

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

A

SAAKNOMMER: CC 482/85

PRETORIA

1988-03-09

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21
ANDER

VOOR:

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

NAMENS DIE STAAT:

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

NAMENS DIE VERDEDIGING:

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

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 362

(Bladsye 20 823 - 20 886)

COURT RESUMES ON 9 MARCH 1988.

JOSHUA MATHE RABOROKO, d.s.s.

MNR. JACOBS : Al die beskuldigdes is teenwoordig.

FURTHER CROSS-EXAMINATION BY MR JACOBS : Mr Raboroko, your evidence was that the article in EXHIBIT AAQ29 on the liquor outlets was published in the paper of 2 September 1984 because that was when you had completed your investigation. Is that correct? -- That is correct.

Is it correct then that the liquor outlets were sold by the Orange Vaal Development Board and not by the council?(10)
-- Yes.

And did you investigate and try to find out how they were going to sell the liquor outlets? -- No.

Did you not find anything out about the tenders or that they asked for tenders for this? -- I told the court yesterday that I talked to the mayor Mr Mahlatsi.

You did not find out from the Development Board how they were going to sell the liquor outlets? -- No, I did not.

Was it not important to find out how they were going to do it? -- The resolution was taken at the meeting of the (20) Lekoa council that these outlets be sold to private people.

Are you saying that the council decided that they must be sold? -- Both the council and the Orange Vaal Development Board. At their meetings they sit together.

How is it possible for the council to sell the property of another body? -- It is the same - I have already said that the Lekoa council sits together with the Orange Vaal Development Board. As indicated in one of the paragraphs here the Lekoa council has accepted that the liquor outlets be given to the community leaders. (30)

Did/...

Did you know anything about tenders at the time when you wrote your article? -- I cannot recall unless it is contained in this article which I have not read for a long time.

I would like you to have a look at EXHIBIT AAQ24. Those are the minutes of that meeting of the Lekoa Town Council of 17 July 1984 and you told the court yesterday that you got your information from these minutes. Is that correct? -- Unless I have a look at the minutes. It could not be the same minutes.

Have a look at this EXHIBIT AAQ14. Are those the minutes (20) from which you got your information? -- I think when you showed me yesterday this I did not look into the resolutions that were taken into consideration at a particular meeting.

But yesterday you told the court that those are the minutes? -- I was not given time to look into the minutes themselves.

COURT : Will you take the opportunity and have a good look at them now. (Witness reads minutes) These are the minutes.

MR JACOBS : Are you referring now to paragraph 7.10? --
Where? (20)

To which paragraph are you referring to now? -- Yes, 7.10.

Will you read 7.10 into the record, please. -- "That it be noted 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 thereto that any loss in income as a result of the selling of the outlets be made good to the town council of Lekoa by the Orange Vaal Development Board."

Is there anything in that to say that they sold - they decided to sell the liquor outlets to the people you mentioned (30)

in/...

in your article? -- I think I must indicate this. In resolution 1 all the names of the people that are there are people I say who are community councillors or town councillors.

COURT : If you say resolution one, it means paragraph 7.11 and then resolution one? -- Yes.

MR JACOBS : Do you agree in that first paragraph read out by you that there was only a decision that there is no objection in principle against the selling of the liquor outlets? -- Yes.

In 7.1 what do you refer to there? -- "Subject to the approval of the department of co-operation and development(10) ... (Court intervenes)

COURT : Sorry it is 7.11(1)? -- 11(1). "Subject to the approval of the department of co-operation and development the tender 15/102/83 for the selling of the following liquor outlets be accepted."

MR JACOBS : What is a tender contract then? -- I think these people must have tendered for the businesses, to take the businesses or the contracts.

So, there was mention of a tender? -- In this report.

So, you knew about the tender? -- I knew about the tender, (20) yes.

Did you follow that up? -- I followed that up. I asked Mr Mahlatsi who said he did want to discuss this issue with the press and I talked to the individuals, the people who themselves go in to buy at these bottle-stores, the people's names are all involved here. I think my article makes it specifically clear that all those people people who wanted to buy or who tendered for these things, for the bottle-stores had indicated that the mayor is the only person who can give a statement in this regard and I think it is in my article. (30)

Is/...

Is it not a clear indication from that resolutions that it was the development board selling it and asking for tenders and asking for the council's approval to sell the liquor outlets? -- If the tenders in this case are not from the councillors I would not have mentioned that they are community councillors.

I am sorry?

COURT : Will you please speak distinctly and a bit louder because I have a problem hearing you. May be it is my trouble, may the noise in the background, but I must hear what you (10) say. -- I say the selling of the liquor outlets was a decision that was taken according to the view I had interviewed people, a decision that was taken between the town councillors and the Orange Vaal Development Board. Therefore I went out after I had seen this resolution 7.11(1). I interviewed all the people involved. Those were the people that were going to buy or prospective buyers of the liquor outlets. I wanted to find out from them what was expected from them. How much money - I mean all the other particulars that one would have needed at the time to sort of clear them. (20)

MR JACOBS : So, is it then correct, according to your evidence now that you could not find anything from any of the people who bought liquor outlets or any councillor? -- I must say I did a lot of investigation before I wrote this report and I have already told this court that I did also talk to other people - I mean other town councillors who did not get the bottle-stores or who were not interested in getting the bottle-stores. I talked to a wide range of them.

COURT : Could you just clarify the situation for me. I have the impression from the minutes that the development (30)

board/...

board asked for tenders. Is that correct? -- Yes.

Did they ask for tenders from the public in general or did they ask for tenders from a limited category of persons? -- I do not have knowledge of how they did it, because when I asked the other councillors who were not interested in this, they said that these things were not even advertised. That is it did not appear in any paper to say we are inviting tenders.

Yes, but now, you investigated this thing. I have no clarity as to how the liquor businesses were put up for (10) sale, if I may put it in that way. -- Yes.

We know they were the property of the development board. I think that is clear? -- Yes.

So, it was the development board that was selling them? -- Yes.

And the development board asked for tenders? -- Yes.

Do you say that only councillors could tender or was it advertised in general that people could tender or how was it done? -- I do not know how this was done, but when I asked the mayor whether there were invitations for tenders, he (20) did not give me any reply as far as that was concerned.

ASSESSOR (MR KRUGEL) : There is also a tender contract mentioned in the minutes. -- Yes.

Did you have a look at that? -- Well, I must say I cannot remember whether I had a look at them at that time.

So, you do not know whether this was advertised in the government gazette or wherever these people advertised these things? -- Yes, I cannot remember that.

MR JACOBS : You did nothing to find out from the development board whether they advertised it, how they asked for tenders?(30)

How/...

How many tenders they received? -- According to this these were prospective tenders and I went to them and asked them.

Will you answer my question, please. Is it correct, you did not go to the development board to find out from them whether they advertised it, how they asked for tenders, who the people were that could apply? You did not do anything in that direction? -- Yes, I did not.

Why not? Those are the people that were selling the liquor outlets. Why did you not go to the people who were selling it if you were investigating it? -- Yes, may be our(10) journalism is being questioned here, but I think the necessary thing that I did after I had seen that there were people who had tendered and their names were there. I went and asked them and they all told me that the mayor is the person who is going to give you information about that.

So, then you did not find any information in that regard? -- Yes.

Although the obvious people to answer your questions were the people in the development board? -- I do not know how obvious are they. I think I went to all the people (20) concerned, the people who were buying the property.

Did you not try to get a copy of the tender contract from the development board? -- I did not. I think I have already told the court that I went to the people who have already tendered and incidentally they were all councillors.

All councillors? -- Well, there are a few who are not councillors.

So, there were people who were not councillors who tendered? -- Yes. For instance Mr Nkutha.

Did you know or try to find out how many people had (30) tendered/...

tendered for liquor outlets? -- According to the minutes here, 7.11(1) there is a list of names of people who have tendered here and I went to all these people to find out the necessary steps they took to ... (Court intervenes)

COURT : Is that correct? Are these not the accepted tenders whose names are set out? --Yes, I do not know how it reads but I remember going to all these people after having seen this report, these minutes.

MR JACOBS : I beg your pardon. I could not hear you? -- I say I went to all the people whose names are here in these(10) minutes after I had seen the report.

But that is not an answer to the question of his lordship. Those are only the accepted tenders. That does not indicate to you how many people tendered for liquor outlets? -- This is the list of the people whose, according to the resolution here, tender is accepted. So, I went to see them to find out how they are going to get money for instance and a lot of other things that we do in our job every day when we interview people.

Did you try to find out why these tenders were accepted(20) except from the mayor and the other people? -- I have already told the court that I talked to the people themselves and they would not talk to me. I went to the mayor.

You see, I cannot understand why you tried to find that out from the people who tendered. They will not know. It is the tender board, people setting out the tenders or sending out the tenders?

MR BIZOS : All these questions are being asked on without taking an important part of the resolution into consideration. 7.1.1. says that the selling of the following liquor outlets(30)

be/...

be accepted. This is a resolution of the council.

COURT : 7.11 you mean?

MR BIZOS : 7.11, I beg your pardon.

COURT : 7.11.1?

MR BIZOS : 7.11.1. "These tenders be accepted."

COURT : Yes, but it must be read in conjunction with 7.10, Mr Bizos. The question is allowed.

MR BIZOS : But I would submit with the greatest respect that to suggest to the witness that he did not do enough when he has a document from the council saying that these tenders (10) are accepted and suggest that he did not do enough is unfair.

COURT : The question is allowed.

MR JACOBS : I cannot understand how you can go to the people whose tenders were accepted and tried to find out from them the reasons why they were accepted. How could they tell you? That was the function of the board sending out the tenders. -- If I have to write an article about anybody else, allegations being made against that particular person, the only way to strike objectivity is to get the two sets of the story. The minutes were there, I was not at that (20) particular meeting where this resolution was taken and I saw that these people are in fact going to have - it has been resolved that these people's tenders have been accepted. The only logical thing to do at this point in time will be to go and interview the people themselves to find out from them how they acquired the businesses, how they were going to finance the business, et cetera, et cetera.

I put it to you, objectivity is not part of this report of yours? -- As far as objectivity is concerned, I will leave it to the court to decide because I have indicated my (30)

objectivity/...

objectivity in that story.

And is it not so that these tenders were only submitted to the council, those were all the tenders received and accepted by the board and it must be accepted now by the council and that was only that was done and that was not an allocation of the outlets by the council. It was an approval of the decision of the development board. -- The development board I have already emphasises here that they sit together with the Lekoa Town Council and this decision, when it was taken, it was not taken only the council. It (10) was taken in conjunction with the Orange Vaal Development Board.

Where does it say so? -- It does not say so. That is common knowledge.

I put it to you that in your report EXHIBIT AAQ29 the first paragraph "The Lekoa Town Council, including the mayor Mr Esau Mahlatsi, have cut themselves into the Vaal Liquor business." That is a wrong impression conveyed by you to the public at large? -- If they did not do so, they should have answered to say no. I interviewed them, I gave them (20) enough opportunity to say that.

At that stage you knew according to those minutes that they tendered for businesses? -- But I think we have agreed here that the tenders were accepted already and the resolution says be accepted.

And they confirmed the tender as far as the community council is concerned?

COURT : The phrase "have cut themselves into" I take it it does not mean cutting themselves with a knife? -- No.

