quite.

MR BIZOS : Can you remember whether or not you read shortly after you were at that meeting the report that was written on the meeting by your erstwhile colleague Mr Ernest Nkabinde?

COURT : Could I first ask a question, did you read your own report? -- Yes, I did.

As published. -- Yes.

The question is whether you read Mr Nkabinde's report?(20) -- Yes, I did.

MR BIZOS : Did you read Mr Nkabinde's report at a time when the events described in the report were still fresh in your memory? -- Yes.

Would you please have a look at AAQ6. The headline "We will not pay rent increases", is that a fair headline for the meeting that you attended? -- Yes, it is fair because that was in actual fact the essence of the meeting. The resolution taken at the meeting was that.

I want to deal with the first paragraph "About eight (30) hundred/...

hundred Sharpeville residents who packed St Cyprian's Anglican Church at the weekend resolved not to pay the new increased rent of R5,90 on September, 1." Do you agree that that is a correct statement of fact as to what was decided at the meeting? -- Yes, I would agree, except that I would have problems with about eight hundred because I had estimated the people more than that.

The second paragraph "This decision was taken at the public meeting called by the anti-rent committee." Did you know anything about any anti-rent committee at the time? -- (10) I did not know anything about anything called anti-rent committee, except what I had read previously in the Rand Daily Mail.

The third paragraph "Reverend Tebogo Moselane the chairman of the committee said that the government had introduced a 99 year leasehold scheme so that residents would buy their houses. Most people could not afford to buy the houses, he said and therefore could not pay the rent increases." Can you recall now that you have this report before you whether the Reverend Moselane said this or not? -- Yes, I can recall (20) but this aspect, this part of what Reverend Moselane said as I said earlier on was deleted from my story. There were other speakers I had included in my story, but I agree with the report as it is.

"He said the people most affected by the rent increase would be pensioners." Are you able to tell his lordship now that you have this report before you whether the Reverend Moselane said that or not? -- Yes, he did say that.

"Reverend Moselane said the worst part about the increase was that people in arrears over the rent were either (30) evicted/...

evicted or locked out of their homes." Can you recall, assisted by this report, whether this was said or not? -- Yes.

"He also alleged that councillors were unfair to the township people as they had bought businesses for their own profit." Do you recall whether that was said? -- Yes, except the word "allege" here does not seem to make sense. I think he also said that.

COURT : You mean asserted? -- Yes.

MR BIZOS : The newspaper men sometimes think that allege would save them from all sorts of trials and tribulations. (10)

COURT : Well, as far as you are concerned, this is a matter of style? -- Yes.

MR BIZOS : Then it goes on "Mr Tom Manthata, the secretary of the Soweto Civic Association, said that if residents were unhappy with their councillors they could re-elect others." Did Mr Manthata say that? -- Although I am not quite certain on how he phrased it, but he did talk about if the residents were not happy with the councillors then they should re-elect others.

"In some areas the rents have been suspended because (20) of the reaction of the people and if you do not object, the rents will remain, he said." Can you recall whether that was said? -- Yes, I recall this.

The next paragraph "Mr Oupa Hlomoka of the Vaal Traingle Azanian People's Organisation said that the residents should protest against the new rents and called for a boycott of shops and garages owned by the councillors." Did you know Mr Oupa Hlomoka in August 1984? -- It is true.

Did you know him in his capacity as a person from the Azanian People's Organisation in the Vaal? -- That is (30)

correct/...

correct.

Do you recall whether or not he was at the meeting? --  
It is true, he was at the meeting.

And did he call for the boycott of shops and garages  
belonging to councillors? -- He did.

Can you advance any reason to his lordship why this is  
not in your report? -- Like I have already mentioned, there  
were, in my original report, other people who spoke at the  
meeting whose views did not come out in my report.

ASSESSOR (MR KRUGEL) : Was this portion of your report (10)  
deleted by the sub-editor? -- Yes.

MR BIZOS : "He petitioned the councillors to resign from  
office and said that he was aware that some people would pay  
the increased rental for fear of being either evicted or locked  
out." Can you recall, assisted by this report, whether or  
not Mr Hlomoka said this? -- I do not remember - I do not  
recall the exact words that he said. He did call on coun-  
cillors to resign from their offices and said because they  
had promised the people that the rents would no go up when  
they campaigned under the black local authorities act. (20)

Did either Mr Hlomoka or Mr Baleka call for violence  
against the councillors personally or against their businesses  
at the meeting that you attended? -- Certainly not.

Can you recall whether or not there were other speakers  
either from the platform or from the floor at this meeting?  
-- Yes, there were speakers from the floor who spoke, but I  
did not take down all their names. I remember there was a  
woman who spoke from the audience who also talked against  
the increases in rent and also called on councillors to  
resign. (30)

Did/...



Did anyone from the floor call for violence against councillors or against their property? -- Certainly not. I would have jotted that down in my notes.

Did anyone at this meeting, either from the platform or from the audience call for the destruction of the property belonging to the town council or Lekoa or any public body? -- Certainly not.

Was there anything said at this meeting as to whether or not there would be other meetings? -- Yes, it was at the close of the meeting announced, I cannot remember who made (10) the announcement that there would be another meeting the following week.

Did you go to the meeting of the following week? -- No, I did not.

Was there any special reason why you did not go? -- The reasons are twofold. We work two Sundays a month and especially during weekends we operate on what you call a skeleton staff. For the following week I was off and again when I enquired from my office the reason why the Sowetan did not cover the meeting was because they had thought that (20) they had had enough of the meeting. It was reported that it was resolved not to pay rents. So, there was no need for us to pursue the matter any further.

Did you go to the meeting of 2 September at Sharpeville? -- Yes, I did.

At what stage did you arrive there? -- When I arrived at the church the meeting was already off and most of the people had dispersed.

COURT : You mean it was over? -- It was over, yes.

MR BIZOS : On the 2nd or by the 2nd, I am sorry, had you (30) heard/...

heard whether or not there would be a stay-away in the Vaal on the morning of the 3rd? -- Yes, during the course of the week I had heard that there was going to be a stay-away.

From whom did you hear this? -- I was shown a pamphlet by one Raditsela who was the vice-chairman or president of the Vaal Civic Association.

I would like you to please have a look at EXHIBIT AN15.1. Can you recall ... (Mr Krugel intervenes)

ASSESSOR (MR KRUGEL) : Do you mean you were shown this (10) pamphlet by Mr Raditsela? He actually showed it to you? -- Yes.

Or do you mean that you saw a pamphlet by Raditsela? -- No, he showed it to me.

MR BIZOS : Could you please have a look at EXHIBIT AN15.1 and tell the court whether that was the pamphlet that Mr Raditsela showed you? -- That is the pamphlet.

Did you make any enquiries to find out whether there would be any response to this pamphlet?

COURT : What was the purpose of Raditsela showing it to (20) you? -- He showed me the pamphlet as information that he most probably wanted me to report on.

Did you go and see him? -- I met him in the course of my duties in the townships.

MR BIZOS : Did he say anything to you about a proposed march on the 3rd? -- Yes, after showing me this, I asked him what were they going to do there and he said there was going to be a march.

Did you publish this pamphlet or the fact that there was going to be a march in your newspaper? -- I cannot (30) remember/...

remember or I cannot recall us publishing the story, because there was yet another pamphlet that was distributed or assimilated in the townships that was a counter on this that called on the people to go to work on 3 September 1984. As a result of that we could not write the report because we were uncertain as to what the position was going to be on this particular day and we did not want to create some kind of a controversy.

Did your newspaper have a Sunday edition? -- Yes, it did. (10)

And did you write an article on the, what was known as the Sunday Mirror which was a Sunday edition of your paper on 2 September 1984 which is before his lordship as AAQ29? You wrote a lengthy article headed "Liquor coup for Lekoa bosses." Did you mention in that article that it was expected that there would be a stay-away or a march the next day? You told us that there is no mention in that about any stay-away or march on the 3rd? -- There is no mention made in that.

You yourself as a reporter and as a resident of (20) Sebokeng, did you expect a mass stay-away on the morning of the 3rd or a march of thousands on the morning of the 3rd on the information that you had when you wrote this article AAQ29? -- I must emphasise that we are normally told these things and we go and see for ourselves if it actually happens.

Did you either as a newspaper reporter or as a resident expect any trouble or violence to flare up on the morning of the 3rd in Sebokent or in Sharpeville or in anywhere else in the Vaal? --No, I did not expect that. (30)

COURT/...

COURT : Did you expect a march and stay-away to get off the ground, you personally? -- It is very hard to say because we first have to observe what is happening because of the controversy again of these two pamphlets, I had expected that there would be some kind of confusion as to whether the people are going to work or not.

So, it is correct to say that you were sceptical about the march and stay-away? -- Yes, uncertain.

MR BIZOS : On the faithful day of 3 September 1984 did another report of yours appear in the Sowetan which is (10) before his lordship as EXHIBIT AAQ12? -- Yes, that is the report we carried on Monday. This was a reaction story from the story about the liquor coup for Lekoa bosses.

And you quote the Reverend Moselane there about his reaction to the bottle-store affair. When did you speak to him? When did you get his reaction? -- I spoke to Reverend Moselane before this actually was published. I think it was on Thursday or Friday. I cannot recall exactly when it was, but it was definitely before this article was published. (20)

COURT : This article being which one? -- The one on AAQ29.

On the Thursday or the Friday? -- Yes.

MR BIZOS : And again in AAQ12 is there any mention of any march or any stay-away? -- No, there was not.

Did you intend leaving the Vaal on the morning of the 3rd? --No, I had not intended doing so, because I had made arrangements with my news editor that I will remain in the Vaal and that they should send a car from Johannesburg so that we could watch the situation or watch as to whether there was going to be any stay-away or a march. Arrangements (30) were/...

were made that we should also be working with a photographer on that particular day.

COURT : Would the editor send a photographer? -- Yes and they also sent one.

MR BIZOS : Can you recall at what time you woke up on the morning of the 3rd? -- I woke up roundabout 05h00.

Did you notice whether or not buses were running early in the morning? -- There were only a few of them. This is why I woke up in the morning. I was intending to start work at that time, because normally many people go to work in (10) the morning and they use buses.

Are you saying that buses were running, but there were a few of them? -- A few of them.

This lesser number of buses, did that give you an indication as to whether or not there was going to be a stay-away? -- Yes.

Well, what did you believe by the lesser amount of buses? -- I believed that may be the stay-away would be a success or not a success, would be - you know, would take off.

Did the driver and the photographer come? -- No, when (20) the driver arrived at my house we drove to the photographer's home.

COURT : In Sharpeville? -- In Small Farms Evaton.

MR BIZOS : Is that where the photographer stays? -- Yes.

What time did the driver come? -- It was about 07h30.

What is the driver's name? -- The driver's name is Vusi Zwane.

And the photographer's name? -- He was Mr Leonard Khumalo.

Did Mr Zwane, the driver, come to you in the first instance? -- Yes.

(30)

At/...

At zone 3? -- Yes.

And did you set off with him? -- Yes, we drove to Ma Khumalo's place.

Where did Mr Khumalo live? -- He lived in Small Farms Evaton.

How far away from your house? -- It is approximately five kilometres.

Did you drive from zone 3 to Small Farms Evaton? -- Yes, we did that.

Were there any obstructions on the road? -- No, there (10) were no obstructions on the road.

Were you molested in any way by anyone whilst you were taking this trip? -- No.

COURT ADJOURNS.

COURT RESUMES.

JOSHUA MATHE RABOROKO, still under oath

FURTHER EXAMINATION BY MR BIZOS : Mr Raboroko, at what time more or less did you pick up Mr Khumalo? -- It was shortly before 08h00.

Where did the two of you go from there? -- We were intended to do rounds to find out if everything was normal (20) in the townships. So, we drove in Small Farms and we went and actually drove to the Roman Catholic Church. We had information that the march was to start from that church.

COURT : Did you go there at 08h00? -- After 08h00.

MR BIZOS : Can you remember how late after 08h00 you approached the Roman Catholic Church? -- Fifteen minutes or twenty minutes after 08h00.

Did you actually reach the church? -- Yes, we did.

Were there any obstructions on the road? -- There were no obstructions on the road. (30)

COURT/...

COURT : Before we go a bit further. Let us just now define where you went, otherwise this evidence means absolutely nothing at all. Your house is in zone 3? -- Yes.

Going to your photographer's home, what route did you take? -- We used the road that goes through - I do not know how conversant your lordship is with the geography of Evaton?

Slightly. Give us the names and I will attempt to discern where they are. -- We drove through the Old Standard Bank road and drove towards Evaton Bottle-store, turned (10) left from there and then got into roads - the main road in Evaton in Small Farms.

Which one is that? -- I forget its name.

Selbourne? -- It could be.

The one that runs east/west? -- Yes.

Where the buses are? -- No, not that one. That one is Adams Road.

No, Adams Road is north. Selbourne passes the church. -- Which church?

The Roman Catholic Church Small Farms? -- No, we were (20) far away from that, but it is the same road. We joined it at a later edge.

Did you Take Adams Road from zone 3? -- No, we went through what we call - I do not know what is the name of that street.

There is one called Union Road which also runs east/west in the direction of Small Farms, but which is more to the south than Adams Road? -- Yes, it is south to Adams Road. We did not use Adams Road.

Have a look at my EXHIBIT AR1. You will see zone 3 (30) is/...

is right at the top on the right-hand side and the red lines on the aerial photograph are the bus routes. The top one is Adams Road and then below a green line you see there it is Union Road? -- Yes, that is the one we used.

You used Union Road? -- Yes.

Up to where? -- Up to the corner of (witness indicates)

So, you went along Union Road up to the point where it starts veering to the north/west, then you turned to the left towards Selbourne Road? -- Yes.

And then you went into Small Farms? -- Yes. (10)

To pick up your photographer? -- Yes.

And then from where your photographer lived, you went directly to the Roman Catholic Church? -- Yes.

Going through Small Farms? -- Yes.

At what stage did you get onto Selbourne Road? Or did you not come onto Selbourne Road at all until you reached or before you reached the church? -- I think the Roman Catholic Church is in Selbourne Road.

Yes. -- From the photographer's home we came back to Selbourne Road. We drove along Selbourne Road towards the (20) Roman Catholic Church.

To the east? -- Yes.

MR BIZOS : On the route that you have now described to his lordship to Mr Khumalo's house and from Mr Khumalo's house to the Roman Catholic Church, did you see any obstructions on the road? -- No, there were no obstructions on the road.

As you were driving along, were you molested by anyone? -- No.

Did you actually arrive at the Roman Catholic Church?

COURT : The answer was yes. (30)

MR BIZOS/...



MR BIZOS : Did anything happen near the church? -- No, we drove past the Roman Catholic Church and we thought because there was still time, the march was set for 09h00, we intended to drive around the townships to see if - to get some kind of response as to what was happening.

Did you drive away from the Roman Catholic Church? -- Yes, we did.

In what direction? -- In the easterly direction.

COURT : Along Selbourne? -- Along Selbourne.

MR BIZOS : Did you see anything untoward there, anything(10) burning, anything being destroyed, anybody molesting other people? -- No.

Do you know a teacher's training college there near the church? -- Yes, I think it is half a kilometre away from the church.

Was that burning or in any way attacked whilst you were in the vicinity there? -- We did not go near it. We therefore did not see.

Whilst you were at the church, did you see anything untoward towards the area where the college is? -- No.(20)

No column of smoke? -- No.

And as you were driving around the township, did anyone make a report to you? -- Yes, there was a man who made a report to - who noticed or who spotted Mr Khumalo in our car and stopped us. He made a report to Mr Khumalo that there was teargas that was being fired in zones 11 and 12.

At what time was this report made to Mr Khumalo? -- I think that should have been roundabout 08h40.

What did you and Mr Khumalo and the driver do as a result of that report? -- We decided to drive towards the area (30) that/...

that was mentioned to us.

Where were you when this report was made? -- I was in the car.

I am sorry, what part of the township? -- We were at a place called Masenkeng the old building of the commissioner court there.

Did you then go off from Masenkeng to the place where you heard that gas had been used? -- Yes.

Could you give us some idea of how much - how far Masenkeng is from the place that you heard that there was (10) this difficulty? -- It is approximately two kilometres.

Did you drive in that direction? -- Yes.

Did you see any obstructions ... (Court intervenes)

COURT : Along which road?

MR BIZOS : I am sorry, along which road did you drive? -- We drove from Masenkeng in a southerly direction going - driving between zone 7 and 8.

ASSESSOR (MR KRUGEL) : That would be Wessels Motha Road.

COURT : It is called Vilakazi Street. Do you know that or not? -- I am not quite certain about that. (20)

MR BIZOS : Is it a tarred or an untarred road? -- It is a tarred road.

Is it a main road? -- Yes.

Is that the one that buses go on? -- Yes.

Were there any obstructions on that road? -- No.

Did you turn off this road at any stage? -- Yes, we turned off towards zone 12.

Onto a tarred or an untarred road? -- It was a tarred road.

COURT : Did you turn off towards zone 12 just as you (30) reached/...

reached zone 12? -- We drove between 7 and 8 until the T-junction that turns to the south.

Yes, there is a T-junction where you can either go to the right or to the left? -- Yes.

It seems to be near a church? -- Yes.

Then you turn to the right and eventually you reach zone 12? -- Yes.

Had you then when you reached zone 12, entered zone 12? -- Yes.

Or did you go along zone 12 for a while? -- We drove (10) along the tarred road.

Up to where? -- Up to zone 11. Zone 11 is on the east of zone 12.

You followed Wessels Motha Road which is what it is called here beyond the BP Garage, Moloantoa's Garage? -- Yes.

Do you know that? -- I know that.

Did you pass that garage? -- No, we did not.

Did you turn off before the garage? -- No, what happened was, shortly before we arrived at Moloantoa's Garage - I was going to explain this to the court. While we were (20) driving next to zone 12, that was the first time that we noticed that there were obstructions on the road.

Where was that now? -- Towards the north of zone 12.

To the north of zone 12 but after you had come to the T-junction? -- Yes.

So, between the T-junction and zone 12? -- Yes.

What type of obstructions? -- There was ash thrown all over the street and bricks and dustbins.

At what time was this? -- One can easily say it was

08h45.

(30)

MR BIZOS/...

MR BIZOS : In what zone was this? -- Zone 12.

COURT : Is it called zone 12 there or is it still the open area beyond zone 12? -- It is zone 12 extension in fact.

ASSESSOR (MR KRUGEL) : There were dustbins and what else?  
-- And rubbish and stones were thrown over the street.

MR BIZOS : Was this obstruction manned by anybody? -- There were youngsters of age between 11 and 12 and elderly people who were standing next to their homes and as we approached the scene, the youths approached us.

COURT : Could you go through the obstructions or did you (10) have to deviate from the road? -- Subsequently we deviated. We drove along the ground, on the gravel road.

MR BIZOS : On the gravel shoulder of the road? -- Yes.

Where did you go then? -- We went to zone - I mean, we were driving now in the same direction until the BP Garage, Moloantoa's Garage. Along the way there we saw buses that were parked alongside the streets on the side of zone 12.

COURT : Was that the normal parking place for buses? -- No, it was. There were about five buses that were parked there.

MR BIZOS : What was happening then? -- We noticed that the (20) windows of the buses were smashed. Police in the neighbourhood were firing teargas at houses. We immediately took a turn into zone 11.

COURT : Before you continue. Did this happen between zone 11 and Moloantoa's Garage? -- Yes.

So, it was beyond Moloantoa's Garage? -- Yes.

Before one gets to zone 11? -- Yes.

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MR BIZOS : And then? -- We drove into zone 11 to find a place where we could, if I may use this word, to hide ourselves in order that we should look at the situation from afar. (30)

We/...

We found a parking place. Mr Khumalo got out of the car and started taking pictures. He was using a zoom lens I think. We were afraid that if he - this was after our discussion - was to go near the scene there, the police would spot him and they would arrest him, as indeed he was arrested later on that day.

COURT : You were inside zone 11. Was he taking .. -- Not in zone 11. In the first street in zone 11.

MR BIZOS : Is that where the buses were? -- The buses were on zone 12 side. (10)

ASSESSOR (MR KRUGEL) : But they were standing by die side of the main road? -- Yes.

COURT : Were they empty? -- They were empty.

MR BIZOS : Whilst you were watching it from a distance, what happened? -- We waited there for almost ten to fifteen minutes watching the proceedings when we saw a big column of smoke coming from the southerly direction. That was in zone 13.

COURT : This would be approximately at 09h00 then? -- Yes.

MR BIZOS : Yes and then? -- Then we decided to drive to (20) that place.

COURT : And where was it? Where was its origin? -- It was in zone 13. We drove along zone 11 in order to go to the main road and go into zone 13. We were no longer travelling between that road .. (Court intervenes)

You did not stick to the main bus route. You took a route through zone 11 to get to zone 13? -- Yes.

Yes, but now, what was burning in zone 13? -- We were curious to know what was happening.

Yes? -- On our arrival there we found that it was the (30) municipal/...

municipal offices that were on flames.

Also called the administration board's offices? -- Yes.

MR BIZOS : And then, what did you do? -- The bottle-store was also being looted at the same time.

And then? -- At this point in time we then decided with Mr Khumalo that according to the arrangements made with the news editor the previous night, that if there was no stay-away or any trouble in the area, we should immediately phone him to inform him about what was happening. While this was happening we decided therefore that we should go and inform(10) the office, to tell the office what is happening. We drove to my brother's place who does not stay far from there.

COURT : In zone 13? -- In zone 13 and we phoned the office. We were then instructed to go to Sharpeville.

Why? Why leave the action? -- We were told there was more action there. Shortly before we left zone 13 there were other buildings that were set alight in the neighbourhood of the bottle-store. We then drove to Sharpeville.

Which buildings were set alight? -- The shopping complexes there, two of them. (20)

At what time was that? -- I should think this time was 09h30 to 09h45.

MR BIZOS : Did you get to Sharpeville? -- Before we went to Sharpeville we went to Boipatong and Bophelong.

What time did you reach Boipatong? -- It took us approximately fifteen minutes to get there.

Did you see anything of significance at Boipatong? -- When we arrived in Boipatong we noticed that the community hall there and the windows were smashed and that the buses were not moving in the townships and that people were (30) moving/...

moving freely in the township.

COURT : You mean were wandering to and fro? -- Yes. We noted that and then drove to Bophelong.

MR BIZOS : What was happening at Bophelong? -- When we arrived in Bophelong, we noticed that all the shops were closed and the offices of the administration board were - the windows were also smashed and two or three police vehicles I think were patrolling the township.

And thereafter? -- We took down notes of all we thought was worth reporting and we drove to Sharpeville. (10)

What time did you get to Sharpeville? -- I cannot recall, but it took us about forty-five minute or so.

COURT : So, at approximately 11h00? -- Yes.

What time did you spend at Boipatong and Bophelong? -- We spent another fifteen minutes there.

So, it would have been approximately 11h00? -- Yes.

MR BIZOS : What was happening at Sharpeville? -- As we approached Sharpeville from the Free State road, that is from the eastern side, we noticed that the bottle-store that was nearby there was being looted. A group of people came (20) to us and they were threatening to attack us.

COURT : With stones or with what? -- Yes, with stones.

I went out with Mr Khumalo and Mr Khumalo showed them his camera and I raised my hand this way indicating that I am in peace. They did not attack us and some of the people who were there were quite familiar to me. They knew me to be a reporter. We parked next to one of the houses there and Mr Khumalo went and took pictures. That is the last time I saw him because I got a report that he was arrested while taking pictures. (30)

ASSESSOR/...

ASSESSOR (MR KRUGEL) : Do you mean on that day? -- On that day.

You did not then see him afterwards? -- He went to take pictures at the place where the people were looting and that was the last time I saw him.

COURT : Up to now? -- No, not up to now. For that day.

CROSS-EXAMINATION BY MR JACOBS : Mr Raboroko, as a newspaper man you were interested in getting news. Is that correct? -- That is correct.

And as a result of that, did you attend any other (10) meetings in the Vaal Triangle? -- No.

Why not? -- I have already told the court that we had the impression at the office that enough coverage has been given to the rent protest making.

And the other parts in Sebokeng and Boipatong and that places, did you not try to attend the meetings to find out the feeling of the people there? -- No, we did not.

Why not? -- We did not because we had thought that we had covered the meetings already sufficiently. The other newspapers also had the same reports. (20)

Is it also correct that you as a citizen of that area were interested in what was going on at the meetings? -- I am a professional journalist. Each time we go out to meetings, I do not express my views. I report on what other people say at meetings. I could not have expressed my sentiments in my writing.

Were you not interested in what was going on in regard to the rent increase? -- Yes, I was.

Were you not dissatisfied with the increase of the rent as well? -- I cannot say I was happy. (30)

As/...



As reporter in that area, is it part of your duty to report that is interesting and all that is news worthy and that is happening in the Vaal Triangle? -- I must emphasise at this point in time that at the time I was a labour reporter and normally on Sundays, is, we operate on a skeleton staff at the Sowetan. On this particular day I was sent out because there were no reporters who could have covered the case, that is political reporters.

COURT : You were a labour reporter? -- Yes.

MR JACOBS : Is it also part of your duty not only on (10) Sundays but during the week and all other times to find news worthy material and report it back for the Vaal Triangle.

So, I suppose you are conversant with all the organisations existing in the Vaal? -- Yes.

Do you know about the Vaal Civic Association?-- Yes, I do.