Does it refer to dealing cards or what does it refer (30)

to/...

to? -- With the business.

Yes, I know, but where does it originate from? Have cut themselves into? Does it come from a card game or where does it come from? How does one arrive at the phrase? -- It is a jargon we use in journalism.

And what does it mean? -- It means that they have cut themselves like cutting a slice out of the loaf.

It is like a piece of cake? -- Yes.

ASSESSOR (MR KRUGEL) : While we are talking about terms. What does the term that a person has been given something (10) imply? -- Well, it means, you are given - you could be given a present, it could mean it was given to you gratis.

This particular phrase appears quite a number of times in your article. -- Which one?

That councillors or somebody, some person, sometimes the names of persons are mentioned, sometimes councillors are mentioned, that they have been given liquor outlets or the bottle-stores? -- Which article are we referring to?

AAQ29. -- Which paragraph?

Paragraph 3 for instance, paragraph 4, paragraph 5, (20) paragraph 7, paragraph 14, all contain that phrase. -- So, what is the problem?

No, I just want to know what does that imply? You have answered the question already. You say that it means that you have been given a present. You have been given it. -- Yes, I have been given it. It has got that sort of meaning. It is not necessarily what I have already explained.

MR JACOBS : If you were objective as you told the court, why did you not mention in your article here that those people tendered for those businesses? -- I have already (30) said/...

said that I will leave the question of objectivity to the court, but as far as I was concerned, when I wrote the article I had observed all the rules that we have to look into in terms of objectivity in journalism and I am sure objectivity is almosth a myth because it depends on who is viewing this as objectivity. So, I would like to leave this matter in the hands of the court.

Can you answer then, why did you not mention in your article that they and other people tendered for these businesses? -- I have already said that according to resolution(10) 7.11.1 that these tenders were accepted and I went to interview the people.

But you knew that tenders were accepted. That is what you said just now. So, you knew they tendered for the businesses. So, why did you not mention it in your article that all the people referred to tendered for the different businesses?

COURT : Does the article not say that the board sold to residents the bottle-stores, paragraph 6 of the article?

MR JACOBS : Yes, but I just want to know about the tenders.(20) A lot has been stated, but it does not mention anything about tenders being asked by the board? -- I cannot recall that.

You knew when you read the resolution of the council that there were tenders. It is even in that schedule, every time the word is mentioned "the tenderer." -- Perhaps this was already an accepted thing. So, there were no longer tenders. They had accepted this.

But that was not the final acceptance. That was only a recommendation of the council? -- Yes, that is what created(30)

the/...

the story. I mean, we were surprised about why should in fact all the tenders here be councillors. That has really got us amazed.

I put it to you that the reason why you did not mention the true facts that those people tendered for that and that their tenders were successful was because you wanted to smear the councillors as well on 2 September 1984? -- I deny that, unless the Sowetan newspaper has been challenged here.

You will agree that this does not convey the true position of what actually happened? This article of (10) yours? -- The tenders here had been accepted and I went and interviewed the people and if they did not give me a true version of the state of affairs themselves, I ran into difficulties and that is the position and that is how we reported it and if they had any problems thereafter, they should have approached us to say we strongly object to that and we would have written a story. May be that would have made them to comment for the first time this time. They never did that and up to today they have not done that.

And that appeared in the paper a day before the riots(20) broke out? -- Yes, it was September, 2.

COURT : "The taverners association" paragraph 9 middle colum says that "complained that they should have- that the businesses should have been advertised, and they claim preference", but that is a different matter. Was the allegation made that there was no advertisement of the tenders?-- When I asked them I wanted to find out from the if they knew about the business and if they did, why did they not buy the businesses. Then they told me that they were not advertised.

Did you take this up with the town council or with the(30) administration/...

administration board, this non-advertisement of the tenders?

-- Yes, because I interviewed the mayor.

MR JACOBS : And why did you not go in regard to this to the development board as the people who sent out the tenders or whose duty it was to advertise the tenders? -- I did not think it was important at the time.

If it was not important why did you mention it in your article then? -- Mention what?

That this person said that it was not advertised? -- Yes, I said I went to the mayor... (Mr Krugel intervenes) (10)

ASSESSOR (MR KRUGEL) : Could we just have clarity on the question, please. Is it about whether the advertising was not investigated? Is that what you are driving at?

MR JACOBS : Yes.

COURT : Well, he says he put it to the mayor.

MR JACOBS : But my question was, when the mayor refused to speak to him, why did he not go to the development board?

COURT : Well, he had been referred to the mayor as the only person allowed to make press statements. So, he puts the problem to the mayor and the mayor says I have got no (20) comment. What more can he do?

MR JACOBS : What do you mean by paragraph 10 here "The councillors have also been accused of using the government's puppet institutions in order to get businesses and not to represent the interest of the residents who elected them?"

COURT : But this is not part of the first part of the story. I think this is a second part of the story, it seems. -- Yes. The town councils at the time were regarded in the black community and this was common knowledge, it was topical, that the town councils were puppet institutions. (30)

MR JACOBS/...

MR JACOBS : But this is not the same. It is saying here that the councillors were using the government's puppet institutions in order .. -- They were using their positions in the town council in order to acquire business and this town council is a government institution, it is puppet institution. That is the connotation.

On 3 September 1984, why did you drive down to the Roman Catholic Church? -- I knew there was going to be a meeting there.

And a march? -- Do you mean the Roman Catholic Church(10) in Sharpeville?

COURT : Actually in Small Farms. -- On the 3rd?

3 September 1984. That is the day of the riots. -- Oh. I knew that there was going - I had information that there was going to be a march from that area that was going to start from there.

MR JACOBS : Why did you then not stop there if you were interested in the march and find your new material there? -- I told the court yesterday that when we drove past that place or near that place it was 08h20 and a journalist is (20) a person who is usually very inquisitive. We wanted to find out what else is happening in the townships on this day where a stay-away had been called. So, we wanted to find out. This is when - and indeed as it came out, we went to this particular which was called Masenkeng yesterday and we got news that there was teargas being fired somewhere.

Did you drive past the church in Selbourne Road in the direction of Masenkeng? -- Yes.

And did you turn off from the Selbourne Road into the road between zone 8 and zone 7 there? -- Yes. (30)

Was/...

Was that the road used by the buses? -- Yes.

When did the person stop you? Before you turned off in that road or after you turned off? -- Shortly after we turned off.

Was that at the bus stop? The bus terminus? -- Yes, between Selbourne and the bus stop.

Is the bus stop in Masenkeng not between zone 7 and zone 8 on that road after you have turned off? -- Yes, it is there, but it is not immediately there. There is an open space. (10)

Was it at Masenkeng near the buildings? -- No, Masenkeng is in the same vicinity.

Did you pass that bus terminus?

COURT : Which one?

MR JACOBS : At Masenkeng? -- We talked to this man inbetween Selbourne and the terminus and then from there we drove straight on. We drove between zones 7 and 8 as you have already indicated.

At the bus terminus here at Masenkeng, did you see any people there? -- I cannot recall, but I think there were (20) sprinkles of people around there.

Did you see any buses? -- No, there were no buses.

This road then goes, if you carry on with it right up to the top near zone 13. It goes to the post office. Is that correct? -- Yes.

COURT : Let us give it a name. The first portion between zones 7 and 8 is called Vilakazi and thereafter it is called Wessels Motha Road up to the post office.

MR JACOBS : Did you pass the BP Garage on your right-hand side? -- Is that the Moloantoa Garage you are referring to?(30)

COURT/...

COURT : Yes, the BP Garage is called the Moloantoa Garage?

-- Yes, we drove past it.

MR JACOBS : Where did you find the obstructions? -- We found the obstructions shortly before we arrived at the Moloantoa Garage.

Was it in this road leading to the post office? -- Yes.

This Vilakazi Road? -- No.

COURT : It is called Wessels Motha there.

MR JACOBS : From there then where it was Wessels Motha Road.

-- Yes. (10)

You said some youngster stopped you there? -- Yes.

Why? -- I do not know why. They stopped us and we stopped.

Was it only one or were they more than one? -- Yes, there were more than one.

How many were there? -- I cannot remember how many they were, but it was a group.

A group of them? -- Yes, about - approximately ten, eleven.

Did they say anything? -- Before they said anything we were out of the car and Khumalo showed them his camera and (20) I had my hands up indicating or showing them that we are men of peace.

That was in the vicinity of the BP Garage? -- But I have already told this court that has happened far away from the garage. We have not arrived at the garage.

Where were the police at this stage when you were stopped by these youngsters?-- There were no police on that particular scene.

So, after you stopped, where did you go then? Did you drive further on in the direction of the post office? -- (30)

No/...

No, we drove further on in the direction of the garage.

The BP Garage? -- Yes.

And then? -- And after we had passed the garage, we saw buses parked alongside zone 12.

After you passed the BP Garage and where the buses are, do you know whether there was a bus terminus known as Fowler? -- I do not know the name of the bus terminus.

Have you see that bus terminus? -- Yes.

Were the buses near that bus terminus? -- I cannot recall exactly, but I think it was almost in the same (10) vicinity, but not approximately in the vicinity.

What else did you see there? -- We saw the police firing teargas.

COURT : I got the impression that that bus stop called Fowler is on the left-hand side as you were driving whereas the five buses were on the right-hand side as you were driving? -- Yes.

MR JACOBS : Did you see any people there except the police? -- We did not see people there because there was teargas that had been fired. We assumed that the people could have (20) ran into houses then and we drove into zone 11. It was not as though we had stopped and looked to these things. We drove into zone 11 because as I have indicated earlier on, we were afraid that if the police were to see us, they would take action against us.

At that place where you drove into zone 11, when you passed that Fowler bus stop, you get to an intersection there, one road coming from ... -- We did not go - I think I must correct this. We did not go towards the bus stop. We turned into zone 11. It is incorrect to say we drove (30) past/...

past that bus terminus.

I did not say - I said if you carry on in that road ..
(Court intervenes)

COURT : Well, you have got your answer now. The witness said before they got to Fowler bus stop they turned left into zone 11.

MR JACOBS : After you drove into zone 11, did you pass over that road coming from the stadium that joined this previous road?

COURT : Is it now before they stopped or after they stopped? Because his evidence was as soon as they got into zone 11 they stopped and they wanted to take photographs and they did take photographs.

MR JACOBS : After you stopped there? -- Yes, we proceeded on into zone 11 and I cannot recall, there are a number of trees there, which street we used.

Do you know where Mr Caesar Motjeane, the ex-councillor, lived? -- No, I do not.

Did you find it out afterwards? -- No.

What precisely did you see whilst you were looking (20) at the police there? What did you see in zone 13? -- I saw a column of smoke as though something was burning.

Was it clearly visible? -- Yes, on that particular day one should get this impression normally in the mornings in black residential areas and may be especially on this particular day a lot of people had not gone to work, people had made fire and the smoke was there, but this one was clearly visible that there was something happening there.

Was it a big column of smoke, black column of smoke going up? -- Yes. (30)

And/...

And you can see it from very far away? -- Well, we saw that.

What time was it then? --

COURT : Did you listen to the evidence-in-chief?

MR JACOBS : Yes.

COURT : If you have listened to the evidence-in-chief you have got the answer.

MR JACOBS : Did you see any other smoke in zone 12 or smoke columns at that time? -- Except for the scene where teargas was and the description that I have just given. There was (10) this big smoke that was attracting us and we were going there.

COURT : Tell me, the smoke caused by teargas, what does it look like? Is it white or is it dark or is it virtually invisible? What does it look like? -- It is greyish and it would not make an indication of a smoke that will come out from the fire that will be caused by the burning of anything.

Is it thinish? -- Yes.

You can look right through it? -- Yes.

So, it just causes a haze? -- Yes.

And does it spread on the ground or does it go up in (20) the air? -- Well, does go up into the air and it vanishes.

Normally smoke goes up into the air, normal smoke from a fire. This does it do the same as normal smoke or does it sort of spread around in a misty haze? -- Yes, it spreads around.

MR JACOBS : Did you not see any smoke columns in zone 12 from where you were looking at the police? -- Except for the general set-up that I have already described that the people had made fire in their homes and one could have seen that smoke. There was nothing that really attracted us to go (30) into zone 12. So, we were geared to go to zone 13.

You/...

You see, we have got the evidence of the police officer who was there where they were shooting the teargas near that vicinity of BP Garage and Fowler bus stop. They noticed a column of smoke going up in the direction of the business centre in zone 12 and they went from there to investigate. Did you not see that column of smoke? -- I cannot answer for the police. They saw what they saw and they were on duty. I was also on duty.

But I am asking you, did you not see that column of smoke? -- I did not see that. In fact if they had seen (10) they would have given us that in their police report.

COURT : I am sorry. Did the police give a full report on everything that happened that day? -- We normally operate this way that if there was unrest like that, we normally get an unrest report from them. I find it quite surprising that at this point in time we are being told that there was a column of smoke in zone 12 when we had put all the questions to them and they did not tell us what - we had not asked them. May be they had information, they should have also given us more information. (20)

Could I just get clarity. When do you members of the press put questions to the police and when do you get an answer? -- It is a difficult kind of procedure. We send out notice to them, we have information whatever, can you give us details. Can you confirm or give us further details. They normally, for instance if a person has been detained, they normally reply that they are not obliged to give us the what's names.

In the case of general riots for example, they would not tell you that they saw smoke. They will tell you that (30)

a/...

a particular building had been burnt down. That they will tell you, but they would not tell you we saw smoke? -- Yes. I wonder why?

I do not know, but I am putting it to you. Would they tell you we saw smoke here and we saw smoke there or would they tell you there was a fire at this house and this house burnt down? In which way would they put it? -- They would normally tell us what they want us to know, because most of the times we have got different views than they have.

So, you do not get all the information from them? -- (10) Yes, this is why I am surprised that they did not tell us about this column of smoke in zone 12. It is in fact news.

Are you saying that there were no buildings burnt down in zone 12 that day? -- We did not go into zone 12. We went into zone 11 and 13.

MR JACOBS : Did the police not report to you later on of buildings being burnt down in zone 12 or other zones? -- I cannot recall that.

In zone 11 did you pass near the administration buildings and the beerhall? -- No. (20)

In which road did you drive? -- I cannot recall which road we used. I have already indicated that we managed to get our way through zone 13 using one of the road through zone 11.

You did not return to Wessels Motha Road? -- No.

After you passed the police? -- No, we did not.

Did you not see anything happening in zone 11 while you were passing through it? -- Well, we saw people in the streets and others were in their yards, chatting. There was nothing significant really that one could have reported on. (30)

What/...

What were the people doing in the streets? -- Chatting I said. I mean that was not newsworthy.

Were they in groups? -- They were standing in their yards.

Did you notice any people in groups? -- No.

Did you notice any police vehicles in zone 11? -- I cannot recall if there were police vehicles. On that particular day we encountered a lot of police confrontation between the youths and the police and the residents. I cannot recall where and when it happened, because I have not got (10) my notes with me.

Did you see any road obstructions in zone 11? -- Not on the road that we used.

You know where the house of the mayor is in zone 11? -- Yes.

That is Mr Mahlatsi? -- Yes.

Did you pass in the vicinity of his house on your way to zone 13? -- No, we were far away from it.

How far would you say? -- It is difficult to estimate at this point in time. (20)

Less than a kilometre? -- Yes, less than a kilometre.

Did you see any smoke or anything strange or untoward happening in that direction? -- No, we were geared for zone 13 as I have already said.

I beg your pardon? -- We were going to, we were interested in getting to zone 13 and if there was anything like smoke I am sure we would have stopped.

Did you not look around to see? -- There were the three of us and I think we were all looking and if there was anything that would have attracted, we would have stopped. (30)

In/...

In Boipatong, when you drove into Boipatong and drove inside Boipatong and even when you went out, did you find any obstructions in the road? -- No, we drove into the road that is near the hostel there, just to give some kind of a geography. There are two entrances or three entrances into this township, so we used the one next to the hostel, men single's hostel. This has been turned into houses. People are living there. It just used to be hostels for single men. When we got into Boipatong, we stopped, there is a stop street immediately there. We stopped there and looked (10) around and we saw that the community hall there had its windows smashed. I cannot remember quite well. There were other buildings in the neighbourhood which were also damaged.

In the vicinity of this community hall, did you not see any obstructions there in the road? -- I cannot remember that. We did not necessarily drive right into the township.

Did you see any people attacking this building? -- No.

Did you see people in the street? -- We saw people in the street towards the direction of the stadium there.

Were they in groups? -- They were just walking. (20)

Were they in groups? -- It is very difficult to remember at this point in time.

You cannot remember? -- Yes, but there were people which I saw.

Did you see any police vehicles? -- No, not at that scene.

Did you see any buildings burning or smoke columns of buildings on fire? -- No.

And in Bophelong? -- In Bophelong we drove into the township. We used the road that the buses normally use (30)

up/...

up to the shopping complex.

Did you find anything at the shopping complex? -- All the shops were closed.

Any of them damaged? -- Well, that we did not take note of. If they were damaged we would have seen that.

You say you did not take note of it? -- Yes.

Why did you go to Bophelong? -- We were intending to do a round-up of all the townships.

Did you intend to see what was happening there? -- Yes.

So, why did you then not note what was happening to (10) the shops? -- The shops were closed and I think I said in my evidence-in-chief yesterday that the offices of the development board - their windows were also smashed and that there were police who were moving around in a van. I think I said this yesterday.

Were there police moving around in the vicinity of the offices? -- Yes.

What were they doing? -- They were patrolling. I used the word yesterday.

Did you see any groups of people there? -- Yes, there (20) were people who were in their yards.

In the streets. Groups? -- No, not in the streets.

And groups of people? -- I do not know what is the intention here, but I think I have already said that there were people who were standing in their yards.

Did you see any roadblocks or obstructions in the roads? -- No.

Any places burning? -- No.

When you entered Sharpeville from where did you enter it? -- From the eastern side. (30)

Did/...

Did you pass the buildings, the official buildings? -- I cannot recall now but when we got into Sharpeville, right at that particular entrance that we used, there were youths who were looting from a bottle-store just in - about a stone throw away from where we were. Some of them when seeing us came to us and we thought again that we are going to be attacked and like I explained, I had my hands up, Khumalo had his camera out and they then left us. I think I said that was the last time I saw Khumalo that particular day. (10)

Did they threaten you? -- The way they were coming was as though they may be were coming to attack us. This is why we made those signs.

With stones? -- Those signs. We did not have stars, please.

Stones? Did they have stones? Threatening you with stones? -- No, they did not.

Only with signs? Threaten you with signs? -- No, I said that is why we made those signs. Khumalo had his camera and I had my hands up. Those are signs I am sure. (20)

But how did they threaten you? Be more specific about it? -- I did not say they were threatening us. I said they were coming towards us as though they were coming to fight.

Were they in groups? -- Yes.

Big groups? -- Groups.

Big groups? -- No.

Did you travel on Seeiso Street? -- Not on that day.

Not at all? -- Yes, because I mean, we were afraid to go into the township right from there and already we had a problem with our photographer being arrested. (30)

Was/...

Was your car the only civilian car that was travelling in the different suburbs mentioned by you? -- I did not see any other - I cannot say specifically that there were not other vehicles, but why were actually making this peace was to show this people that we were on duty.

Did you see any places burning in Sharpeville? -- No.

Did you see any roadblocks in Sharpeville? -- Yes, not roadblocks. What do you mean roadblocks? You mean were roads barricaded?

Yes? -- Yes, but when we travelled in, that is later (10) in the day, most of them had been cleared. It was clear that some of them had been cleared.

Did you travel in Seeiso Street that day? -- No, we did not.

In which roads did you travel? -- We travelled from the road near the bottle-store into an area, I do not know if you know it, Vuka Uzenzele, site and service and we went to my brother-in-law's place.

Did you find roadblocks in Vuka? -- In some of the road that I have already indicated the barricades had been removed (20) already.

Did you see any houses burning or that had been burnt down? -- No. What happened was, we had information at that particular point in time that the one councillor had his house burnt and we went to investigate. We were afraid to use our car because we could have easily fallen the victim of any mobs whatsoever. So, we decided to walk with the driver.

There is only one question more that I want to ask you. On the meeting of 19 August 1984 did all the speakers (30)

start/...

start and end their speeches with "Amandla Ngawethu"? -- Not the speakers. I remember Manthata, if my memory serves me well, ending up his speech by saying "Kopano" meaning unity. "Kopano ke Maatla." Unity is strength if my memory serves me well, but it was something along these lines.

And the other speakers? -- I cannot remember quite specifically, but there were people who used the words in the meeting. I cannot remember whether the speakers themselves said "Amandla" or whatever. It is very difficult to recall that. (10)

COURT : Mr Jacobs, I hope you would not take it amiss if I make one observation, that is that I listened carefully while you took this witness through his evidence again from Masenkeng right up to Sharpeville. I could not see the point of it, because there was no direction that you took, no doubt you had something in mind, but I cannot see that it serves any purpose to have a witness repeat what he has already told the court.

MR JACOBS : My notes were not clear on precisely where ...
(Court intervenes) (20)

COURT : Well, if your notes are not clear, you need not trouble the court with a repetition of all the evidence that has been given. Then you must take quicker notes.

MR JACOBS : I just wanted to get clarity on which road the obstructions were, the area through which he went, whether there were any places burning.

COURT : What we had in Bophelong and what we had in Boipatong we all had before and we cannot go on in this way and have a repetition of what we have had unless you have got a purpose with it and unless you have a thrust to your cross-examination(30)

but/...

but I will say no more about this.

RE-EXAMINATION BY MR BIZOS : You said in cross-examination that you attended the launch and that Dr Motlana was there, as one of the speakers? -- Yes.

COURT : The launch of the VCA?

MR BIZOS : The launch of the VCA. Is Dr Motlana a wellknown personality in the community? -- It is correct.

Although you told his lordship without seeing your report and without your notes you may not remember what happened at the meeting... (Court intervenes) (10)

COURT : This one?

MR BIZOS : At this launch, did Dr Motlane advocate violence or a revolution or promote violence at the meeting in any way? -- Certainly not.

Had Dr Motlana done anything like that at the meeting would you have remembered it? -- I would have remembered it like I would have remembered any dramatic incident that would have taken place.

If any other speaker at the launch advocated violence or revolution at the launch, would you have remembered it?(20) -- Yes, I would have remembered it.

Did any other speaker advocate violence or revolution at that meeting? -- Certainly not.