And did you attend the meeting at the launching of the Vaal Civic Association? -- Yes, I did.

As a reporter or as a private citizen? -- As a repor-(20)ter.

So, that was not a labour issue? -- Yes, incidentally I have just indicated there that this would take place on Sundays when I go out to such occasions. That do not cover my beat, and incidentally this particular launching was on a Sunday.

Did you cover - on other Sundays, did you not attend other meetings organised by the Vaal Civic Association? -- No, I did not. I told this court that we alternate. One Sunday another group of reporters work, the other Sunday(30) they/...

they do not work. So, I did not attend those meetings.

What do you know about - did you attend the meeting of 27 November 1983? -- Where was this?

In Sebokeng? -- I did not know about that meeting.

That was a meeting in connection with the elections to be held on 30 November 1983. -- Elections of what?

Councillors and protest meetings against that - against the election? -- Can you repeat the date? I cannot recall the date?

It was 27 November 1983? -- I cannot recall that, (10) unless the report is shown to me.

What do you know about the Vaal Organisation of Women? -- I cannot remember that.

As reporter, did you not find it important to find out of that organisation in the area to report in your paper about that? -- No.

Why not? -- As I have already said, I was a labour reporter and I normally deal with trade unions and other matters that affect industrial relations.

Are the trade unions very active in that area? Do (20) they hold a lot of meetings? -- Well, if they had any meetings they would normally tell me.

No, but you are a trade reporter. Were they very active and did they hold a lot of meetings in that area? -- Yes, trade unions are active throughout the country.

And public meetings held by them? -- I cannot recall that I attended meetings, but I cannot recall what you are talking about.

You cannot recall that you attended any public meeting held by trade unions? -- Yes, I did. (30)

Oh/...

Oh, now you can. When was that? -- It depends on which particular date do you mean.

Did you attend any meetings in 1984 held by the - public meetings held by the trade unions? -- I find this very difficult because I attended several meetings and I have already told the court that in the course of my work I attend a lot of meetings. There are a lot of press conferences that are being called. So, unless there is a specific meeting the prosecutor is referring to, it will be very difficult for me to remember. (10)

But surely you can tell the court whether during 1984 you attended any public meetings held by trade unions? -- Yes, I did attend meetings. I have said that I attended meetings of trade unions in the course of my work.

Where were they held? -- They were held all over the country.

Where were they held? -- Are you referring specifically to the Vaal issue or are you referring to Soweto or are you referring to Pretoria? I do not understand the question.

Where do you generally attend the meetings as a labour(20) reporter? -- I attend meetings where meetings are being held.

Is it all over the country? -- Yes.

And not specifically in the Vaal? -- I attended - I said I attended meetings all over the country and I think the Vaal is part of the country.

Did you know Mr Philip Masia in the Vaal? -- I did.

Is he a member of a trade union? -- Yes, I think the chairman of the Orange Vaal Workers Union.

And Mr Esau Raditsela? -- Mr Esau Raditsela is the vice-chairman of the Vaal Civic Association. (30)

Is/...

Is that all? -- I think he was also involved in some welfare organisation. I am not quite sure.

Was he not a member of a trade union, in offices of the trade union? -- I cannot recall that.

And you are a reporter on labour issues and you do not know whether he was a member of a labour organisation in the Vaal? -- I said he was a member of the Vaal Civic Association and a member of another welfare organisation. I cannot recall the name of that organisation. Where he was working.

But you cannot tell the court whether he was a member(10) of a trade union or not? -- I cannot remember that. It is possible.

And Mr Peter Hlubi? -- No, I did not know him.

And a women by the name of Mjeza? -- I do not know her.

Nozipho Mjeza? -- I do not know her.

Were they not members of trade unions there in the staff of the trade unions in the Vaal? -- It is very difficult to remember all the trade unions and officials unless they deal with you on a day to day basis. I would remember certain prominent members of the trade union movement if they were(20) to call on me daily to give me reports on this and that. I mean that will be dramatic every day, there would be consistency, but if a trade union, for instance, like any other union in the Vaal, would have a member who the prosecutor is suggesting, I would not know if that person is a trade unionist unless she tells me she is.

Did you visit the buildings of the unions in the Vaal?  
-- Yes, Mr Masia's office.

Only Mr Masia's? -- Yes, because I had a particular story to do.

(30)

And/...

And Nozipho Mjeza, did she not work there? -- I have already told this court that I do not know her.

If you visited that office of Mr Masia, did you not see her there? -- It is a long time ago and I cannot recall that.

And even Mr Hlubi, did you not meet him at that office? -- I have already told the court that I do not know Mr Hlubi.

Do you know, this Nozipho Mjeza, she was the secretary of Mr Masia? -- I said I do not know her.

Did you visit his office regularly? -- No, I operate from Johannesburg. I only go out to areas like Vereeniging(10) when there is a need for me to go out. Otherwise we get our stories by phoning the unions.

When you wrote these articles on the Vaal, I suppose you wrote them on knowledge that you gained as a reporter in the Vaal or not? -- Yes, I am known in the Vaal as a reporter.

What can you tell the court about the Vaal Youth Congress? -- I do not know much about it. All I remember is that it was supposed to have been launched in the township but I never covered any meeting where it was launched(20) if it was launched at all.

What do you mean it was supposed to have been launched? Could you elaborate on that, please? -- We heard word that it was going to be launched.

As a reporter did you attend any meetings to try and find out to see whether it was launched? -- No, I did not.

Where was it to be launched? -- In the Vaal complex.

Where? In which area? -- It was to be launched in the Vaal. They did not say where they were going to have it launched. (30)

When/...

When was that? -- It was some time in 1984. Hold on, 1983 I think.

Where did you hear about it? From whom? -- I heard from a number of people. I cannot recall.

Young people? -- Young people, yes.

Not Mr Raditsela? -- I have said of a number of people I cannot recall whether Mr Raditsela was one of the people. It is possible.

What was the plan? Was it to be launched at the general meeting, a mass meeting? -- Generally launching of (10) such organisations take place. There are a lot of people who attend.

No, I do not want anything about generally it is so. I asked you about a specific fact. Was it to be launched on a mass meeting? -- Yes.

And where was this meeting to be held? -- I have already said that I did not know where it was supposed to have been held. It was going to be in the Vaal.

And as a reporter, did you attend that meeting? -- I did not. (20)

Why not? -- I did not because it was not my beat and two, we did not know when the launch was going to take place and where it was to take place.

You did not know? -- Yes.

But you just told the court you cannot remember but it was suggested that it was to be on a mass meeting? -- Yes.

MR BIZOS : That is not a fair reflection of the witness's evidence.

COURT : The witness, Mr Jacobs, did not have any definite particulars about the launch. (30)

MR JACOBS/...

MR JACOBS : He could not remember where the meeting was to be held.

COURT : Well, his evidence was "We had word it was going to be launched in the Vaal." He did not attend.

MR JACOBS : On a general mass meeting, but I will leave it at that. You did not try to find out to attend that meeting? -- No, I did not.

You did not regard it as news worthy? -- Much as it was news worthy, I had my own beat to look after.

For your paper, who was the general person to report(10) on what was going on in the Vaal? -- The news editor.

COURT : Who was he? -- Mr Thami Mazwai.

MR JACOBS : Did you not yourself collect any news in the Vaal Triangle? -- If news is brought to me as a professional journalist I will take news.

But you yourself, did you not try to collect news in the Vaal? -- I would try and collect news pertaining to my beat. I would not like to infringe on other people's beats.

This news editor, where was he situated? -- He operates(20) from our main office in Johannesburg.

He is not a newsman collecting the news, he is editing. He has an office job. Is that correct? -- Yes.

But it is the reporter who must collect the news and send it to the editor? -- Yes.

So, was there a reporter - who was responsible for reporting on any news in the Vaal Triangle for your paper? -- No, there was not. We still do not have now.

On 29 August 1984, did you hear about any trouble in the Vaal complex there at a meeting? (30)

COURT/...

COURT : Well, did the witness on the 19th hear it or did the witness hear about trouble which occurred on the 29th?

MR JACOBS : Did you hear about any trouble that occurred on the 29th? -- No, I cannot recall that.

Did you hear about a meeting to be held on the 29th by the councillors? -- Where?

Bophelong? -- Yes, there was a meeting that was supposed to be held there.

Was that meeting in regard to the increase of rent and the councillors to explain why the increase of the (10) rent? -- Yes, I can remember that.

As a newspaper reporter, did you try to find out and report on that to your news editor or your paper? --No, we did not.

Why not? -- I think what happened was that the meeting was supposed to be at night and we normally do not operate at night.

I beg your pardon? -- I said the meeting, if I remember well, I mean, if that is the meeting you are referring to, that meeting was held at night and our offices are at (20) Johannesburg. We did not have enough staff to cover the meeting.

But were you not in the Vaal there, sufficiently near as a news reporter? -- I have not got a car. I stay at Sebokeng and I did not have a car to go there.

After the meeting, did you hear about any violence taking place .. -- I said I did not attend the meeting. So, I do not know what happened after the meeting.

On the 2nd of September 1984 do you know of any violence that occurred in the townships there? -- No. (30)

Do/...



Do you know of any violence in either Sharpeville, Boipatong or Bophelong? -- No, the only violence I know of was on the 3rd which I have just explained to the court.

I find it strange, that a newspaper reporter like you do not expect any violence on 3 September 1984? -- I have already told the court that we as reporters do not start the trouble. We go to look for news and if there was any violence anywhere else where I was, I would have reported on the violence or if there was anything dramatic, I would have reported on that matter. (10)

So, as a news reporter you were not knowledgeable about what was occurring in the Vaal Triangle? -- Well, I would not know everything unless those aspects which I have been told about or being asked to go and probe.

I put it to you that as a person not being conversant of what was going on in the Vaal, you cannot come to the conclusion and give your conclusion to the court that you did not expect any violence? -- It is very difficult to speculate on what the prosecutor is asking me, because we go out like I said to events where we are told to go to (20) and if anything happens in the event, we report on such things. I cannot put my foot down and say I expected violence in the Vaal on September, 3 1984.

Was it not generally known that the councillors were very much afraid in the Vaal? -- I do not know. I did not ask them that.

As a reporter, did you not try to go and find out and to go to the councillors and ask them what did they think? What did they think about all these people asking them to resign and all that stuff. -- Yes, I did. (30)

You/...

You yourself? -- Yes.

And did they not tell you that they were very much afraid? -- No, the indication they gave me was that the people who elected them have actually shown interest in them and that if they were to resign, those are the people who will - the people who elected them, are the people who are going to ask them to resign.

As a reporter did you know that they approached the magistrate to stop all the meetings and the march on 3 September? -- I did not. (10)

MR BIZOS : That was not the evidence. Nothing about the march. The evidence is that the security police and the mayor went to the magistrate to stop the meetings protesting against the rents and the magistrate did not think sufficient reasons existed to ban the meetings. Nothing about the march.

MR JACOBS : Did you know about the mayor and councillors and the police going to the magistrate to stop all meetings in regard to this rent increase because they were afraid? -- No.

And because they anticipated violence there? -- No. (20)

On 3 September, you went out as a reporter there? -- Yes, I went out as a reporter. What is the question?

How did it come about that you then as a labour reporter have to report about what was happening in the Vaal? -- Yes, what happened was, because of the proximity and because of my familiarity with the place I was asked to remain. The other reason that I can advance if there was going to be any stay-away there was not going to be any possibility of me to get out of the townships.

Why was there not a possibility of you getting out of (30)  
the/...

the townships? -- When we move out of the townships, we use either taxi's or buses to go to work and it was anticipated that if this stay-away was going to be there at all, we would not have transport to go out of the township or to go to work.

So, it was then expected by you that the stay-away and the march will realise on 3 September? -- We were not expecting that there would be any stay-away. I said we were saying that if there is going to be a stay-away, then we should have transport to move round and work and part of what we do - part of what we report we get when we move around the town-(10) ships.

How did you know that there would not be taxi's? -- Normally on stay-aways the transport, there is not any transport in the township and taxi's do not move.

Normally on stay-aways? How many stay-aways do you know about? -- A lot of them.

Where? -- In the country.

In the Vaal? -- Not in the Vaal, in the country I said.

Where you were staying? -- In the country.

Where you were staying? -- I beg your pardon? (20)

Where you used to stay? -- I said there have been stay-aways in the country.

At places where you were staying? -- Where I was staying?

Yes? -- There was a stay-away?

Yes? -- When?

No, I am asking you? -- I do not understand the question.

Was there at any stage a stay-away at the place where you used to stay, except for 3 September in the Vaal? -- There were calls for stay-aways in other areas except for in the Vaal. (30)

But/...

But not at the place where you used to stay? -- Yes.

So, you could not tell the court what was happening at other places because you were not there? -- My simple answer to that one is, as a profession person, we report in the newspapers about what is going on in the country. Even worldwide for that matter.

But you did not expect the stay-away to take place. So, why would you expect the taxi's not to run on that day? -- I have already told the court that on these days when stay-aways have been called, we have read reports that there were (10) no taxi's moving in the townships. So, I assume that this was going to be the pattern.

Why did you go to the meeting of 2 September 1984? -- Where?

Did you go to any meeting on 2 August 1984? 2 September 1984? -- Yes, I went to a meeting in Sharpeville because I knew that there was going to be a meeting there.

So, when I asked you this question, why did you go to that meeting on 2 September 1984, why did you ask me where? -- You are asking about a meeting specifically. I cannot (20) just guess and say I went to a meeting on 2 September 1984. It could have been any other meeting any where. I do not attend one meeting on one day.

Can you tell the court now why did you go to that meeting? Was it to report on that meeting or not? -- Oh yes, I went there to report.

Was that on duty? -- Yes, I was.

But you as a labour reporter, why did you specifically go to this one then? -- I want to repeat this one. That on Sundays we operate on a skeleton staff and if a news editor (30) feels /...

feels like he must assign anybody, this is regardless of his beat, he must go out, he or she must go out and I was assigned because in any case I had covered a meeting there. I had some kind of knowledge..

But I understood your evidence to the effect that it was not news worthy any more because it was decided on the previous meeting that the rent will not be paid. So, the other meetings were not ... -- Yes, it was the news editor's decision. It was not my decision. If I had made a decision I would not have gone. (10)

So, if it was the news editor's decision that you must attend that meeting and report on the meeting, why did you not turn up in time for the meeting? -- No, I had other things to do before I left.

What other things? -- Well, the normal work when I am on duty. I cannot remember what exactly I did on that particular day.

Tell the court what other duties did you have on that particular day, on that Sunday? -- As a reporter, unless anything dramatic happens, I will be able to remember. (20)

You had specific instructions to attend this meeting, you knew the time when the meeting was starting, so unless there was something dramatic, why did you not attend it? -- I do not know if there is any confusion here which I must clear. As a labour reporter, I went to work on that particular Sunday. I have said to this court that on Sundays we operate on a skeleton staff. So, the news editor makes decisions to assign people to do certain jobs that even covers scopes outside their own beats. So, on this particular day I was assigned to do this - to cover this meeting and it was (30)

long/...

long after 14h00. Why the news editor made that decision on that particular point in time is beyond my comprehension.

Is your evidence now to the effect that you only received your instructions from the news editor long after 14h00? -- We operate on a skeleton staff. The news editor made a decision at the time to send me out.

Why do you not answer the question? Is your evidence now to the effect that the news editor instructed you to attend that meeting long after 14h00? Yes or no? -- Yes, he did send me to go and cover the meeting after 14h00. (10)

How long after 14h00 was that? -- 14h10. I am not quite exact.

14h10, is that long after 14h00? -- Yes.

Where was that meeting to be held? -- It depends. Which meeting?

COURT : On 2 September 1984? -- Are you referring to the meeting in Sharpeville?

MR JACOBS : Did you attend any more meetings than the one in Sharpeville - at the church in Sharpeville? -- No.

On the 2nd? -- No, I did not. (20)

So, if we ask you about the meeting of the 2nd, we ask you about the meeting attended by you. -- I think the prosecutor must make it clear what meeting at a particular place. I cannot remember any meeting unless he talks about a particular meeting.

When you attended that meeting, did you drive there in your own car? -- No, it was a company car.

How did you get it when the instructions were only given after 14h00? -- How did I what?

How did you get the company car in your possession? -- (30)

What/...

What we normally do before we go out. We sign a form that is the requisition for a car and I signed a requisition for a car and we do not drive ourselves at the Sowetan. There are drivers. So, I went out with a driver.

Did you receive your instructions in Johannesburg? -- Yes, that is where we operate from.

And then you drove from Johannesburg to this place after 14h00? -- Yes.

When did you arrive at the place of the meeting? -- I cannot recall what time it was, but the meeting was over.(10)

Did you try to find out what did happen on that meeting? -- Yes, I did.

Did you try to find out about the stay-away the next day? -- Yes.

What the meeting decided on that day? -- A lot of people had gone away and I asked individuals who were coming from the church what transpired, but because of the controversy that was already there at the time, in that there were these pamphlets and counter-pamphlets that were calling for a stay-away and others were not calling for a stay-away, I (20) therefore as a result of that was a bit in a bit of a confused state and I did not want to create any controversy and I did not report on anything.

You are not answering my question. My question was did you find out what the meeting decided on the stay-away the next day? -- Yes, I did.

And what did the meeting decide? -- I got a report that there was to be a stay-away on the following day.

And you knew all the time that Reverend Moselane, accused no. 3 was the person sort of in control of all these meetings?(30)

No/...

-- No, I did not know Reverend Moselane to be in control of the meeting. I never said that in my evidence.

Did you try to go to him and find out, it was in his church, from him what was the resolution taken at the meeting?

-- Yes, I did.

And was it from him that you ascertained that ... -- No, it was not. I did not say that. I did not find Reverend Moselane.

To whom did you speak? -- I have already told the court that I talked to a number of people who were coming from (10) the meeting.

Did you know any of them? -- No, I cannot remember.

At the meeting attended by you on 19 August 1984 in the same church, in the Anglican Church Sharpeville, is it correct? -- Yes.

You were instructed to cover that meeting. Is that correct? -- Yes.

Who was the chairman at that meeting? -- I cannot recall who was the chairman of that meeting.

But as a person to report on that meeting, was it not (20) important to find out who the chairman was? -- No, I did not find out. There were people who talked from the stage, but I cannot recall who in particular was the chairman.

On that meeting - do you agree that it is important if there was any mention of a petition, to report on a petition? -- Yes.

And if the people, the citizens are going to hand in a petition about the rent? -- Yes.

That would be an important news item as well? -- Quite so.

Did you report on any petitions in that meeting? -- (30)

I/...



I have told this court that part of my report was cut.

What does that mean now? -- It was not included in the story.

What? -- The petition issue.

Was anything decided on this meeting about the petition? -- As far as I can remember there was a resolution taken that all the people who were against rents would sign the petition.

Just to get it clear now. Why was it that only the older people would sign the petition? -- I do not know if (10) anybody signed the petition and I never mentioned anybody signing the petition.

What did you refer to in regard to the older people?

COURT : When did the witness refer to the older people?

MNR. JACOBS : Ek dink hy het nou net gesê "older people" toe ek vir hom gevra het ... (Court intervenes)

COURT : All against the rent should sign.

MNR. JACOBS : Dan het ek verkeerd gehoor. Dan is ek jammer. So, there was a resolution that all the people against the rent must sign? -- Yes. (20)

Can you remember who suggested that such a petition be taken up? -- I cannot remember exactly, but there was a resolution taken at the meeting.

What was said, what was the purpose of the meeting? - The petition was to be submitted to the authorities.

Where? -- I think at Houtkop at the head offices of the then Orange Vaal Development Board.

You say I think? Are you not sure about this? -- Yes, it was to be submitted to the authorities.

When? -- I did not enquire about that. (30)

But/...

But it is not a question of enquire about it. You were present at the meeting? -- I say a resolution was taken that the people who were against the rent increases shall sign a petition at this meeting. It was not said where the petition was going to be taken to.

Was the petition not discussed at this meeting? -- It was resolved that the people should sign a petition.

Was it not discussed at this meeting? -- I cannot remember.

When the motion was put to the meeting about the petition, what was said then about this petition? -- I cannot(10) remember that.

Is it so that if your memory was not refreshed by your report and the other report, you would not have remembered anything about this meeting? -- Yes, it is true.

And is it not correct you cannot tell this court precisely what Mr Manthata or the other people said unless you look at your notes? -- Yes and I have also added that unless something really dramatic had occurred or happened at the meeting, I would have noted that and I would have remembered that. I would have included that in my report. (20)

Something like a petition is a noteworthy thing and it is an important thing on such a meeting and you cannot remember that? -- I said part of my report was cut.

But you cannot tell us what was said about the petition except that the resolution was taken? -- Was taken, yes. In any case, journalism is literature in a hurry. You cannot go into details and say why was a petition signed and other things. You just say the resolution was taken.

Is it also correct that you have absolutely no independent recollection about the meeting? -- Yes, except for this (30) report/...

report and except if there is anything as I have already mentioned that was striking.

This report of yours, EXHIBIT AAQ7, "Rent anger in Sharpeville." This paragraph, the fourth one that "Several leaders from various political and civic associations including the United Democratic Front, AZAPO, National Youth Unity, Soweto Civic Association and trade unions, launched a scathing attack on the councillors for increasing the rents." That is background information you say? -- Yes.

At this meeting did any of the speakers there launch (10) an attack on any of the councillors? -- Most of the speakers at the meeting called on the councillors to resign and that their shops or their businesses should be boycotted if they did not resign.

Did any of the speakers launch an attack on the councillors and not asking them to resign on that meeting? -- Attack on the councillors or a councillor?

Councillors? -- They said that the black local authorities act under which the councillors were operating was a failure in the sense that when the councillors themselves (20) campaigned for elections and the new act, they had promised the people that the rents would not be raised, but now the rents were raised.

So, did they attack the councillors that they were not people of their word? That they were liars? -- No, not that they were liars. They did not abide by their promises.

Can you remember who said that or did all the speakers say so? That is background now. I suppose that cannot help you now? Can you answer me without referring to that now?

MR BIZOS : I submit that the person is entitled to look (30)  
at/...

at his report before answering this specific question as to what has happened at the meeting.

COURT : If he can find it there.

MR BIZOS : If he can find it there, yes. He cannot be stopped from looking.-- In paragraph 4 I say "Mr Manthata of Soweto Civic Association said that when councillors campaigned under ... "(Mr Krugel intervenes)

ASSESSOR (MR KRUGEL) : That is paragraph 5. -- Yes, the question is .. (Court intervenes)

COURT : You said Mr Manthata said so and so in paragraph.(10) Actually it is paragraph 5 of the report. I am just correcting you for the record sake. -- Oh, yes, thank you.

Go along? -- "Said that the new black local authorities act, they had promised that rents would not be hiked, but now they have increased the rents. He asked the council and the government to pay the rents in the black residential areas because they are responsible for building apartheid houses for blacks."

MR JACOBS : But in regard to paragraph 4, was that not part of it that they ... -- No, it is not part of it. What I am(20) saying is, if I can explain. Several leaders from various political organisations, this was background material. At the time it was typical that the rent increases were an issue in the black residential areas and these organisations had made a scathing attack on the councillors and asked them to resign because when they campaigned under the black local authorities act they had in fact promised people that the rents would not be increased.

Were the councillors at this meeting made out to be puppets of the government? -- I cannot remember that specifically

(30)

but/...

but that kind of cliché, if I may call it that, is used all over at the meetings in the black community.

Did anybody at this meeting call them to be sell-outs of the black people? -- I cannot remember that, but like I said with puppets, this kind of expression is used at meetings in the black community.

Do you remember whether anybody referred to them as dishonest people working for their own benefit and for the benefit of their friends and families? -- Unless I refer to the report. Yes, the last paragraph on the story reads (10) "The increase of rents will be a heavy blow to them. We are being robbed of our rights."

What rights did this person say where they robbed of? -- Well, he talked about rights and I did not have time to ask him what rights he meant.

Did he not elaborate then and tell the people at the meeting how the councillors robbed them? -- That could have happened but I think I was taking what you call the salient points of what this man is saying.

Is it not so that at this meeting the speakers did (20) refer to the dishonesty of the councillors, they did refer to them as puppets, they did refer to them as sell-outs and that is what is meant by scathing assault on the councillors? Attack on the councillors? --No, by scathing attack I understand that they were too strong in their attack. They were too strong in saying that they must resign. They would not serve any purpose any longer.

COURT : Was it clear from the way you had drafted the report that this was merely a general comment and the scathing attack had not occurred at this meeting? -- Yes. (30)

But/...

But now on what basis can an editor or sub-editor change this around? I take it he is an intelligent editor?  
-- Yes, I agree with you, but I think when, these people work in haste, they (indistinct) they have got a lot of problems . So, he immediately picked up - I should think that is what happened, I do not know, unless he is here, may be he will answer for himself. He quickly picked up that paragraph, because he was going to deal with the speeches of other people.

Was any correction published at any stage of this report?  
-- No. nobody asked for a correction, but we did express (10) concern about it.

ASSESSOR (MR KRUGEL) : About what? -- About the paragraph.

When you say we did express concern about it, does that mean yourself? -- Yes.

Telling the editor that you are concerned with it, that this article is wrong? -- No, that paragraph.

That paragraph? -- Yes, it is wrongly placed.

MR JACOBS : Is it then correct that the contents is not wrong, but it is only wrongly placed? -- As far as background material is concerned, yes. (20)

COURT : Who is the editor concerned? -- It is the sub-editor who did a lay-out on the paper.