You also said that the anger of the people at the meeting of the 19th at Sharpeville was evidenced by the fact that they said "Amandla" after each speaker spoke.-- Yes.

The question I want to ask you is, is the shouting of "Amandla" a sign of anger or not? -- No, it is not.

Why did you mean when you said that they were angry because they were shouting "Amandla" after each speaker spoke?

How/...

How did that evidence the anger? -- What I meant was, they were in support of - that is they showed solidarity, they agreed with what was said.

How did they agree to proposals of not paying the rent and boycotting the shops and councillors must resign? -- They greeted that in some instance by applauding and in some instances they said "Amandla" meaning "we are in support of the resolution.

I want to deal with the portion of your cross-examination in which you said that you saw the pamphlet that Raditsela(10) gave you and you saw the counter pamphlet and there was no publication as to whether there would be a stay-away or a march. You recall that? -- I do.

You also said that lawyers are your sub-editors? -- Yes.

These lawyers being your sub-editors, is this something that was there in 1984? -- It became more stringent especially after the state of emergency was declared but at the time there were other rules that one had to observe in terms of reporting such happenings or calling for such things. I say we would have gone to get legal advice on it, because(20) may be it could have been seen to be suppressive.

Your newspaper, does it initiate actions or does it report initiation of action?

COURT : How do you mean? Does it ask for action? Is that what you mean?

MR BIZOS : Ask for action? -- No, we do not.

You do not ask for action?

COURT : You just look for action? -- Yes.

MR BIZOS : Where you have this controversy that you had, why would you not publish, if there was this controversy? -- (30)

We/...

We would not publish because we are first of all not a newspaper that is after controversy. We tell it like it is and again because we did not want to cause any conflict, because if there were pamphlets that were sent out to say that people must stay away from work and there were those who made the counter call, would have been a very difficult position.

Your newspaper, where a call for a stay-away has been made loudly and clearly by some or other organisation, do you publish the statement of that organisation where there is no such controversy? -- Yes, we do, but this is after (10) we had consulted with our lawyers. That would normally be accompanied by an editorial or a comment to say we are not part of the call.

But you will publish the call itself? -- Yes.

And do you know whether calls for stay-aways had been published in your newspaper over the period? -- Yes.

After your lawyer's advice? -- Yes.

In relation to the challenge of your objectivity by the prosecutor, I want to ask you this. Would you please have a look at page 266 of EXHIBIT AAQ24. When you had a (20) copy of these minutes and you saw all these names, did you make any enquiries as to whether there were councillors or members of the families of councillors? -- Yes, I did make enquiries.

And what did you establish? -- I established that they were councillors and members of their families.

You know the area. Were there many more bottle-stores than those mentioned in this part of the exhibit? -- Yes, I know there is a bottle-store in zone 7 and ... (Mr Bizos intervenes) (30)

No/...

No, I do not want you to go through them. Were there any other bottle-stores in the area besides these here? -- No.

Do you as an objective journalist believe in the very long arm of coincidence? -- I do not understand the question?

Did you think that it was a coincidence that all the bottle-stores went to the councillors and members of their families? -- When I viewed this thing, I immediately smelt a rat if I may put it this way.

ASSESSOR (MR KRUGEL) : On the morning of 3 September, when did you realise for the very first time that Sebokeng - (10) well, that a riot is taking place? You were driving from zone 3 to Small Farms? -- Yes. We drove from zone 3, if I may repeat myself to Small Farms and from Small Farms we drove towards the Roman Catholic Church and at that point in time there was not anything. We got to Masenkeng where we told that there was teargas in zone 11.

But when did you come to the realisation that a riot is on the way in Sebokeng? -- I think when we were stopped for the first time where there was that barricade on the road.

By the youngsters? -- Yes. We realised that may be (20) things are going or might be happening already.

I also thought that that would probably be the time when you first realised something was very wrong. What did you think about it? -- It is very difficult, but I thought the whole day might turn out to be that there are going to be more incidents. This is why we went from one township to another.

And the reason why you made a peace sign towards these youngsters, what was that? Were you afraid of them? -- Yes.

Did you have reason to be afraid of them? -- Well, (30)

we/...

we had reason to be like that, because we thought perhaps they were thinking that we are police.

NO FURTHER QUESTIONS.

- - - - -

COURT ADJOURNS.

COURT RESUMES.

SEKALE LUCAS LEEBA, d.s.s. (Through interpreter)

MR BIZOS : It may be of assistance to your lordship if I indicate to your lordship that he will deal with the evidence led by the state in volume 118 given by the witness Hugo at page 5 918 and subsequent pages, the evidence of Morolong in the same volume from page 5 936 and subsequent pages. (10)

EXAMINATION BY MR BIZOS : Mr Leeba, how old are you now?

-- 57 Years.

And do you live at 3645 Thabong in Welkom? -- That is so.

During 1984 some three years ago, did you have school-going children? -- Yes, three.

Was the eldest of those three at the Thutagauta Secondary School? -- That is so.

And your other two children, were they at the - still in the primary school? -- That is so.

During the winter months of 1984, was your eldest child(20) going to school every day? -- They used to but what happened is that arriving at school they would go into classes.

COURT : Could they not or did they refuse to? -- They wanted to go into classrooms.

Were the schools closed? -- No, the closed were open. There was supposed to be schooling there.

Why did they not go in? -- There was another school not far from that one where they had some problems.

I do not quite understand. Your child goes to school,
the/...

the school is open, but she does not go into classes? -- Yes, that is so.

But why could she not go in? Is it a daughter? -- No, it is a boy.

I am sorry. Well, why could he not get in? -- What happened is the following. They would go into school and get into classes, while being busy in class, then the trouble would start at the school nearby, as a result of which the children from that school would run to this school. On arrival at this school, then the police would not be able to dis-(10)tinguish who the children were who came from the other school into this one and therefore take them to be from that school as well.

They would disperse them? -- Yes, they would disperse all the children there and then the children would run away and would only return to school the following day.

Could you just give me the name of the other school? -- Thito.

High School? -- Yes, it is a high school.

MNR. FICK : Die skool se naam is vantevore gespel as Theto. (20)

MR BIZOS : How far are these two schools apart? We used the football field as a measurement. How many football fields apart? -- I would say between seven and eight lengths of a soccer field.

COURT : Seven hundred to eight hundred metres.

MR BIZOS : How old was your son at this time? -- I think he was about eighteen.

K1218

Was this a matter of concern to you what was happening here at the school? -- Yes, it was a matter concern.

And did you have a good relationship with your son? (30)

Did/...

Did you discuss these problems with him? -- Yes, that is so.

I would not ask you what his complaints were in view of the further evidence you are going to give. Whilst this was going on, did you hear whether or not there would be a meeting to try and solve this problem? -- Yes, I did.

Was this the meeting of 5 September 1984? -- I cannot quite remember the exact date, that is with reference to the day and the month, but what I would say was, it was between August and September.

1984? -- Yes. (10)

Where was this meeting held? --Smith Hall.

Is the place known as Phillip Smith Centre? Let us give its full name? -- That is so.

Did you go there alone? -- I was accompanied by my son.

Do you know who had called this meeting? -- Yes, the inspector of schools a Mr Msibi from Bloemfontein.

Was this during the day or in the evening? -- In the evening.

Did you arrive there before or after the meeting had started? -- Before the meeting started. (20)

By the time the meeting started, how many people would you say were there in this hall? -- On my arrival there, on entering this hall it was already full, but still people could come in and therefore I also got in.

How many people does this hall take. Do you know? -- It was the first time that I went to this hall on that evening. My estimation on looking at it I would say it takes a thousand plus or some hundred.

And by the time the meeting finished, was it full? I am sorry, by the time the meeting really started, was it (30)

full/...

full? -- Yes, it was.

What people were there? Were it just children or were there only parents or parents and children? -- The majority of the people present at this meeting were grown-up people.

Were there children as well? -- Yes.

If there were a thousand people there as you estimate it, how many adults and how many children would you say there were? -- I would have estimated the grown-up people to have been nine hundred and seventy. I estimate it between eight and nine hundred. (10)

COURT : And how many children? -- About to hundred and fifty were the children there.

MR BIZOS : Did the children sit apart or did they sit with their parents? -- I would say most of the children were seated at a place similar to that one up there.

COURT : The gallery? -- Yes, and then some of the children were sitting with their parents.

MR BIZOS : Your son, where was he sitting? -- There were seats in front of me. He was seated on one of the seats just in front of me. Not immediately on the next row, but (20) on the seats in front of me.

How did this meeting start off? -- The opening of this meeting was by a hymn and a prayer.

Who was in charge of the meeting? -- One of the people in charge of the schools in the township of Thabong. The only thing is, I do not know what that person's name is. He is only known to me as one of the leading figures at schools.

This leading person, did he introduce anybody? -- Yes, he introduced two people, namely the inspector of schools Mr Msibi from Bloemfontein and the local town clerk of the (30) township/...

township of Thabong Mr Ngake.

Did one or other of them speak after they were introduced?
-- Mr Msibi did.

Do you recall what he said? -- What he said was, he was sent there by the government about the children who are not attending schools while the schools are open.

What else did he say? Tell us everything that you remember that he said? -- He further said he was there to correct that by speaking to the parents so that the parents in turn shall have to speak to the children for the children(10) to go to school.

Do you recall him saying anything else? -- After what he had said some people from the audience had something to say in response to his address.

Do you know the names of any of the people from the audience that spoke? -- Yes, I do know some of the people. Fezile Mabyue is one of them.

Anyone else? -- The town clerk of the township Mr Ngake also spoke.

Anyone else that you can remember at this stage? -- (20) There was another person whom I do not know whether he is an inspector or what his post is in the department of education. That was Dikuku.

Mr Fezile Mabyue was he an official or a parent?-- He was one of the parents.

Can you recall what he said? -- What Fezile said addressing that to Mr Msibi was "How can the children experiencing these problems that are there be expected to go to school without the problems having been addressed?"

Did Mr Fezile Mabyue mention some of the problems of (30)
the/...

the children? -- I remember him mentioning three of the problems he was referring to.

What did he say? Which problems? -- The shortage of books meaning that they were not there or they were running short of the books.

COURT : Is it text books? -- Yes. Another problem he referred to was with reference to the children at Thito School, namely that the children are complaining about being taught in Afrikaans, because of their teachers who were not able to teach in English. The third problem was that the children (10) were being sworn to as pigs at Thito School. Another problem was that the children were objecting about a teacher who had kicked a girl at school.

At Thito? -- Yes.

MR BIZOS : Can you remember anything else that Mr Fezile Mabye said? -- That is all I remember.

Did any other parents speak whom you did not know or whose names you did not know? -- There were parents who also spoke there whose names were not known to me.

And what did these parents who were not known to you (20) say? -- In what they were saying, this was mainly a support of what Fezile had said namely that we first have to address the problems of the children and after having solved that, they can think of something else.

You also told us that Mr James Ngake the town clerk spoke. Do you recall what he said? -- I do, yes. He in his address encouraged the parents by saying that the parents in turn must also encourage children to go to school.

And Mr Dikuku, what did he say? -- What Dikuku said was the question of books is something which can be dealt with (30)

by/...

by the government and the government will be in a position to solve that.

Anything else that you recall Mr Dikuku saying? -- Except to say that he was encouraging that the children must go back to school, no. There is nothing else I can remember now.