Has he got a name? -- There are a number of them. I would not remember.

Well, to whom did you express concern? -- I expressed it to the chief sub-editor.

So, you cannot remember who was responsible? -- Yes.

MR JACOBS : Did you hear anybody saying at this meeting anything about the councillors being dishonest in the sense that they were achieving businesses for themselves? -- (30)

I/...

I cannot recall.

And for their own profit? -- I cannot recall that.

You see, that is what is reported in the other article in EXHIBIT AAQ6 that you said that that was also a correct version? -- Yes.

Then I cannot understand. When we ask you without this other article in front of you you cannot remember and then you have the audacity to tell this court that this article is correct?

MR BIZOS : The word audacity is unfair in the circumstances (10) having regard to the witness's evidence, that he read this at the time when his memory was still fresh of the events and he then remembered it as being correct. I submit to use a strong word such as the audacity to tell us, forgetting what the evidence-in-chief was or not caring to remember what the evidence-in-chief was, is not fair.

COURT : You can put it less strong.

MR JACOBS : If you cannot remember anything that I asked you about what the people said, how can you say to the court that this is incorrect? It is impossible to say if you (20) have forgotten everything to say what is correct and what is not correct. -- I said in my chief evidence I think and I think when the prosecutor asked me I also said it, that if there is anything worthwhile that we thought should be reported we report it. If there is again anything that would not be in the interest of our readers, we did not report on that. In my article the original article that I had submitted, some of the things were said. I cannot remember them all because the article is not here and I cannot refresh my mind. I rely in this court on what I said here. (30)

Did/...

Did Mr Manthata also call on the people to boycott the councillors' businesses? -- They were a lot of people at this particular meeting who made calls that the councillors' businesses should be boycotted, but I do not remember. - I cannot recall whether Mr Manthata was one of them.

On this meeting Mr Manthata was a key figure? -- Yes, he was a key figure.

And it was very important to report on his speech and what he was telling the people? -- Yes, it was.

Did you not report on that ... -- I reported on Mr (10) Manthata. I say I cannot remember whether he did say it, but there were a lot of people who talked about this particular aspect at the meeting.

COURT ADJOURNS.

COURT RESUMES.

K1215

JOSHUA MATHE RABOROKO, still under oath

FURTHER CROSS-EXAMINATION BY MR JACOBS : At this meeting, did you try to find out who arranged that meeting, that is the meeting of the 19th attended by you? 19 August 1984? -- I had read an article in the Rand Daily Mail that indicated that there was going to be a meeting on 19 August. (20)

Did you try to find out at the meeting who was in control of the meeting, who organised that meeting? -- In the article that I read in the Rand Daily Mail there was a description or a phrase that was included in the article that indicated that the meeting was arranged by the anti-rent committee.

And at the meeting, did you go to the people in charge there, either Mr Moselane or the chairman of the meeting to find out to verify this that it is the anti-rent committee? -- No, I did not.

And who is the person in control of the anti-rent (30) committee/...



committee and who are they? -- No, I did not find out.

Did you not deem it necessary to find that out and to report on it? -- No, I did not find that out.

That was done by the other reporter. Is that correct? -- The other reporter had reported on the anti-rent committee.

And that Reverend Moselane was the chairman of that committee? -- Yes.

You also gave evidence here about the people that were angry and is the shouting of "Amandla" an expression of anger by the black people? -- Yes, at that particular point in time (10) they were dissatisfied and you could read from their faces that they were angry and the anger they also showed by taking that resolution, that they were not going to pay rent increases and also that they applauded everybody who spoke against the rents.

Was that after each speech that they expressed their anger very clearly and loudly? -- Yes, they were shouting "Amandla". That is how they were in support of the speaker.

And there was general shouting as well? -- They would say "Amandla" and the other one that was used, like I indi- (20) cated earlier on, that there was "Unity, unity, unity, strength."

And they expressed their anger as a result of the speeches that were made, what was said in the speeches? -- They expressed their support for what the speaker had said after he had said whatever he said and they would say "We are agreed."

And as a result of what was said in the speech? -- Yes. They themselves any way had to take a resolution, because there were other speakers from the floor besides the speakers who had also made such indications.

And this anger was directed at the councillors and the (30) system/...

system of councillors and the government? -- No, it was not necessarily - it was after the people had said - the speakers had said that the rent increases were unfair.

Did each and every speaker say that the rent increases were unfair? -- I cannot remember how they all - the context in which they all said it, but the trend of the meeting was that the rent increases were unfair.

That is the trend? -- Yes.

But after each speaker the people expressed their anger and is it not so that the anger was expressed against the(10) councillors? -- Yes, that is true.

And the council system? -- Yes.

And against the government not consulting with the black people before they brought into being the council system? -- I cannot remember that being specifically said.

Was it not said by Mr Manthata when he expressed his opinion about elections? -- I cannot remember what he said about the council elections.

Is it correct it is not the council system and councillors, if they were not acceptable to the people, then there(20) is no use in telling the people that they must elect new councillors. Is that correct? Do you agree to that? -- Yes, although I cannot remember the correct text, but I think there was something to that effect.

But do you agree it will be senseless to say that they must elect new councillors? -- Do you mean you are asking for my personal opinion now?

On that meeting - your personal opinion as well? -- No, I have said I do not report on opinion. On report on what people say.

(30)

And/...

And nobody at that meeting suggested that new councillors be elected? -- I cannot recall that.

And the sense of the whole meeting was to get rid of the councillors? -- No, they were called upon to resign. I do not know what you mean get rid of?

Is that not to get rid of them, they must resign? -- To resign is not to get rid of.

Is it not so that they did not want the councillors and they must get out of office? -- No, they must resign.

What is that? -- That is not getting rid of. (10)

COURT : What is the difference then? -- Getting rid of, the way I understand it is to eliminate.

MR JACOBS : Is it also correct that the feelings of the speakers were running high at the meeting itself? -- Well, the meeting was disorderly. There was no indication of anybody going riotous at the meeting.

COURT : Was it orderly or disorderly? -- It was orderly.

MR JACOBS : Were the feelings of the speakers also running high? Were they emotional? -- Yes, they were emotional because they were angry and angry is emotion. (20)

And they were also angry? -- They were angry, yes.

All the speakers? -- Not all the speakers were angry.

Which were angry and emotional and which not? -- There were more than thousand people in the church. It is very difficult for me to say how many people were angry.

COURT : You are being asked about the speakers, not the audience? -- Well, I think the speakers merely expressed what their views were about the rents. They were not angry themselves.

MR JACOBS : And is it correct that all the speakers were (30) trying/...

trying to build up the feeling of the audience against the councillors and the rent increases? -- No.

And they succeeded in that in getting the people angry? -- No, they did not succeed, because they were just telling the people about the black local authorities and there was mention made about the boycott of councillors' shops and that the councillors should resign. As far as I am concerned the speakers were not angry themselves. They just told the people that.

And you yourself also were angry at the councillors (10) and the council system and the rent increases? -- I could not have been angry, because I have to give an objective report. I do not have to bring my personal feelings into the whole thing when I write. Objectivity is one of the primary principles that journalists have to look at.

I put it to you that is why you did not report all that was said at this meeting by all the speakers? -- I deny that.

Did anyone at this meeting suggest what should come into the place of community councillors after they have resigned? -- No. (20)

So, they must only resign and they must not be effective. Is this that was the general gist of this meeting? That councillors must not be operative? -- I cannot remember what was said because if there was anything that was said I would have remembered it. That will come in as an alternative.

You would have remembered that? -- Yes.

Why? -- Because it would have meant that councillors should resign and they must be replaced by.

There is a lot of information that you forgot about (30)  
this/...

this meeting, is it not so, that you cannot remember? --  
Yes, like I said, we attend a lot of meetings - in the course  
of my work I attend a lot of meetings and it is precisely  
difficult for me to remember unless the particular report  
is brought to my attention.

But if I understand your evidence correctly a lot of  
the meetings you attended were meetings in regard to labour?  
-- Yes.

So, this kind of reporting was quite something different  
from your ordinary duty? -- The meetings are the same. (10)  
People express their views at meetings and we report on their  
views.

But there is a vast difference between labour relations  
and what is going along with labour relations and black local  
authorities? -- I do not know what is the intention here but  
I said that we attend meetings of trade unions which are  
the same as meeting that we attend - unless you want to bring  
in a specific difference in this particular sense.

You said you knew Mr Baleka? -- Yes.

From where did you know him? -- I was once introduced(20)  
to him.

When was that? -- Some time during the course of 1984.  
I cannot recall when, what time.

Was it before this meeting? -- Yes, before the meeting.

You cannot remember where and when? -- Yes, I can remem-  
ber that it was in Johannesburg at the offices of the Allied  
Workers Union.

Was he introduced to you as a person from AZANYU? -- Yes,  
he was introduced to me as an AZANYU member.

What was he in AZANYU? What was he introduced as? (30)

The/...

The secretary, chairman or ... -- It was just said that he was an official.

Were you conversant with AZANYU and its activities at that stage? -- Not very much.

So, then it is impossible for you to say that AZANYU had an office or not? -- Yes, because when we tried to get in touch with them, we would always find it difficult, because it was a small organisation that has just been born at the time.

When did you try to get in contact with AZANYU? -- On (10) many occasions since I had known that there was an organisation like that.

Why? You were a labour reporter. Why get in touch with AZANYU? Was that a labour organisation? -- Like I have already indicated, once there is a shortage of staff like we operate on skeleton staff, reporters are normally asked to perform their duties outside their beats.

The chanting of songs, what do you mean by that? -- In that context I meant the singing of the two songs that I have already mentioned to this court. (20)

So, it was not the chanting of songs, but it was the singing of songs? -- Chanting and singing are almost synonymous.

Almost similar? -- yes.

Is that what you say? -- Synonymous I said.

Yes, almost, but not ... -- No, I said synonymous.

Is it not so that many more songs were sung at that meeting than the two mentioned by you? -- Not as far as I can remember. I remember the two songs.

Do you agree that your report here conveys the meaning that a lot more songs were sung at that meeting? -- I do (30)

not/...

not know who forms that impression but I wrote the article meaning that the songs were sung and I was referring to the two songs already mentioned.

ASSESSOR (MR KRUGEL) : Do you think that people will take kindly to you if you say that "Nkosi Sikilele" is a song that is chanted? -- Yes.

MR BIZOS : I think that the dictionary meaning of the word chanting has been forgotten. Where one speaks of Gregorian chant, it is really a church song.

ASSESSOR (MR KRUGEL) : I think we will have to look at the(10) dictionary. Normally one will refer to the singing of Nkosi Sikilele.

MR BIZOS : One speaks of Gregorian chant and Bizantine chant and other religious songs.

MR JACOBS : I put it to you that what you try to convey to the public at large in your report is that while the security police were near, that the people were shouting black power slogans and they were singing and what you meant by this is freedom songs actually? -- No, there was no freedom song that was sung at that meeting. In actual fact in my report(20) I do not refer to freedom songs.

Why did you connect this up, the chanting of songs and the shouting of black power slogans with the presence of the security police? -- It is because they were there.

COURT : Well, did they watch it amid the singing of black power slogans? They watched it from a distance. The meeting shouting black power slogans, but why did they watch amid shouting of black power slogans? -- That is just merely to connect the sentence. It was going to be clumsy.

I am sorry, I have difficulty in hearing you. There (30) is/...

is a bit of a background noise and it is very difficult to hear on this bench. Can you just speak a bit louder. Your explanation is? -- My explanation here is that I had to use this phrase or this sentence in one so that it should not have full stops.

Yes, but why did you not use a full stop? -- No, I just wanted to make it one thought.

Why connect the security police and the shouting of black power slogans with the chanting of songs? -- No, the impression here is that people - the police were waiting (10) outside and waiting for them.

Is the impression not that one wants to convey when one writes this type of paragraph that despite the security police the people were undaunted and shouted black power slogans and chanted songs? -- Yes, I think what I mean here is that the security police were waiting outside and these people were continuing to sing in the church. That is merely one sentence I want to put across.

Well, is it not that you want to convey by this paragraph, looking at it objectively that the people were defiant (20) of the members of the security police? -- Yes.

But why did you want to do that? Because the members of the security police were not near? -- I said the one was two blocks away and the other one was on the northern side of the church.

MR JACOBS : You have just mentioned in your answer to the court that they were continuing singing. What do you mean by continuing? So, they were singing a lot of times? -- Yes, they were singing, but they were not singing all the time, because they were people who were talking. (30)

Not/...



Not all the time but a lot of times? -- No, I cannot recall that.

But why are you saying they were continuing? -- I think I was answering that sentence in this context that the people were singing and continued to sing amid the presence of the police outside.