Once these matters had been raised by the parents and also the other two persons, the town clerk and the other official, did anybody speak to answer the matters that had been raised? -- Yes, the inspector of schools, Mr Msibi (10) did.

Please tell us what Mr Msibi said?-- He strongly encouraged and spoke with enthusiasm to the parents that the parents must encourage the children to go to school, to the extent of saying each and every parent must take the child by the hand and take this child to school.

Did he say anything else? -- What he said further was this that the parents must not hear from the children and that means that the children must not be allowed to dictate terms in the family. If a child decides to do that and (20) does not want to listen to the parent in the home, then the parent must chase the child away out of his house. As a result of that statement by him, some mumbling started from the audience present.

COURT : From the gallery? -- Both from the gallery and from the audience on the floor.

ASSESSOR (MR KRUGEL) : This was still Mr Msibi speaking? -- That is so.

MR BIZOS : And after the mumbling? -- This caused the disruption of the meeting in the sense that those on the gallery(30)

got/...

got off and left and some of the children and parents who were inside on the floor of this hall also left the meeting.

What did you do? -- We remained there in the hall.

When you say we, you and who else? -- I mean myself and my son and other people. It is not everybody that left.

Did anybody say anything to those who did not leave? -- Mr Msibi went on to say to us that we must remain and not leave the meeting and at some stage the lights went off, as a result of which Mr Msibi made the following remark "You as parents now, can you see what the children have done? (10) They have left the meeting and they switched off the lights. The next thing they are going to do is, they are going to break our cars. It went on for about five minutes. Then the lights came on again.

Yes and then? -- At that when the children and some parents left the meeting, I heard some glass breaking which were window-panes. I cannot tell from which side of the hall this was happening. I only heard the noise of the breaking of glass. The meeting proceeded. Mr Msibi went on to say to us that we must try and take the children to school the (20) following day, meaning the following morning, we must try our best. Since the statement by him of saying that the children must be chased out of the house if they did not want to listen, the meeting was not smooth. In fact, what I would say was, the addresss of the meeting was not of the best, until the meeting was declared closed and then we left.

There are certain matters that I want to put to you for your answer and comment. What do you say that there were only approximately four hundred people there and that most of them wore UDF and COSAS T-shirts? -- According to me (30) the/...

the people were clad in their own private clothes. The usual clothes a person would put on.

And what do you say that there were only four hundred people there and that they were for all practical purposes all youngsters? -- I do not agree with that.

What do you say that at this meeting, both before it started and during it, songs were sung about Mr Mandela, about Mr Tambo, about the ANC and Viva's were shouted out? What do you say to all of that? -- That I do not know about.

What do you say that there in fact was no real meeting(10) that took place, because right at the outset some young man said that Johnny, a policeman, was there and that the meeting could not go on because Johnny, the policeman, was there. What do you say to that? -- I do not recall any person mentioning Johnny's name at that meeting.

Do you know anybody named Billy Magcobo? -- No, I do not know him.

You told us about the people that spoke at the meeting. Was there any youngster or any school child or any youth that played a leading role at this meeting? -- No. (20)

Other than - do you belong to any organisation yourself? -- No, I am not a member of any organisation.

COURT : What is your occupation? -- I am a driver.

Of a truck? -- Yes, I am a truckdriver.

MR BIZOS : When you say you are not a member of any organisation, does this include the church? -- I am only a preacher in church.

Which church? -- African Methodist Biscopal Church.

KRUISONDERVRAGING DEUR MNR. FICK : Kan u vir die hof sê, was daar verkiesings van raadslede in 1983 in Thabong? -- (30)

Ja, daar was.

Was daar enige agitasie deur enige organisasies in Thabong teen die verkiesing van raadslede in Thabong? -- Nee, daarvan weet ek nie.

Was u tydens die verkiesingsveldtog in Thabong self of was u weg met werk? -- Ek was daar.

HOF : Is u 'n drywer van 'n vragmotor wat die wêreld vol ry of is u net plaaslik? -- Ek is 'n drywer wat 'n vragmotor bestuur na die myne in die Transvaal en ook in die Vrystaat.

ASSESSOR (MNR. KRUGEL) : Vir wie werk u? -- Optimar Engi-(10) neering.

HOF : Van Welkom? -- Ja.

MNR. FICK : Kan u die organisasie COSAS in Thabong? -- Nee, ek weet nie daarvan nie.

Het u nog nooit by enige van die skoolkinders gehoor dat daar 'n organisasie soos COSAS was in 1983 of 1984 by die skole in Thabong nie? -- Nee, ek dra nie kennis daarvan nie.

Die getuienis in hierdie hof sover was dat daar gereeld in 1984 COSAS vergaderings gehou was in die Rooms Katolieke(20) Kerk in Thabong en die vergaderings is met plakkate geadverteer wat by die bushuisies en teen die geboue se mure geadverteer is? -- As ek nou moet praat van mense wat bymekaar is vir 'n doel, dan weet ek net van twee wat bestaan het daar. Dit was tydens die verkiesings. Daar was twee partye gewees wat betrokke was by die verkiesings.

Ek sal nou-nou weer terugkom na hierdie antwoord toe wat u gegee het, maar sê eers vir die hof het u nooit in 1984 enige COSAS plakkate gesien in Thabong nie? -- As daar enige daar was het ek dit nie opgelet nie. (30)

Hoe/...

Hoe gaan u na u werk toe per dag? -- Per voertuig.

Is dit u eie voertuig of is dit 'n munisipale bus of huurmotor of wat? -- My eie voertuig.

Weet u tydens die verkiesing van raadslede in 1983, was dit ook in Novembermaand gewees in Thabong? -- Ek het nie so goed daaraan gedink om so goed te kan onthou wanneer dit was nie.

Weet u van 'n organisasie met die naam van Release Mandela Committee in Thabong? -- Nee, ek het nie daarvan gehoor nie.

Het u enige van u kinders vir u gesê dat daar of weet(10) u dat daar 'n organisasie bekend as Thabong Youth Congress in 1983, Oktober 1983 gestig is in Thabong? -- Al "youth" wat ek van weet is van die kerk. Ek weet nie van Thabong se "youth" nie.

Weet u of daar in Thabong in 1984 of 1983 enige vergaderings was wat deur mense van UDF toegesprek is in Thabong? -- Ek is nie 'n persoon wat organisasies of vergaderings bywoon nie. So, ek is nie daarmee betrokke nie.

Het u enige advertensies van UDF vergaderings gesien in Thabong? -- Wat daarvan? (20)

Het u enige advertensies daarvoor gesien, plakkate in Thabong van UDF vergaderings? -- Plakkate is die goed wat opgesit word op die hoeke van strate. Ek gee eintlik nie aandag aan die goed nie. Ek sien die goed is daar op die hoeke van die strate, maar ek gee nie juis aandag daarvan om te sien waaroor dit gaan nie. Daar is nou nog van die goed wat in die strate is, maar ek weet nie eers wat daarop staan nie.

Weet u van die miljoen handtekeningkampanje wat in Thabong gevoer is vanaf 25 Februarie 1984 van UDF? -- Is dit nog (30)

aan/...

aan die gang daar?

Nee, weet u van so 'n kampanje wat op 25 Februarie 1984 in Thabong geloods is dat hulle toe handtekeninge bymekaar gemaak het? -- Ek hoor vir die eerste keer vandag hier van so 'n naam.

Het u gedurende 1984, kom sê Augustus 1984 enige probleme gehad saans in Thabong waarvan u nou weet? Probleme waar die polisie betrokke was? -- Soos wat? Het dit iets te doen met speel of wat is dit?

Hoe laat in Augustus 1984 het u normaalweg by die huis (10) gekom saans? -- Ek werk tot om 19h00 in die aand.

En u het dan huis toe gaan na 19h00 na u huis in Thabong? -- Ja.

Het u, terwyl u huis toe gegaan het enige probleme ondervind met die polisie terwyl huis toe gaan na 19h00 in Augustus 1984? -- Ek sal nou nie onthou of dit in hierdie jaar was of wanneer dit was nie, maar daar was iets soos die volgende, dat daar gesê was dat na 19h00 mag die mense nie meer loop nie tot en met 'n sekere tyd en die polisie het gesê mense mag nie in die strate beweeg nie, maar ekself het nog nooit (20) daardie polisiemanne raakgeloop nie.

En dié wat so sê daar is gesê na 19h00 saans mag die mense nie meer loop nie, is dit maar wat u in die strate gehoor het in Thabong? -- Ek het dit gehoor toe een van my medewerkers 'n vergunningsbrief gevra het by die werkgewer dat hy toegelaat moet word as hy laat werk, dat hy nie probleme kry om by die lokasie in te kom nie.

Nee, wat ek vir u vra is, u het geen amptelike kennisgewing van die polisie gekry of van enige ander instansie wat vir u sê u mag nie na 19h00 op die strate wees nie? -- Ja, (30)

ek/...

ek sê so. Dit is so. Al wat ek net nie kan sê of onthou nie is die maand en die jaartal wat dit was toe dit gebeur het nie.

Weet u enigiets van 'n besluit wat êrens by een van die skole in Thabong geneem sou gewees het dat Xhosa kinders nie toegelaat moet word by skole nie? -- Ek is een van die Xhosa's daar as inwoners. Ek het nog nooit gehoor dat daar so iets was dat my kind nie toegelaat sal word om na 'n skool te gaan omdat ons Xhosa is nie.

Die rede waarom ek die stelling gemaak is is vanweë (10) 'n stelling wat die verdediging gemaak het in volume 118 bladsy 5 935, dat daar 'n besluit sou gewees het Xhosa kinders nie toegelaat sal word by skole nie. Weet u van enige geweldpleging wat losgebreek het in Thabong of 1 of 2 Augustus 1984? -- Dit was nie goed gewees by daardie datums nie.

HOF : Was daar geweldplegings? -- Ja, daar was.

MNR. FICK : Asseblief, ek wil nie weet wat u gehoor het wat die mense vir u vertel het nie. Net wat u self fisies gesien het. Op 1 Augustus 1984 wat is die eerste geweldpleging wat u gesien het self? -- Nee, ek kan nie onthou wat op (20) daardie dag gebeur het nie. Ek kan nie vir die hof sê wat op daardie dag gebeur het nie.

HOF : Waarom sê u daar was geweldpleging? Wat het u gesien? -- Dit was as gevolg van die deurmekaarspul wat veroorsaak was deur die kinders en die polisie dat ek dit sê.

MNR. FICK : Hoe laat was hierdie deurmekaarspul op 1 Augustus 1984? -- Ek het hier gesê ek sal nie die presiese datums kan onthou nie, want dit het op verskillende dae plaasgevind.

Wat se deurmekaarspul het u self fisies gesien? -- Die polisie het die woonbuurt patrolleer. Dit het plaasgevind(30) selfs/...

selfs in die dag. Dit is hoe hierdie deurmekaarspul daar gekom het. In daardie tyd, ek sal nie kan sê wat die datum was nie en hoe laat dit was nie, maar daar is 'n kind wat die polisie in daardie tyd geskiet het.

Laat ons net een ding nou duidelik kry. Ek wil nie hê u moet vertel wat u gehoor het nie. Hoe laat in die oggende gaan u weg uit Thabong uit? -- 06h00.

En u kom 19h00 saans terug. -- Ja.

In daardie tyd tussen 19h00 saans en 06h00 in die oggende wat u by u huis is, wat se deurmekaarspul het u self gesien?(10) -- Dat daar sekere dinge langs die pad gebêre was en dan kry ek die verslag dat dit gebruik was deur die kinders om versperrings op die pad aan te bring.

Wat se goed het u langs die paaie gekry? -- Dit was klippe en kanne. Byvoorbeeld asblikke.

En motorwrakke? -- Dit ook.

En afgebreekte bushuisies? -- Nee, in die rigting wat ek ry vanaf my huis is daar geen plek waar ek by 'n bushuisie verby moet gaan nie. So, daar was nie wat ek gesien het nie.

Kan u enigsins vir die hof 'n aanduiding gee wanneer was(20) dit wat u hierdie goed langs die pad gekry het? Was dit Augustus 1984 of was dit 'n ander maand of weet u nie? -- Ek weet nie presies wanneer dit was nie. Al wat ek vir die hof kan sê is, dit was in 1984.

HOF : Was dit voor of na hierdie vergadering waaroor u netnou getuig het? -- As ek reg is was dit voor die vergadering.

MNR. FICK : Op hoeveel geleenthede het u hierdie voorwerpe langs die pad gekry en dat u dan rapporte gekry het dat dit deur die kinders as versperrings in die pad gebruik is? -- Dit het 'n paar dae geduur. (30)

Weet/...

Weet u of die skole deur die departement enige tyd in Augustus 1984 gesluit was? -- Dit is so, ja.

Weet u vir hoe lank die skole deur die departement gesluit was? -- Nee, ek kan nie so goed onthou nie.

Weet u ook dat die skole gesluit was omdat die kinders die klasse begin boikot het, hulle wou nie meer klasse bywoon nie en toe het die departement die skool gesluit? -- Dit is so.

Die skolier wat u van praat wat deur die polisie dood-geskiet is, het u sy begrafnis bygewoon? -- Nee, ek het nie(10) gegaan nie.

Werk u oor naweke ook of is u naweke tuis? -- Ek werk Saterdag, maar nie Sondag nie.

HOF : Neem u werk u van die huis af weg sodat u weg slaap? -- Ja, dit gebeur.

Maak u lang togte dat u 'n hele tyd wegbly? -- Ja, dit is so.

MNR. FICK : Het u 'n persoon geken met die naam van Ephraim Pappietjie Loape? -- Ek het nie die persoon geken nie, tot vandag toe, behalwe dat ek gehoor het dat dit die naam was(20) van die persoon wat geskiet is.

Ek wil dan by u verder vasstel, die huis waar u woon in Thabong, is dit 'n huis wat u huur of het u kom gekoop of wat is die posisie? -- Ek huur die huis.

Van die gemeenskapsraad? -- Ja.

Sedert 1984 betaal u gereeld die huur nog? -- Ja, dit is so.

Weet u wat die posisie is, of daar enige voorvalle op groot skaal was dat die mense nie hulle huur betaal nie? -- Wat sommer die huise bewoon sonder om huur daarvoor te (30) betaal/...

betaal? .

HOF : Ja, daardie soort mense? -- Nee, nie in Thabong nie. Miskien as daar rede is dat h persoon siek is dat daar h ander goeie rede is dat die persoon nie kan betaal nie weens siekte, dan sal daar persone wees wat nie betaal nie.

MNR. FICK : U het vir die hof in u hoofgetuienis gesê dat daar was probleme by die skool gewees deurdad die kinders van die Thito Skool na u kinders se skool toe hardloop en dan kan die polisie nie tussen die skoliere onderskei nie en dan jaag hulle almal uiteen. Nou wil ek vir u vra, op (10) hoeveel geleenthede is dit aan u gerapporteer dat dit gebeur het? -- Dit het vir h hele ruk so aangegaan.

Het dit nou alles voor hierdie vergadering in September 1984? -- Nee, ook na die vergadering was daar niks wat h mens kon sê dit het verander nie.

K1220

HOF VERDAAG.HOF HERVAT.

SEKALE LUCAS LEEBA, nog onder eed

VERDERE KRUISONDERVRAGING DEUR MNR. FICK : Mnr. Leeba, net voor ons by die vergadering kom van 5 September, net twee aspekte. Weet u of daar enige raadslede bedank het in (20) Thabong gedurende 1984? -- Nee, ek weet nie. Ek weet nie van raadslede nie.

HOF : Weet u van raadslede wat bedank het? -- Ek weet nie van raadslede wat bedank het nie.

Ken u enige raadslede? -- Ek ken h hele paar van hulle. Nie almal nie, maar h hele paar.

MNR. FICK : Gedurende Augustus 1984, weet u of daar gedurende hierdie deurmekaarspul enige geboue beskadig is in Thabong? -- Ja, ek weet.

Is dit geboue van die administrasieraad? -- Ja. (30)

Wat/...

Wat se geboue is dit wat beskadig is in 1984? -- Dit is 'n polisieman se huis van die SAP.

Watter polisieman is dit wat u van praat? -- Ek ken hom nie persoonlik nie. Ek hoor net van die naam van die eienaar van daardie huis.

Die naam is? -- Johnny.

Morolong? -- Ja, dit is Johnny Morolong.

En watter ander geboue is beskadig in Augustus 1984? -- Daar was wel ander huise wat beskadig was byvoorbeeld 'n werknemer van BP se huis was ook beskadig gewees. (10)

Was die man 'n raadslid of nie? -- Nee, hy was nie 'n raadslid nie.

Weet u of hy lid van 'n organisasie was? -- Nee, ek weet nie wat se lid hy is nie.

Weet u of daar enige biersale of kantore van die administrasieraad afgebrand is of beskadig is in Augustus 1984? -- Ek het daarvan gehoor dat die biersaal gebreek was.

Weet u of enige raadslede se huise of besittings aangeval en beskadig is in Augustus 1984? -- Wat ek nog van weet is dat Dr. Tladi se huis ook na toe gegaan was, maar daar was (20) geen skade daaraan nie.

Is Dr. Tladi 'n raadslid? -- Ja, hy is 'n raadslid.

Is dit al raadslid wat u van weet? -- Eerwaarde Mficanek en ek ook as 'n raadslid. Ek het nog niks gehoor dat daar enigiets gedoen was aan sy huis of eiendom nie.

Toe die vergadering in die Phillip Smith sentrum gehou is waar Mnr. Msibi by was, was daar op daardie stadium nog 'n skoleboikot aan die gang in Thabong? -- Ja, dit was nog maar aan die gang.

Weet u of dit net by een skool was en of dit by al die (30) skole/...

skole was, hoërskole in Thabong? -- Dit was alreeds by al die hoërskole van Thabong gewees.

En weet u of daardie boikot ook by die laerskole in Thabong aan die gang was op daardie stadium? -- Nee, dit het nog nie by die laerskole begin nie.

Het dit op 'n later stadium by die laerskole plaasgevind? -- Wat die laerskoolkinders betref sal ek sê dit was na aanleiding van die polisie se optrede dat die kinders nou bang geword het en nie meer skool toe gegaan het nie.

Wanneer het die kinders nie meer na die laerskole (10) toe gegaan nie? Voor hierdie vergadering of na hierdie vergadering? -- Dit was na die vergadering.

Nog in 1984? -- Ja, nog in 1984.

Hierdie vergadering in die Phillip Smith sentrum, was dit 'n ouer vergadering wat belê was? -- Ja.

Hoe het u kennis gekry van die vergadering? -- Daar was mense gewees wat 'n luidspreker gebruik het en aankondigings gemaak het van hierdie vergadering. Daar was ook pamflette of stukkies papier waarmee hulle die mense in kennis gestel het van hierdie vergadering. (20)

Wat al die ouers uitgenooi het? -- Ja.

Is dit dan reg om te sê dat die jeug wat daar was, was ongenooide gaste by die vergadering? -- Dit kan wees dat 'n mens dit so kan beskou, maar dit het van die ouers afgehang en die ouers het besluit om die kinders saam te neem, dat die kinders self kan gaan hoor daar wat daar gesê word om dit te kan hoor dat hulle self kan sê wat hulle daarvan weet.

Hoe het dit gebeur dat meeste van die kinders op die gallery gaan sit het? Het hulle as 'n groep ingekom en daar gaan sit of hoe het dit gebeur? -- Ek sal nie weet nie, (30)

want/...

want toe ek daar kom, was van die kinders alreeds daar bo en die ander was nog besig om in te kom. Ek sal nou nie weet of hulle gelyktydig daar gekom het en toe toestemming gegee is om daar te gaan sit nie. Dit weet ek nie.

Het u enige van die kinders wat daar bo-op die gallery gesit het gesien of hulle ouers op die vergadering was? -- Nee, as ek dit kan sê, vertel ek leuens.

Ken u die voorsitter van die ouerkomitee op daardie stadium by die Thutagauta Skool waar u kind nog op skool was? -- 'n Sekere man met die naam van Bridge ken ek as 'n (10) persoon wat daar 'n verteenwoordiger was van die ouers.

HOF : Is dit sy voornaam of sy van? -- Dit is net sy naam.

MNR. FICK : Toe hierdie probleem ontstaan het by die skool daar by die Thutagauta Skool en die skool ontwrig raak, het u nie as ouer belang gestel om met die ouerkomitee te gaan praat en te hoor wat is die moeilikheid by die skool, hoe kan julle dit oplos nie? -- Ek het persoonlik skool toe gegaan. Met my aankoms daar vind ek dat van die kinders in die klaskamers was en die ander is daar buite. Eintlik was die hoofdoel van my om daarheen te gaan om te sien of my (20) seun in die klaskamer ingaan of wat die posisie is met hom daar by die skool.

U het nou 'n klomp goed gesê behalwe om die vraag te antwoord. Het u as ouer nie belang gestel om die ouerkomitee van die skool te ontmoet en die probleem met hulle te bespreek nie? -- Die komitee was bymekaar geroep.

Het u met hulle gepraat oor die probleem? -- By hierdie komitee wat geroep was, was ek ook teenwoordig saam met die ander mense, maar ek het niks daar gesê nie.

Is hierdie komitee nou die ouerkomitee van die skool?(30)

Ja/...

-- Ja.

K1221

Ek stel aan u as u belang gestel het in die kind se probleme dan sou u geweet het dat adjudant-offisier Johnny Morolong die voorsitter was van daardie komitee? -- Nee, die hof sal my verskoon, ek stem nie daarmee saam dat Johnny Morolong die voorsitter was nie.

Wie is dan die voorsitter van die ouerkomitee? -- Bridge was die voorsitter.

Maar net nou toe u van Bridge gepraat het, hoekom het u nie toe vir die hof gesê hy was die voorsitter toe ek u(10) u gevra het wie was die voorsitter van die ouerkomitee nie?

MR BIZOS : It is not in that context that the name was mentioned.

COURT : The name was mentioned.

MR BIZOS : But it was not in that context?

COURT : No, the question was "Wie is die voorsitter van die ouerkomitee van die Thutagauta Skool? - Bridge was verteenwoordiger van die ouers."

MNR. FICK : Kan u antwoord? -- Het ek nie gesê Bridge nie? Ek het dan gesê dit is Bridge? (20)

HOF : Kan u my net 'n ding sê, die vergadering waaroor ons praat, die datum daarvan onthou u nie goed nie. U onthou wel dat daar 'n huis afgebrand is van 'n polisieman? -- Ja.