I put it to you that what you told the court is that the people were continuing to sing the songs? -- No, there was singing in the church and I do not understand exactly how does the prosecutor want me to put it, because I am (10) saying that there was singing in the church. Exactly how it was done ... (Mr Jacobs intervenes)

I do not want you to put it in a certain way. I asked you what did you mean by the people were continuing to sing songs? -- The people were singing in the church. That is what I mean.

And is it correct they were singing more than two songs? -- No, they were singing "Re a ho Boka Morena".

When did they sing that song? -- I cannot precisely remember, but when I came in there shortly after I had ar-(20) rived "Re a ho Boka Morena" was sung.

Were you there when the meeting started? -- When I got in the meeting had already started.

And when you arrived there were people already busy with their speeches? -- No.

What do you mean it had already started? -- What I mean by that is that when I arrived at the meeting, there were people who were getting on the stage. So, I cannot say whether at this point in time the meeting had already started or not, but there were people who were getting ready on (30) the/...

the stage and there was singing.

I do not understand you and do not want to misunderstand you. What do you mean by the people were getting ready on the stage? What do you mean by that? -- They were trying to arrange themselves that the meeting could get started or somebody was to take the floor. I do not know what was happening, but I came and took my seat right in front.

Is it not so that at the beginning of the meeting the song "Re a ho boka" was sung and at the end of the meeting "Nkosi Sikilele" was sung? -- Yes, that is so. (10)

And inbetween other songs were sung? -- No.

When you arrived at the meeting, were all the people on the platform or did any of the speakers arrive later on? -- I cannot recall the order of speakers and how they came to the meeting, but as soon as I had taken my place in front Reverend Moselane introduced Mr Manthata.

As who did he introduce him? -- He introduced him as a visitor from Soweto.

Did not somebody else try to introduce him? -- I cannot recall that that happened. (20)

Were there other speakers introduced at this meeting? Yes, I think Oupa Hlomoka was introduced.

Who introduced him? -- As a man of AZAPO.

Who introduced him? -- I cannot recall who introduced him.

Was it Reverend Moselane again? -- I cannot recall that, but it is possible.

And Mr Baleka, was he introduced? -- I cannot recall that.

Where was Mr Hlomoka when he was introduced? -- I cannot (30  
recall/...

recall where he was, but I saw him on the platform when he delivered his speech.

Did you see him before that? -- Do you mean before the meeting or after?

No, before he delivered his speech, where was he sitting or was he sitting on the platform? -- I cannot recall where he was.

Were you not interested? Did you not look? -- I did not look.

As a reporter to find out who were the guest speakers (10) and such? -- I was not given a program to know who was the guest speaker on that particular day.

You knew Mr Hlomoka at that stage? -- Yes, I did.

How long did you know him? -- I said to this court that he was introduced to me early in 1984. I cannot remember the exact month and date.

Where did you meet Mr Hlomoka? -- In the offices of the African and Allied Workers Union in Johannesburg.

Mr Hlomoka is a man from AZAPO. Is that correct? -- Yes, that is correct. (20)

So, you also met him in Johannesburg in that offices? -- Are you referring to Mr Hlomoka or Baleka now?

Mr Hlomoka? -- Oh. Mr Hlomoka - I am sorry, I did not understand, I thought the prosecutor referred to Mr Baleka. Mr Hlomoka actually stays in zone 3 with me. So, he is a person I know.

So, if you knew him so well, then you must have noticed him on the platform where he was sitting? -- I have already told the court I cannot remember whether he was part of the crowd that was on the platform or he came from the audience. (30)

I/...

I cannot recall that.

Do you remember at any stage that he came from the audience up to the table to the platform and then leave it again? -- I cannot recall that.

You have not seen that? -- No.

Did you see him at any stage handing over something to accused no. 3? -- No, I do not remember that.

Can you remember whether at this meeting anything was said about a court interdict? -- I beg your pardon?

I beg your pardon? I cannot hear you? -- I cannot (10) hear what you are saying.

COURT : You will both have to speak up a bit so that I can hear you both.

MR JACOBS : Can you remember and tell the court whether at this meeting anybody referred to a court interdict? -- No, I cannot recall that.

Would you regard it as an important part of the news to report on whether the court was sought in order to set aside the increase of rent? -- Yes, it would have been an important aspect. (20)

And if that was said at this meeting that they were trying to get information on a court interdict to set aside the rent increases, then you should have reported on it. Is that correct? -- Yes.

And that is the evidence of accused no. 3 that at this meeting it was mentioned that they were seeking information on a court interdict to set aside the increases? -- I cannot recall that.

Do you agree - I put it to you that you were not at that meeting. You got your information of what happened (30)

at/...

at the meeting from somebody else? -- I was present at the meeting.

Because if you were present then you should have remembered some of the things that happened there? -- I stand by my report.

You should have at least remembered some of the important things? -- I stand by the report I have written. I have already indicated that there were aspects of the report which were not included in this report.

And it is also the method of a reporter to go to a (10) place and to find out from people who attended meeting what happened at the meeting and to write on that? -- That is not our practice.

But it is a method in collecting news? -- If there is anything that we need from anybody we do not say - we say "In an interview he said". If it was at a meeting we say "Addresssing a meeting" to be specific to the reader, that this person said this thing at a meeting or that this person was actually intervned when he said this.

Did you at any stage follow this way of collecting (20) news on what happened in the Vaal and then report on it? -- Yes, I have.

And finding out from people what happened at meetings? -- Yes.

And then report it? -- No, I do not report - I have just told the court that if there is a meeting we go to the meeting and report on the sequence of events at the meeting. If there is any interview, we say "In an interview he said or she said".

Let us have a look at EXHIBIT AAQ12. The first (30) paragraph/...

paragraph. "Opposition groups had called on the Lekoa town councillors to resign news that they have allocated themselves with bottle-stores". Where did you get this information from? Were you present at any stage when this was said? -- I had obtained this through interviews.

Interviewed who? -- The people involved in these organisations.

COURT : Yes, but now who? -- I cannot recall who I had interviewed for - all the organisations involved.

Well, which organisations? -- The organisations mentioned here. (10)

You mean the Vaal Civic Association, AZAPO, COSAS and AZANYU? -- Yes. And it was also common knowledge in the townships at the time that these organisations had lashed out at the councillors.

Apart from common knowledge, you were answering a question whom did you interview? So, I take it that if you interviewed them, you are not relying on common knowledge? -- I think it is both.

Well, did you interview a leader of the Vaal Civic Association? -- I cannot remember, but it was common knowledge at the time. (20)

No, no, I am not asking you that. Did you interview a leader of AZAPO? -- Yes.

Who? -- I think in the head office, but I cannot recall who he was.

Did you interview a member of COSAS? -- Yes.

Who? -- I cannot recall who he was.

And did you interview a member of AZANYU? -- Yes.

And who was that? -- I cannot recall who he was. (30)

ASSESSOR/...

ASSESSOR (MR KRUGEL) : So, you do rely on hearsay evidence? when you write your reports? -- Most of the time I take down notes. I have already said this in this court and these notes are after a long time thrown away.

I appreciate that, but in reply to the counsel for the state's question just now you said you do not operate in this manner to go and see people to find out what had happened and then to report on that, but now it seems that you do go and interview people and then report on what they told you? -- Yes. (10)

Without saying that you got that from interviewing? -- I beg your pardon?

This does not say that you have interviewed these people, your AAQ12. -- Which paragraph?

COURT : The first paragraph. -- "Opposition groups have called on Lekoa Town Council to ..."

ASSESSOR (MR KRUGEL) : You do not say where you get that information from? That is what the question is about? You have told the court that you have interviewed several people of organisations? -- Yes. (20)

And they have told you something? -- Yes.

And you reported this? -- Yes.

Without checking it? -- I said I have interviewed the Vaal Civic Association but I cannot recall who I interviewed.

Well, you have said you interviewed the Vaal Civic Association, AZAPO, COSAS, AZANYU but you cannot remember whom you interviewed? -- Yes.

But you did not check the allegation that the town councillors have allocated themselves bottle-stores in the (30) area/...

area. -- You mean I did not check with the councillors themselves?

Yes? -- Yes.

With the official records? -- No, I had to check with them before. I think there was an article that is EXHIBIT AAQ29.

COURT : That is the previous day, the article, but now, it seems then that after the appearance of AAQ29 that is on the Sunday you contacted on the Sunday for publication on the Monday opposition groups? -- Yes. (10)

To get their comment on the article in the Sunday Mirror. Is that correct? -- Yes.

But you cannot remember who you contacted? -- Yes, I cannot remember.

MR JACOBS : Where did you contact the leaders of the Vaal Civic Association? -- I contacted them in Evaton.

Are there offices in Evaton? -- They do not have an office. I cannot remember who I was - who in fact I phoned but it was a member of the association.

Did you go to his house? -- No, I phoned. (20)

Where did you contact the leaders of the Azanian People's Organisation? -- I had talked to them before this article was published because we had this report for a very long time. We held it, we could not use it because we needed to get more details on it.

COURT : So, after the publication of the Sunday Mirror you did not contact the AZAPO people? -- No, I had done that before and at the same day I also phoned them again.

Pardon? -- I had contacted them before.

But now, did you phone them on the Sunday Mirror (30)  
article/...



article, that is after publication of the article in the Sunday Mirror? -- No, I told them that we have that information.

So, you did not contact them? That is after publication? -- After publication I went to them again.

Pardon? -- I contacted them again.

You did contact them? -- Yes. I told them that before the article appeared I contacted them to find out what was their response. They could not comment on anything that had not appeared but they had said that it would be seen (10) in a bad light for councillors to do such a thing and the article then appeared. I then went back to them again and said would you say still say this because they had not seen the article.

MR JACOBS : So, you did not contact them on the Sunday?

COURT : I understood the witness to say that he did in fact contact them. Did I misunderstand you? You said you contacted them on the Sunday? -- Yes.

MR JACOBS : Where did you contact them? -- In their offices in Johannesburg. (20)

AZAPO offices in Johannesburg on a Sunday? -- Yes.

And they were in a position to tell you what was happening in the Vaal?

MR BIZOS : The question is not a question which is based upon the evidence. They were able to tell him what they thought about councillors getting liquor licences after the witness had told them that they have got liquor licences and after it was published.

MNR. JACOBS : Ek stel net wat in hierdie artikel staan.

HOF : Nee, maar u moet dit reg stel. Die artikel sê dat (30) die/...

die nuus het bekend geword dat die mense aan hulle self drank-winkels toegeken het. Toe het opposisie groepe n beroep gedoen op daardie groepe om te bedank op grond van daardie nuus.

Dit sê nie dat die opposisiegroepe geleë is in Lekoa nie.

MNR. JACOBS : Maar ek sal hierdie paragraaf het lees. "During the previous meetings to protest the increases in house rents and service charges at the weekend, leaders of the Vaal Civic Association, Azanian People's Organisation, COSAS and AZANYU lashed out at the councillors and called upon them to resign immediately." Is it correct that in this paragraph(10) it refers to meetings held over the weekend, that weekend in the Vaal? -- I think that weekend there is irrelevant. The implications are that the interviews were done over the weekend.

COURT : No, no, it says at meetings held over the weekend the leaders said that these councillors must resign, but the meetings were held to protest increases on house rents. -- Yes.

MR JACOBS : To which meetings held over that weekend are you referring to here? -- There was not any meeting held. (20) I think I said to this court that this weekend was wrongly misplaced there. I mean, it was misplaced there.

What is misplaced now? -- It was not put in the correct space.

COURT : Where should it have been put then? -- It should have been in fact that at the weekend the leaders of these organisations lashed out at the councillors for obtaining the bottle-stores themselves and that at previous meetings there were councillors who were called upon to resign.

MR JACOBS : So, again this whole paragraph is conveying a (30) totally/...

totally wrong impression on facts? -- No, I stand by this report.

COURT : What do you stand by? That meetings were held at the weekend at which they lashed out at councillors and called on them to resign? -- No, I think I said I stand by the fact that at the weekend the leaders had. That is why I say it is wrong to say that during previous meetings. I say that during previous meetings the organisations had criticised the rent increases and service charges.

Did you have first-hand knowledge of that? -- Yes, (10) there were meetings which were held.

At which meeting did you hear a representative of COSAS lash out at councillors? -- There were several meetings but I cannot recall. This was just background material.

That you attended? -- I had interviewed them but I did not attend any meetings.

So, in this paragraph you are dealing with protest meetings which you did not attend? -- Yes.

MR JACOBS : Where did you contact the COSAS leaders? -- I had contacted them like I had contacted the AZAPO people (20) before.

COURT : The question is where did you contact them? -- In Johannesburg.

Did they have an office there? -- Yes, they did have an office at the time. I cannot recall where it was now, because the organisation seems to be banned.

MR JACOBS : Did they tell you that during that weekend in meetings leaders of the Vaal Civic Association, AZANYU ... -- They did tell me that. They said that the councillors' allocating bottle-stores for themselves was unfair. (30)

Did/...