Is dit Johnny Morolong? -- Volgens die inligting wat ek gehoor het, is dit Johnny Morolong se huis.

In tyd was daar die afbrand van die huis voor of na daardie vergadering of wanneer was dit? -- Laat ek dit eers reg kry. Ons praat mos van die vergadering van die skool, nie die een by Phillip Smith nie?

Ek is besig met die vergadering by Phillip Smith. Ek(30)

hoop/...

hoop ek maak u nie deurmekaar nie. -- Die volgende dag na die vergadering het ek die inligting gekry dat die huis van Johnny Morolong gebrand was.

MNR. FICK : Net om terug te kom by die antwoord wat u gegee het dat u het 'n vergadering gehou by die skool. Is daar enige besluite geneem by hierdie vergadering by die skool met betrekking tot die kinders se probleme? -- Ja, die besluit van daardie vergadering was om mnr. Msibi te ontmoet.

Was dit om daardie rede dat hierdie vergadering by Phillip Smith sentrum belê is? -- Dit is so. (10)

Nou gaan ons terug na die vergadering by die Phillip Smith sentrum en ek hoop ons bly nou daar. Ek wil aan u stel u skatting van hoeveel mense daar was is heeltemal te veel. Daar was baie minder mense, ongeveer driehonderd na vierhonderd mense? -- As ek geregtig is om dit te sê, sê ek ek is die persoon wat daar teenwoordig was en ek het gesien dat daar 'n vol saal was, op die vloer, dit wil sê op die grond en op die gallery.

Het u vantevore voor vandag met ander woorde al gehoor van die Students Representative Council of SRC? -- Is dit (20) die naam van die organisasie?

Ja? -- Nee, ek weet glad nie daarvan nie.

Is dit die eerste keer wat u nou so 'n woord hoor? -- Ek hoor daarvan vir die eerste keer hier waar ek staan.

Maar was dit nie van die skoliere se eise dat hulle wil so 'n studenteraad by hulle skool hê nie? -- Watter een?

SRC? -- Is dit die naam van die raad?

Die skoliere wou 'n liggaam by hulle skool gehad het bekend as die Students Representative Council of SRC? -- Ek ken nie hierdie naam nie. Ek kan dit nie eers uitspreek nie. Ek (30)

weet/...

weet nie wat dit is nie.

Op die vergadering by die Phillip Smith sentrum, is daar toe nie bespreek hoe die probleme van die kinders opgelos sal word nie? -- Mnr. Msibi het in sy toespraak verduidelik dat hulle besig was om daaraan aandag te gee en dit reg te stel.

Is dit nou die tekort aan handboeke? -- Alles wat daar genoem was as klagtes van die kinders het hy gesê is besig om aandag te geniet. Dit sal reggestel word.

Ek stel dit aan u, dit wat u nou sê het u nie in u (10) hoofgetuienis gesê nie. Dit is 'n antwoord wat u nou uitdink? -- Dat Msibi daar was met die oog op die regstelling van probleme op skole?

Nee, hierdie antwoord wat u nou gegee het dat Msibi sou gesê het die departement kyk na die probleme en hulle gaan dit regstel? -- Ek het daarvan gepraat dat Msibi gesê het die goewerment is besig daarmee, dit geniet aandag. Selfs met betrekking tot die skoolboeke.

Nee, ek stel dit aan u u het dit toegeskryf aan 'n mnr. Dikuku? -- Dikuku het Msibi se toespraak gestaaf en hy is (20) 'n amptenaar wat te doene het met die skole. Dit kan wees dat hy 'n hoof is van 'n skool. Dit is nou Dikuku. Ek is nie seker nie, maar alles wat hy gesê het was ter staving van wat Msibi reeds gesê het.

Op dieselfde punt net nog een vraag. Nadat Dikuku vir Msibi gestaaf het, het Msibi weer gepraat op die vergadering of nie? -- Ja, by die einde van die hele vergadering het hy iets te sê gehad.

Wat het hy toe gesê? -- Dit is op hierdie stadium wat hy gesê het die kinders - die ouers moet die kinders aan (30) die hande/...

die hande vat en skool toe neem.

Ek stel aan u die probleme wat u hier kry oor wie wat sou gesê het op die vergadering, is omdat u hierdie getuienis uit u duim suig. Msibi en die ander mense het nooit op hierdie vergadering gepraat nie. Hulle was nie toegelaat om te praat nie? -- As Msibi nie daar gepraat het nie, waarvoor was hy dan daar gewees?

Ek stel dit aan u Msibi wou praat, hy het die mense probeer stil maak, maar hy kon dit nie regkry nie? -- Ek het hier voor die hof gesweer om die waarheid te praat en ek (10) vertel die waarheid as ek sê dat Msibi daar gepraat het.

Weet u hoe lyk 'n COSAS T-hempie?

HOF : En daardie COSAS spel ons nie met 'n X nie. -- Ja, ek verstaan die verskil.

Die vraag is, ken u 'n COSAS T-hemp? -- Nee, ek wil nie leuens vertel nie. Ek weet nie van sulke T-hemde nie.

MNR. FICK : Weet u hoe spel 'n mens hierdie COSAS wat ek van praat? Net ja of nee? -- Ek is nie soveel geleerd dat ek van hierdie goed se spellings kan sê nie. Hoe 'n mens dit spel kan ek nie sê nie. Ek hoor net as mense daarvan (20) praat, soos dit nou genoem word. Wat ek sê is dat ek nog nie gesien het dat daar 'n verskillende T-hempie was waarna verwys is in die gesprek as 'n COSAS T-hemp nie.

HOF : As ek vir u sê iets se naam is COSAS, sal u dit vir my kan spel? -- Nee, ek sal dit nie kan spel nie.

Tot watter standerd was u op skool? -- St. 2 in die jaar 1943.

Lees u koerante? -- Nee, ek kan nie die Engels wat daar geskryf is lees nie.

MNR. FICK : Weet u hoe lyk 'n UDF of 'n United Democratic (30)

Front/...

Front T-hempie? -- Al kan dit nou hier voor my getoon word, sal ek nie kan sê of dit die T-hempie is nie.

U kan ook nie UDF spel nie? -- Soos U-D-F?

Ja? -- Ja, dit kan ek spel.

Ek stel aan u op hierdie vergadering was daar UDF United Democratic Front T-hempies en COSAS T-hempies maar u sal dit nie weet nie? -- Ek stem volkome saam met u dat ek dit nie opgelet het nie, want ek was eintlik nie daar gewees met die oog om dit te sien nie.

Nou wil ek dit verder aan u stel dat hoekom mnr. Msibi(10) en die ander mense wat daar wou praat nie gepraat het op die vergadering nie is omdat daardie jeugdiges gesing het en geskreeu het op hierdie vergadering? -- Ek het hier vir die hof gesê die vergadering is geopen met 'n gebed en 'n kerklied. Dit was net daardie singery van die kerklied en die gebed.

Ek stel aan u daardie jeugdiges het daar gesing onder andere van die witmense is honde, ons moet hulle skiet met die kanonne en julle het geskreeu "Viva UDF. Viva Mandela, COSAS en Amandla"? -- Dit kan wees dat hulle dit gedoen het nadat hulle die saal waarin die vergadering gehou was verlaat (20) het.

Nee, ek stel aan u, hierdie singery en skreeuery was voor die tyd, want hulle het toe stil geraak en daar was toe 'n gebed gewees? -- Nee, ek stem nie saam nie.

HOF : Hoe lank voor die gebed was u daar? -- Vyftien minute.

MNR. FICK : Ek stel aan u, terwyl daardie geskreeu aan die gang was net voor die gebed het van die jeugdiges geskreeu "Hier is Johnny" verwysende na die polisieman Morolong "Ons wil hom nie by die vergadering hê nie"? "Ons gaan sy huis brand." -- Nee, ek het nie Johnny Morolong se naam gehoor (30)

dat/...

dat dit daar genoem word nie.

Ek stel dit aan u verder, toe die gebed verby is, gaan die jeugdiges en toe vat hulle stoele en hulle slaan van die vensters en die glasdeure daar van die sentrum stukkend en hulle hardloop uit? -- Dit is so dat ek gehoor het dat glasvensters of glas van vensters breek, maar die oorsaak daarvan was nie van binne af gedoen nie.

HOF : Waar was die oorsaak dan? -- Van buite. Dit wil sê van buite die saal.

MNR. FICK : Hoe weet u dit? -- Daar is gordyne aan die (10) binnekant van daardie saal by die vensters wat dan n man se uitsig versper.

HOF : Maar is dit die saal se vensters wat gebreek het? -- Dit is so.

Dieselfde saal waarin u gesit het? -- Ja.

Waar is hulle gebreek? Op die gallery of onder? -- Dit was onder.

En hoeveel vensters was gebreek? -- Die geluid van die brekende vensterglas wat ek gehoor het sal ek sê dit moes n hele paar gewees het, maar omdat daar gordyne was kon ek (20) nie sien hoeveel van hierdie glas gebreek is nie.

Die brekery, op watter stadium het dit plaasgevind in die vergadering? -- Dit was na die gebruik van hierdie woorde dat die kinders van die huise weggejaag moet word as hulle nie skool toe wil gaan nie.

Net daarna? -- Ja.

MNR. FICK : Ek stel dit aan u, die inspekteur Msibi sou nooit op die vergadering waar daar so n klomp jeugdiges sit waar hulle vergadering hou om die probleme op te los van die jeug vir die ouers loop sê "As hulle nie na julle luister nie, (30) jaag/...

jaag hulle weg" nie? -- Ek is oortuig daarvan dat Msibi dit wel gesê het. Op hierdie manier dit eintlik gestel het dat daar nie twee mans in een huis kan wees nie. As daar twee mans is, sal die een man moet uitgaan dat daar net een man bly.

Maar dan het Msibi mos nie gesê hulle moet die kinders wegjaag nie? -- Msibi se woorde is as 'n kind nie na die ouers wil luister by die huis nie, dan moet daardie persoon uit die huis uitgaan. Daar kan nie twee mans wees in dieselfde huis nie. Met ander woorde, daar word nie twee bulle in 'n kraal(10) gehou nie.

U sê vir die hof, volgens u getuienis, daar het toe van die mense uit die saal uitgegaan. Hoeveel het oorgebly? -- 'n Hele paar mense het agtergebly, 'n bietjie minder as die helfte van die saal.

En die jeugdiges daar op die gallery, het hulle agtergebly of is hulle deel van die klomp wat weg is? -- Nie een van die persone op die gallery het agtergebly nie.

Wat ek nie kan verstaan nie, hoe u kan u sê dat die saal se ruite is van buite af gebreek as u nie eers vir die hof(20) in u hoofgetuienis kon sê aan watter kant van die saal is die vensters stukkend nie? -- Daardie saal is so gebou, aan die een kant is daar nie vensters nie want dit is kantore. Wat ek sê is dat daar is wel vensters aan weerskante van die saal se lengte, maar die een kant is daar geen manier waarop 'n persoon kan by kom by die vensters nie. Die rede daarvoor is dat daar kantore aan daardie kant is en daar is geen toegang vir mense om in daardie kant van die kantore te kom om by daardie vensters te kom nie. Dit is hoekom ek sê 'n persoon kan net by hierdie een kant die vensters van buite (30) nader/...

nader.