Did they tell you that at the weekend leaders of the Vaal Civic Association, Azanian People's Organisation, COSAS and AZANYU lashed out at the councillors and called on them to resign immediately? -- I think I have already explained that.

Who lashed out at councillors? -- The leaders of the organisations mentioned in the article.

When did they lash out? -- I phoned them.

Not at the meetings? -- I had already said that during previous meetings there has been this kind of attack on (10) councillors.

COURT : So, in fact the cause for the lashing out and the call for resignation was this a report, whether they read it or not, in the Sunday Mirror? -- Yes.

Was that a fair report? -- Well, as far as I am concerned it was fair, because we had to get reaction.

I read the report and I got the impression reading that report that the councillors got the liquor businesses for nothing. Have you any comment on that? -- The way the article is written - this is my opinion now, the chairman of (20) the council, Mr Mahlatsi, was in the trade committee of the council and the numerous people who got bottle-stores here were nothing else but members of his family. The article says so in paragraph ... (Court intervenes)

Let us accept that for the moment. What do you say to my suggestion that this article can be read as if and would normally be read as if these people got the bottle-stores for nothing? -- Yes.

And that means then that George Thabe got one million rand's worth of bottle-stores for nothing, Esau Mahlatsi (30) got/...

got two million rand's worth of bottle-stores for nothing and so on and so forth. Is that correct? Is that what the article says? -- Well, I think the impression here will depend on who will read it.

Would you say that if it is put to you that the ordinary normal reader who reads this article will read it in that way, would you agree or disagree? -- Yes, that the councillors have allocated themselves bottle-stores.

Have allocated themselves bottle-stores for nothing?  
-- Yes. (10)

Is that fair? -- I think that will depend on various readers.

No, no, never mind the readers. I am asking your opinion. Is that fair factual? -- Are you asking for my opinion?

You wrote the article? Was it true? -- Yes, it was true.

That they got the businesses for nothing? -- Yes, it was true.

And that they allocated the business to themselves? (20)  
-- They allocated the bottle-stores to themselves.

With whom did you check these facts? -- I got it from the minutes of the town council.

Which members? -- The minutes.

But these bottle-stores and liquor premises belonged to the administration board and not to the councillors. How could they allocate them to themselves? -- That administration board had announced that they were going to sell them out. I think it was part of the government's privatisation scheme. (30)

Where/...

Where is it put here in this article that these articles would be sold to these people? --

MR BIZOS : With due respect to the witness and your lordship. I am speaking from memory because I gave my exhibit to the witness, but if my memory serves me correctly the article actually says that they were sold and there were to be loans from the bank or something else, so that the original impression of your lordships that they were getting it for nothing, if my memory serves me correctly, is not borne out by the report. (10)

COURT : The middle of the report paragraph 8 says "The loans are repayable over a period of 20 years."

MR BIZOS : So, that they were getting it for nothing is not ... I know that the witness agree but I do not think that the article really bears out your lordship's prima facie impression.

COURT : Would you like to comment on this debate between myself and counsel? -- I think there is a paragraph that states here that the bottle-stores are being phased out by the development board and sold to residents subject to the (20) approval of the minister of development and co-operation.

How long did you have this information before you published it? -- I cannot recall but I think it was for something like a month.

Why did you choose to publish it on Sunday, 2 September? -- I had completed my investigations at the time. It could have been in any other - even in the daily newspaper as far as I am concerned. Why it was put in the Sunday Mirror I cannot explain, because that was not my decision.

MR JACOBS : You said you completed your investigation. (30)

You/...

You did investigate it. Is it not so then that if you investigated that it was so that the development board asked for tenders in order to get the bottle-stores? -- I asked Mr Mahlatsi this with a view to get him to explain the position, because there were allegations that the councils were grabbing businesses for themselves and in one of the paragraphs here I say Mr Mahlatsi has refused to comment on the issue and said I am not interested in this issue and it is not a matter for the press. I think he was trying to be objective. (10)

Why do you not answer my question?

MR BIZOS : The question has been answered.

MR JACOBS : My question was to the effect, did you ascertain in your investigation that the liquor properties were obtainable on tender from the development board? -- I asked Mr Mahlatsi this.

Did you know who were the people in control and the owners of the liquor businesses? -- I asked Mr Mahlatsi this.

Did you know or not? Yes or no? -- I asked Mr Mahlatsi this. (20)

COURT : Is the answer then you did not know? -- Yes.

You did not know the development board was in control of the liquor businesses? -- I knew that the development board was in control of the liquor businesses and when I went to Mr Mahlatsi to find out if there were tenders or that he had actually invited people to buy these bottle-stores, this was the reply that he gave me.

MR JACOBS : Did you go to the development board to do investigation there how it comes that property of the development board is then allocated and given out by the council? -- (30)

I/...

I cannot remember that.

You see, your report says "Following the news that they have allocated themselves bottle-stores in the area." How could they allocate themselves bottle-stores if that bottle-stores do not belong to the council? -- The bottle-stores were the property of the Orange Vaal Development Board. The Orange Vaal Development Board was going to sell it and the councillors who were to make decisions on this, made the decision, I do not know, I think in their meetings, but according to the resolutions that they arrived at according to the (10) minutes that I saw, they allocated themselves the bottle-stores in the manner in which I have put it here.

Can you answer me now. How is it possible that and did you investigate to find out how is it possible that the councillors can allocate to themselves the property of another body of somebody else? -- I think the Lekoa Town Council and the Orange Vaal Development Board work hand in hand.

You did not investigate at the offices of the Development Board. Is that correct? -- No, I did not.

Why not? They were the owners? -- Well, I did not (20) think it was necessary at the time.

If it is someone else's property then I am sure that you will have to go and investigate with them to find out your property is now allocated by the board, how come? -- I did not do that.

You did not do it? -- No.

I put it to you that this was also meant to smear the councillors.

MR BIZOS : The minutes are before your lordship. It is an AAQ exhibit. The witness is borne out that actually the (30) board/...



board had handed over the bottle-stores to the council. The issue was whether the council was going to keep it for itself, for its own profit or whether it was going to dispose of it.

COURT : Well, is that entirely correct. Was the council's opinion not merely asked as to whether they should or should not be made private property? What is the exhibit number?

MR BIZOS : AAQ5. In fact your lordship will recall that one of the councillors who gave evidence and Mr Louw who gave evidence - in fact Mr Louw conceded that it was thought that all those who went to get the bottle-stores should (10) recuse themselves, but that if everybody that was to get a bottle-store is to recuse himself, there would not be a quorum left and this is why they did not recuse themselves. So, that they allocated the bottle-stores to themselves is borne out by the minutes. My learned friend is entitled to put that perhaps a responsible newspaper should suppress that fact.

COURT : You are talking so fast. I asked you just to show me the document. Now I am looking for it myself and you keep on talking. (20)

MR BIZOS : I am relying on my memory ... (Court intervenes)

COURT : Just give me a chance to get the document.

The decision was on "7/10 Resolved: That it be noted that there is in principle no objection to the selling of the liquor outlets in the area of jurisdiction of the Town Council of Lekoa by the Orange Vaal Development Board, subject to it that any loss in income as a result of the selling of the liquor outlets be made good to the town council of Lekoa by the Orange Vaal Development Board." Then "7/11 Phasing out of liquor interests by the development boards Town Council (30)

of/...

of Lekoa. Resolved that subject to the approval of the Department of Co-operation and Development the tender (contract so and so) for the selling of the following liquor outlets be accepted." Then we get the liquor outlet, the tender and the tender amount. So, we get the acceptance of the tender by a number of persons and inter alia mostly councillors. Then 2 "That the selling of the liquor outlets referred to (1) above be made subject to the following conditions". That is then a payment from the - by the Development Board by the department to the Orange Vaal Deverlop-(10) ment Board.

MR BIZOS : We will submit that those minutes clearly establish at the end of the case that each one of the councillors that took a decision in this actually committed a crime under the act. My learned is entitled no doubt to submit something to the contrary. He is also entitled to submit to this witness that a responsible newspaper having come by this information, that they should - that should suppress it. The witness may or may not have an answer to that, but the witness cannot on this report, with the greatest respect, (20) on the facts placed before your lordship be accused of mala fides or ulterior motives in having written this article which is in our submission a fair summary of the minutes and what your lordship has read out, is not the only minute of the council that relates to this matter. It was thereafter. They had meetings and they decided who was going to take what and ... (Court intervenes)

COURT : Well, it cannot be much different from the tender set out there, can it?

MR BIZOS : Your lordship will recall what the minutes were (30) and/...

and your lordship will recall what the evidence of Mr Louw was.

COURT : No doubt we will get to that evidence again in due course. What is the question?

MR BIZOS : I object to false motives being suggested to the witness on the evidence before your lordship in publishing that article.

COURT : What is your answer, Mr Jacobs?

MNR. JACOBS : Met alle respek, die getuienis, as ek dit reg onthou, toe die raadslede by hierdie hof getuienis gegee (10) het, het hulle een na die ander gesê dat hulle tender was nog nie aanvaar gewees nie. Dit is al baie maande, meer as jare na hierdie berig. Toe was daar nog eers enige drank-lisensie aan hulle toegeken nie. In beginsel is dit goedge-keur op die raadsvergaderings dat dit verkoop sou word en by wyse van tender. So, my respektvolle submissie is dus dat ten minste op hierdie stadium toe hierdie berig geskryf is op 3 September, was daar nie so iets dat aan raadslede self drankpersele en dranklisensies en bottelstore toegeken was nie. (20)

HOF : Nee, maar die getuie sê hy het op die sterkte van hierdie notule die verslag geskryf en as hom aanval, dan moet u vir hom aantoon uit die notule dat hy verkeerd is, nie op wat raadslede vir ons kom vertel het nie.

MNR. JACOBS : Ek sal dan graag die geleentheid wil hê, ek is jammer dat ek nie die goed by my het om dit aan die hof te stel nie. Dit het vanoggend eers tot ons kennis gekom dat hierdie persoon gaan oor hierdie wye veld getuienis gee. Ons het die eerste maal gehoor dat hierdie bewysstuk gaan ter sprake kom toe hy hier in die hof uitgehaal is en hy (30)

dit/...

dit voorgelees het. Ons kon nie die voorbereiding gedoen het wat ons moet vir hierdie getuie nie. Dit is weer een van die gevalle waar ons heeltemal onverhoeds gevang is en ons probeer om tot die beste van ons vermoë ... (Court intervenes)

COURT : Why was Mr Jacobs not informed of this, Mr Bizos?

Or we? We were told we are going to hear evidence on Sharpeville.

MR BIZOS : Primarily this was what the witness has been called for. The witness was being called for the meeting of the 19th and I informed your lordship and Mr Fick before (10) your lordship in relation to this.

COURT : Why could you not have told Mr Fick that this is Mr Raboroko, he is going to give evidence. He would have properly prepared and that is the end of it. It goes much quicker then? We do not get any allegations and counter allegations and accusations, based on the lack of evidence and you do not even have the document available and we have to search for it.

MR BIZOS : Yes, because I did not expect the document to be misinterpreted, but be that as it may, I did not tell them (20) that Mr Raboroko was going to be called. If I am required by your lordship to furnish the names ... (Court intervenes)

COURT : I cannot require you to do anything. I have not required anybody to do anything because it is outside my power, but I would appreciate it if you do that.

MR BIZOS : As your lordship please.

COURT : I would like to ask a question. Would you have a look at this exhibit here. This is AAQ24. Is that the minutes of the meeting that you had before you when you did this article for the Sunday Mirror? -- Yes, it looks like it. (30)

Those/...

Those minutes are dated 17 June if I remember correctly?  
-- 17 July.

17 July 1984. What else did you investigate after having had insight in these minutes? -- I wanted to find out from the town council if they have in fact allocated these bottle-stores to the town councillors. They all told me that the person who would be responsible or the person who was supposed to talk to the press on their behalf would be the mayor.

When did you get the minutes or how did you get the minutes? Did you see them some where? Did you get the minutes or (10) did you have insight in them in the office of the officials or how did you get to the minutes? -- I cannot remember how I got hold of the minutes, but I got the minutes from the town councillors.

From one of the town councillors? -- Yes.

And when you got them you cannot say? -- Yes.

MR JACOBS : On this meeting of 19 August 1984, what were the colours of the two vehicles of the police? -- The one was a fawn colour and the one was a yellow colour.

Not a blue car? -- Not the one I saw. (20)

What type of car was the yellow one? Can you tell the court? -- I think it was - I am not quite certain, I might be making a mistake here, but I cannot remember the make of the car, but it was a yellow car.

And the one car that was parked near the church, where was it parked? -- It was parked two blocks away from the St Cyprians Church.

You say two blocks. What do you mean by two blocks?  
-- Two streets.

And the other one? -- It was parked on the southern (30)  
side/...

side of the - it was next to another church that was there.

I find it a little bit difficult. It would like you to have a look at this photo, an air photo of this area with the church.

COURT : Which document are you showing to the witness?

MR JACOBS : I would like you to have a look at EXHIBIT AAR4. Number 8 on this photo is the church. Can you indicate to the court from that there - I will give you two pins. Will you put in the two pins where the cars were parked.

COURT : We have a very nice photograph of all the buildings(10) in that block and all the churches. It is a coloured photograph. I cannot see why we should look at this rather indistinct aerial photograph.

MR JACOBS : I am not so sure if this photograph would include two blocks away. In one direction there might be two blocks.

COURT : Yes, very well. -- (Witness indicates where cars were parked)

MR JACOBS : Did you identify, except for Mr Radebe, any of the other policemen in the car? (20)

COURT : Before you go on, let us just then get clarity from the witness. The witness has stuck in EXHIBIT AAR1, I am not going to describe them exactly, but the one seems to me to be to the east of the church, slightly to the north and the other one seems to me to be south/west of the church. I think your direction is wrong when you say the one is south and the other one is north. Are you sure of that? -- Yes, the way I am seated now the other one was in this direction.

Well, that is west and that is east. -- It depends on how we are sitting now. (30)

MR JACOBS/...

MR JACOBS : Except for Mr Radebe, did you identify any of the other policemen? -- I cannot recall who the others were.

Did you tell anybody at that meeting that you saw the police outside? -- I do not recall that.

You did not go to the platform and report it to the people on the platform "Look, you better be careful, the police are outside"? -- I do not think I would have done that. That is not my duty.

At this meeting, did you see any placards inside the hall or the church? -- I cannot remember seeing placards, (10) but it is possible that they were there.

Did you see any banners? -- No. I cannot recall that.

Can you not recall while the meeting was on that somebody fixed the banner to the pulpit? -- I cannot remember. AS I have already indicated it is possible.

What will you say if the majority of the witnesses who gave evidence for the defence in this court said that there - that it was a very calm meeting, nobody was emotionable, nobody was angry? Would that be altogether correct? -- I have already told the court that the people were dissatisfied (20) and they showed their anger by .. (Mr Jacobs intervenes)

I know you do not have to report, but what would you say about the evidence of the other witnesses who said that it was a very calm and collected sort of meeting, nobody was emotionable, nobody was angry? That would be not correct? -- I cannot talk on behalf of other people.

Were any resolutions read at the beginning of this meeting after the singing of a song at the start? -- I cannot remember the exact wording, but I think there was something mentioned that the people have resolved not to pay the (30)

new/...

new rent increases.

I beg your pardon, I cannot hear you? -- I say I cannot recall the exact wording of the resolution that was read, but I think it had to do with the fact that the people have resolved not to pay the new rent increases.

Can you remember anybody at this meeting reporting back on seeing some other people and some other places in connection with a petition or in connection with the interdict? -- Can you repeat the question? I do not understand it.

Do you remember or can you recall anybody at this (10) meeting reporting back to the meeting about discussions about an interdict or a petition? -- There was mention made about a petition but exactly who made a report back, I cannot recall who did that.

You see, because I put it to you that no resolution was accepted that the petition be issued and that the people to sign the petition, to hand over at Houtkop, in that you were wrong? -- I have already indicated to the court that there was something to the effect that the people would have to sign the petition, but exactly how this was (20) phrased and who said it, I cannot recall.

And there was no such a resolution. That is the point that I am trying to make? -- There was a resolution of that nature.

Because it was reported according to the defence that accused no. 3 saw people in Johannesburg to find out from them at the offices of the Black Sash and the lawyer about the possibility of a petition being drawn up and the possibility of an interdict against the rent increases and that this is still going on and there will be a report later on (30) again/...



again at another meeting?--I have already said to the court that although I do not recall the manner in which this was put to the audience, there was a resolution that was taken at the meeting that people should sign the petition, those people that do not want to pay the new rent increases.

What other resolutions were taken at this meeting? -- I cannot remember that.

You cannot remember any other resolution except this one on the petition? -- And that the people were not going to pay rent. That I can remember. I have already told the(10) court.

People were not going to pay? -- The new rent increases. And that they were going to boycott the councillors' businesses. I think I have already told the court that.

About this meeting on 2 April, did you report to your - 2 September 1984 - editor that such a meeting will be held on the 2nd? - Yes, I have already told the court that we had knowledge of the meeting and because we had earlier on this kind of thing where we told ourselves that we were not going to continue to cover protest meetings in the Vaal. (20) The meeting of the 2nd appeared on our agenda and we were going to make a decision on whether to attend or not.

What decision was going to be made? -- On whether we should attend this meeting or not.

But my question was, did you bring it to the notice of your editor about that meeting? -- Yes, I did.

Did you ask him to attend that meeting? -- Editors do not attend meetings of that nature. The reporters attend meetings.

No, but you, did you ask your editor so that you can (30) attend/...

attend that meeting? -- I brought it to his attention and he could have assigned anybody.

COURT : You did not volunteer for the meeting? -- No, I did not. He could have assigned anybody.

MR JACOBS : What did you tell him, what was the purpose of that meeting? -- I said it was a rent protest meeting.

Is that all? -- Yes, and he knew about it. We have already had a discussion about it.

You also told the court that you attended the launching meeting of the Vaal Civic Association. Can you remember (10) anything of that meeting? -- It is very difficult at this point in time to remember exactly what happened at a particular meeting unless a report is brought to me about the launching of the VCA.

So, you can only remember when a report is brought to your notice about that meeting? -- I mean for the purpose of the court now. I have got to refresh my memory about it.

And without anything to refresh your memory, you cannot remember anything about that meeting? -- I remember there was a launching at the meeting but what exactly happened (20) at that meeting I will have to refresh me memory on that.

And you cannot tell the court out of your own mind what happened at that meeting at the moment? -- Well, I can tell the court that the VCA was launched.

Is that all that you can tell the court? -- Yes, there were speakers.

You cannot tell the court who the speakers were and what they were saying? -- Like I said, it will be very difficult because we normally rely on the reports.

MR BIZOS : The witness was about to say I remember and then (30) another/...

another question was put and the witness is now talking and he is again interrupted with another question being asked.

COURT : Let the witness first finish the answer.

MR JACOBS : I am not blaming you if you cannot remember. Just tell the court you cannot remember.

COURT : Let us first have the answer. What do you remember of this meeting? -- Well, I do remember that the chairman of the Civic Association, Dr Motlana was there at the meeting and that there were elections - that the VCA was launched and there were people who were elected as office bearers. (10) I cannot remember the other things which happened at the meeting.

MR JACOBS : You cannot remember for instance the contents of the speeches of the people? -- Yes.

What does this mean? You cannot remember it or can you remember it? -- I cannot remember it.

Or even the resolutions taken at that meeting? -- Yes, I cannot remember. It is a long time ago.

When did you approach Mr Esau Raditsela when he showed you EXHIBIT AN15.1? -- It was after 26 August. (20)

COURT : After it? -- Yes.

And before the 2nd? -- I beg your pardon?

Before 2 September? -- Yes.

K1216 MR JACOBS : Why did you approach him? -- Well, I knew him to be a member of the Vaal Civic Association.

So, why did you approach him? -- I approached him because he was a wellknown person to me. Again I knew him to be the office bearer of the Vaal Civic Association. He could have news for us.

What news? About labour relations? -- Anything. (30)

Did you ask him whether he had news for you? -- Yes.

And/...

Yes and then? -- Then he showed me that pamphlet and said ... (Mr Jacobs intervenes)

Did he show it to you out of his own? -- Yes, I mean, I had asked for news from him and he said it is something that is coming.

COURT : That is AN15.1 that you were shown in chief? -- Yes.

MR BIZOS : At that stage, did you know about the other pamphlet? -- No, I did not.

When did you find out about it? -- I did not find out. These counter pamphlets were disseminated in the townships. (10) I do not know how but there must have been somebody who disseminated them there.

Did you ask him about these counter pamphlets? -- I did not meet him after he showed me this pamphlet.

COURT : When did you find the counter pamphlet? -- During the course of that week.

After the 26th? -- yes.

MR JACOBS : Was that after you had spoken to Mr Raditsela? -- Yes.

How long after that? Can you tell the court? -- I (20) cannot remember but I think it was, like I indicated, I do not want to commit myself, some time during that same week.

When he showed you EXHIBIT AN15.1, did you ask him about the march? -- No, he told me that there was going to be a march.

Because, if I remember correctly, nothing is said in this pamphlet about a march on the 3rd? -- Yes, he told me that.

And what did he tell you about the march? -- He said there was going to be a stay-away in terms of this pamphlet (30) and/...

and that people were going to march from the Roman Catholic Church in Small Farms.

That is on the 3rd? -- On the 3rd, yes.

And I suppose that was newsworthy and worthy of being published in the paper? -- Not immediately.

Why not? -- Because we were delaying it in trying to find out - we have got to be careful in whatever we report if we make such announcements.

But this was a decision taken that there was going to be a march. That could have been ... -- I do not know if(10) there was a decision. I was given a pamphlet.

No, but you have just told the court that he told you about the march. -- Yes, he told me about the march.

And did he tell you it was decided at the meetings? -- No, I did not ask him where does that come from. He said that there was going to be a march.

Did he tell you who were going to march? -- He said the residents.

Did you as a newspaper reporter not hear about this in the Vaal that there was going to be a march and decisions(20) were taken at meetings that there was going to be a march? -- No.

Never? -- Never.

Was it kept quiet and secret that there was going to be a march? -- I do not know if it was kept a secret, but when I knew about it, it was not a secret.

COURT : From you? -- Yes.

MR JACOBS : You were collecting news. This was news. Why did you not publish it then? -- It is often dangerous to report on speculations such as this, so I had to check (30) these/...

these facts with the legal implications of having had such reports reported.

COURT : What would the implications be if you had reported that Mr Raditsela of the VCA had stated there would be a march and a stay-away on 3 September? -- It could have meant that we are inciting people to stay away and therefore we needed to find legal opinion on it.

MR JACOBS : What legal opinion did you want on this piece of information, piece of news given to you? -- As professional people in the profession we are very careful about in- (10) fringing or causing anything that will be seen to be suppressive in this country. So, whatever we do, we make sure that whatever we report goes through our lawyers who would advise us on whether this would not be seen to be suppressive. It could have been suppressive to call for people to stay away from work.

COURT : If you have to wait for the lawyers, you will never have fresh news. -- Yes, in fact they are our sub-editors these days.

The lawyers are your sub-editors? -- Yes, because they (20) prune our coffin.

Is that the one that messed up your previous report? -- (Witness laughs)

MR JACOBS : At that time, did you regard this as subversive? -- I did not necessarily do that, but I could have reported it. I mean in such a case as a professional you are in a way sensitive about some of the things which go on in your daily in and out work. There are issues which you can immediately report on. I mean, I can come to this court and listen and give a report without actually asking for legal advice, but (30)

in/...

in this particular aspect what I regarded as a very dangerous thing to do. I would not just have gone to the paper and say that. My editor would have raised his eyebrows.

COURT : Did you put this in front of your lawyers? This piece of information? -- Well, before we do that we go to the news editor and have a discussion about it. He in turn will go to the editor and ask for another opinion. The editor will then take it to the lawyer.

So, it is left to the editor eventually? -- Yes.

MR JACOBS : Did you write a report on this and handed it (10) in for publication? -- No, I have already said I am a professional person. I have already seen the dangers in the story.

You see, what I am asking you this is because in your evidence-in-chief you said you cannot recall if you published the story?-- Yes, I cannot recall.

And the reason why you cannot recall is quite different from what you are saying now that you first wanted the opinion of the legal people. You said because there was a contrary pamphlet?going around? -- I think I have already said that we did not publish the story. I do not remember us publishing the story and Mr Prosecutor has not been able to produce any statement to say that we produced a story. So, what I need to clarify here is because we did not publish the story, it meant that we were waiting for legal opinion and I cannot remember us publishing it. (20)

And you said another reason why you could not publish it and why you are sure is because you could not publish it because there was an uncertainty because of this other counter pamphlet? -- That was later.

COURT : You mean the counter pamphlets came later? -- Yes. (30)

In/...

In the course of that week.

MR JACOBS : During this period August, except for this one article on the meeting of 19 August 1984, your paper I suppose did not publish any other article on any other meeting held in the Vaal Triangle? -- I cannot remember. I cannot recall that.

MNR. JACOBS VRA DAT HOF NOU VERDAAG TEN EINDE HOM IN STAAT  
TE STEL OM DIE GETUIENIS NA TE GAAN.

MNR. BIZOS DUI AAN DAT DIE VOLGENDE GETUIES VANAF WELKOM  
SAL KOM.

(10)

COURT ADJOURNS TILL 9 MARCH 1988.