Nou verstaan ek nog nie hoekom het u in u hoofgetuienis gesê u weet nie "at which side of the hall this was happening" nie? Dit is waar die vensterruite gebreek is? -- Wat ek daarby bedoel het is dat ek het nie geweet hoeveel van die vensters gebreek het nie.

Ek stel aan u dit is 'n variasie wat u nou gee op u getuienis om te probeer verduidelik hoe dit gekom het dat u nie kon sien - hoe dit is dat u kan getuig u weet die vensters is van buite gebreek? -- Ek het nie gepraat van - ek het (10) nie bedoel dat ek meen aan watter kant dit was nie. (In alle billikheid teenoor die hof en die getuie, die woord gebruik deur die getuie is dubbelsinnig in sy taal. "Ngapi" kan beteken hoeveel in getal en "o" beteken watter kant.)

Ek sal dit daar laat dan. Hoe lank na hierdie ...

(Mnr. Krugel kom tussenbei)

ASSESSOR (MNR. KRUGEL) : Gaan u weg van die vensters af?

MNR. FICK : Dit is so.

ASSESSOR (MNR. KRUGEL) : Kan u sê wat die volgorde van die gebeure was nadat mnr. Msibi gesê het dat die ouers moet (20) hulle kinders vasvat? -- Onmiddellik na hy dit gesê het, by die mense wat agtergebly het, was daar nie meer vrede gewees nie. Daar was 'n gemompel wat 'n aanduiding was dat die mense nie tevrede was met dit wat gesê was nie.

Wat het toe gebeur? -- Mnr. Msibi het probeer om dit duidelik te maak wat hy daarby bedoel het toe hy daardie woorde gebesig het, maar ongelukkig het hy nie daarin geslaag om dit aan die gehoor tuis te bring nie.

HOF : Hoekom nie? -- Dit is omdat die mense nou gereageer het op dit wat hy alreeds vroeër gesê het naamlik dat die (30) kinders/...

kinders uit die huise gesit moet word.

Kyk, die geleerde assessor vra u nou om presies vir ons te gee in volgorde wat gebeur het op die vergadering vandat mnr. Msibi die ongelukkige opmerking gemaak het. U het nou gesê toe hy die opmerking maak is daar 'n gemompel. Wat is volgende? -- Op die ou end het ons die saal verlaat sonder dat daar enigiets was wat 'n mens presies kan beskryf wat toe daar gebeur het.

Maar u moet nou net die vraag beantwoord. Wat ons wil weet is dit. In volgorde van tyd, stap vir stap, presies (10) soos dit gebeur het. Mnr. Msibi maak die ongelukkige opmerking, wat gebeur, wat hoor u, wat sien u, wat maak hulle? -- Die gedeelte van die mense wat agtergebly het, het gemompel en daar was 'n ander gedeelte wat stil gesit het en aandagtig geluister het na wat Msibi gesê het. Ek was een van daardie klomp wat stil geluister het daar. Ons het daar aangebly tot alles verby was, dat almal van ons weg vanaf die saal gegaan het.

ASSESSOR (MNR. KRUGEL) : Is dit al wat gebeur het? -- Ja, dit is al wat gebeur het. (20)

Kyk, u het in u hoofgetuienis gesê dat op 'n stadium het iemand die ligte afgeskakel? -- Ja.

Wanneer het dit gebeur? -- In daardie tyd van die deurmekaarspul toe die mense en die kinders die saal verlaat het. In daardie tyd het dit gebeur.

HOF : Dit is dan voor die opmerking van mnr. Msibi? -- Nee, Msibi het eers die opmerking gemaak, om daardie rede as gevolg van die opmerking het die mense toe die vergadering verlaat. Dit was in daardie tyd wat die mense die vergadering verlaat het, dat die ligte doodgegaan het. (30)

ASSESSOR/...

ASSESSOR (MNR. KRUGEL) : Wat het nog gebeur? -- Omtrent vyf minute na die ligte dood was, het dit weer aangekom en daar was toe weer ligte gewees.

En wanneer het die vensters gebreek? -- In daardie tydperk van die donkerte breek die vensters toe.

Dit was nie onmiddellik nadat Msibi gesê het dat die kinders moet nie toegelaat word om te sê wat moet gebeur by die huis nie? -- Msibi maak daardie opmerking. Onmiddellik na daardie opmerking het die ander ouers van die kinders die vergadering verlaat. In daardie proses het die ligte (10) afgeskakel. In daardie donkerte breek die vensters en na die vensters gebreek het, het die ligte weer aangekom.

Hoe lank daarna, na die ligte weer aangekom het, het julle nog probeer vergadering hou voordat die vergadering uiteen gegaan het? -- Om en by vyftien minute. In daardie vyftien minute was daar van die mense ook wat opgestaan het van dié wat agtergebly het oorspronklik wat besig was om uit te loop en in daardie vyftien minute was Msibi besig om met daardie mense te praat dat hulle maar moet aanbly dat ons verder kan praat. (20)

MNR. FICK : Ek wil net aan u een stelling maak oor die antwoord wat u nou gegee het. Dit is direk strydig met u hoofgetuienis. In u hoofgetuienis het u getuig dat die ligte was af vir vyf minute en dit het weer aangekom en u is toe gevra "And then?" Toe het u gesê toe hoor u die glase breek? -- Na die mense die saal verlaat het, in die proses van die verlatting van die saal, het dit gebreek.

Ek stel aan u dat hierdie vergadering het nooit plaasgevind nie ... (Mnr. Krugel kom tussenbei)

ASSESSOR (MNR. KRUGEL) : Ekskuus tog, dit is nie vir my (30) duidelik/...

duidelik nie. Ek weet nie of dit vir die getuie duidelik is nie.

MNR. FICK : Behalwe dat daar gepoog is om met die vergadering te begin en daar was 'n gebed gewees? -- Verwag u 'n antwoord?

Ja? -- Ek het die mense se name genoem as sprekers van hierdie vergadering wat mekaar beurte gegee het om hierdie vergadering toe te spreek.

Ek stel aan u dat terwyl hierdie ontwrigting van die vergadering deur die jeugdiges binnekant aan die gang was, het op 'n stadium ander jeugdiges klippe van buite af na (10) die saal gegooi en toe het die klomp binne uitgehardloop in die woongebied in? -- Verstaan ek u reg dat u sê die opmerking van Msibi was nie die oorsaak van wat u nou beskryf het nie?

Ek stel dit aan u dat terwyl daar binne-in die saal gesing en slagspreuke geskreeu is, het skoliere van buite af klippe na die saal gegooi en dieselfde tyd het Billy Magcobo en die ander jeugdiges uit die saal gehardloop nadat hulle in die saal ook goed stukkend geslaan het? -- Billy waarvan u praat, is dit een van die ouers van die kinders daar?

Een van die jeugdiges op die gallery? -- Ek probeer nou (20) dink wie Billy Magcobo is. Ek ken nie die persoon nie.

HOF : Kan ons net 'n paar ander name ook probeer. Makoko of Makondo of Magcobo, ken u enige persoon met daardie van? -- Nee, ek ken nie so 'n persoon nie.

MNR. FICK : Kom ons los die naam van Billy nou eers uit. Ek maak net die stelling en ek wil hê u moet daarop antwoord, dat dit het nie gebeur soos u sê dit het gebeur nie. Wat gebeur het is dat terwyl die jeugdiges binne-in die saal lawaai gemaak het en die vergadering ontwrig het en na hulle die vensters en die glasdeure stukkend geslaan het met (30) stoele/...

stoele het jeugdiges van buite af ook klippe gegooi na die saal en hierdie klomp jeugdiges in die saal het uitgehardloop in die woongebied in?-- Ek stem saam met u dat die vensters wel gebreek was van buite af. Ek kan nie sê of dit met klippe gedoen was nie, maar dit was nie van binne af gedoen met stoele nie.

Ek wil aan u dan nog stel dat die kwessie van die ligte wat afgesit is, is 'n onwaarheid, daar was geen ligte afgesit in hierdie saal die betrokke aand nie? -- Ek is jammer as die bedoeling is dat ek nou hiernatoe gekom het om leuens(10) te vertel dat die ligte afgeskakel was daar terwyl dit nie doodgegaan het nie.

Wil u vir die hof sê dat die ligte gaan af en in die donkerte breek die mense ruite en die mense binne bly sit almal en hulle hardloop nie weg nie? -- Ons het nie weggehardloop nie. Ek is een van die mense wat daar bly sit het.

Toe u daar weg is by die vergadering, het u in die strate enige voertuie gesien wat aan die brand gestee is? -- Daar was geen voertuig wat in die straat gebrand het nie.

Sê u nou u het geeneen gesien nie of maak u 'n stelling(20) dat daar nie een in die strate van Thabong gebrand het die aand nie? -- Ek sê van die voertuie daar waar ek was, was daar geen voertuig wat in die straat gebrand het nie.

Weet u van enige geweldpleging na hierdie vergadering in Thabong? -- Ja.

As u nou sê ja, laat ek so vir u vra, weet u van enige ander behalwe die geval van adjudant-offisier Morolong? -- Ek het al vroeër gesê dat ek later gehoor het van die huis van 'n persoon wat 'n werknemer is van BP, wie se huis ook aan die brand gestee was.

(30)

Dieselfde/...

Dieselfde dag? -- Nee, dit was nie op dieselfde dag nie. In daardie tyd van die onluste.

U moet nou luister na wat die vraag is. Dieselfde aand na die vergadering, weet u van enige geweldpleging wat daar in Thabong was of padversperrings wat opgerig is in Thabong behalwe die geval van adjudant-offisier Morolong waarvan u gepraat het? -- Weens die grootte van daardie lokasie kan dit wees dat dit gebeur het iewers waar ek nie by was nie en ek het toe nie daarvan gehoor nie. Ek kan nie sê nie.

HERONDERVRAGING DEUR MNR. BIZOS : Die jongmense wat bo (10) op die gallery gesit het, hoe was hulle gekleed? Kan jy onthou? -- Ek het gesê ek het nie spesifiek opgelet na die kleredrag van die mense nie. Mense was daar gekleed op verskillende maniere.

Het die meerderheid van hulle dieselfde of soortgelyke T-hemde gedra?

HOF : Laat ons nou eers duidelikheid kry. As 'n mens onder in die saal sit kan jy goed sien wat elke man op daardie gallery aan het? -- Ongelukkig is die gallery agter my daar. So, ek kyk in die rigting van die verhoog waarvandaan die (20) spreker gaan praat. Ek kan nie sien wat agter my gebeur het nie.

MR BIZOS : I will leave it at that. Thank you my lord.

HOF : Ek wil net 'n vraag vra oor voor die vergadering begin het voordat die gebed in aanvang geneem het. U was daar ongeveer vyftien minute sê u. Wat het die jeug op die gallery gedoen in daardie vyftien minute? -- Daar was 'n geraas gewees van stoele wat geskuif word. Hulle was besig om plek te maak. Elkeen wou gesit het. In daardie tyd was dit net daardie deurmekaarspul van stoele en dan het hulle met (30)

mekaar/...

K1221.43

- 20 886 -

LEEBA

mekaar daar gepraat.

GEEN VERDERE VRAE.

- - - - -

HOF VERDAAG TOT 10 MAART 1988.