

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

A

SAAKNOMMER: CC 482/S5

PRETORIA

1988-03-18 en 21

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  
████████████████████

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

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KONTRAKTEURS:

LUBBE OPNAMES  
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HOF HERVAT OP 18 MAART 1988.

PHAULE SOLOMON PHALA, d.s.s. (Through interpreter)

VERDERE KRUISONDERVRAGING DEUR MNR. JACOBS : U Edele, al die beskuldigdes is teenwoordig. Mnr. Phala, ons was gister besig met die vergadering van 2 September en wanneer die volgende vergadering sou gewees het. Die tweede vergadering, was dit gedurende die dag gewees? -- Nee, dit was in die aand gewees.

By die tweede vergadering was hierdie BEWYSSTUK CA29 teenwoordig? Het julle dit bespreek daar? (10)

HOF : U moet eers vir hom vertel wat is CA29.

MNR. JACOBS : Dit is die program van die begrafnis? -- Ja, dit was daar gewees.

En het julle dit bespreek? -- Ja, ons het dit bespreek.

Die seremoniemeester, was dit daar bespreek dat dit mnr. Star Motswege moet wees? -- Die bespreking hieroor was dat sulke papiere daar versprei sal word aan die mense.

Het julle oor die sprekers 'n bespreking gevoer daar? -- Wat dit betref sal ek sê die persone wat die program opgestel het is die mense wat daar sou optree as sprekers. (20)

Was dit daar bespreek wat se belang het COSAS gehad om 'n spreker te verskaf by hierdie begrafnis? Was dit omdat die oorledene 'n lid van COSAS was? -- Ek weet nie so goed of die oorledene 'n lid van COSAS was nie, want die oorledene was 'n skoolkind.

Maar dit was mos jou kleinkind wat by jou gewoon het. Jy behoort mos tog geweet het of hy 'n lid van COSAS was en of hy vergaderings van COSAS bygewoon het? -- As u eers vir my hier kan sê die organisasie van COSAS, is dit 'n organisasie van al die skoliere of wat is die posisie? (30)

Ja/...

Ja? -- Dankie vir die inligting. Dan sal ek sê as dit die geval is, daar is 'n moontlikheid dat hierdie kleinkind van my dan 'n lid was van COSAS.

Was dit nie bekend daar in jou huis dat hy 'n lid was van COSAS nie? -- Ek is oortuig daarvan dat ons nie geweet het nie, want ons het niks daarvan by die huis gehoor nie.

Weet jy dat hy voor sy afsterwe en voordat hy beseer was COSAS vergaderings bygewoon het? -- Al wat ek weet van hierdie kleinkind van my is dat die dag wat hy dood is was hy op pad van die skool af en hy het ook sy skoolboeke by hom gehad. (10)

Het hy COSAS vergaderings bygewoon? Hoekom ontwyk jy die vraag? -- Ek kan nie daarvoor getuig nie, want ek weet nie of hy al ooit betrokke was by COSAS as 'n organisasie nie.

Het hy vergaderings gaan bywoon? -- Elke aand wat ek terugkom by die huis het ek hom by die huis tuis gevind.

Het hy ooit deelgeneem voor sy besering aan skoleboikotte? -- Die skoolboikotte het by ander skole begin. So, dit was nog nie by die skool waar hierdie kleinkind van my op skool was nie.

HOF : Op watter skool was hierdie kleinseun van u? Hy was (20) op Madingoane Higher Primary School? -- Ja.

U sê toe hy dood is, of laat ons dit anders stel, toe hy beseer is was daar nog nie boikotte nie? -- Ja, volgens my was daar nog nie boikotte gewees nie.

En daar was ander skole waarvan kinders oorlede is. Daar was die Inkatha Kazulu Lower Primary School en daar is Sibonelo Higher Primary School? -- By Sibonelo was daar 'n kind gewees wat beseer is na hierdie een van my beseer was.

Nee, maar ek weet van ander skole ook. Daar is Mabuya Davey and H.B. ek dink dit is Nyathi. Watter skole het (30) boikotte/...

boikotte gehad wat u van weet? As u nie weet nie, moenie raai nie. -- Die skole waarvan ek bewus was wat betrokke was in hierdie skoolboikotte was Davey, Nyathi en Mabuya.

Is daardie skole al drie hoërskole? -- Dit is twee sekondêre skole en een hoërskool. Mabuya is die hoërskool.

As u praat van 'n hoërskool is dit 'n Higher Primary School? -- Ek is nie so baie geleerd nie. Dus kan ek nie vir u met sekerheid sê wat die verskil is nie. Wat ek wel vir die hof kan sê is dat hoekom ek sê Mabuya is 'n hoërskool is omdat daar geskryf staan Mabuya High School. (10)

En is hulle almal in Daveyton? -- Ja, dit is so.

ASSESSOR (MNR. KRUGEL) : Hoe groot is die kinders wat na die ander twee skole toe gaan? -- Ek het twee kindes op Davey Sekondêre Skool gehad. Een van hulle was gebore in die jaar 1967 en die ander een was gebore in die jaar 1969.

Hulle was toe so 17 en 15 jaar oud, nê? -- Ja, die oudste een was by Mabuya Hoërskool wat in 1962 gebore is.

HOF : En almal wou tot matriek gaan? -- Ja.

En hulle kon elkeen tot matriek gaan in die skool waarin hulle was? -- Die enigste skool waarvan ek geweet het waar (20) 'n kind tot matriek kon doen was Mabuya High School.

Is die sekondêre skool dan tot St. 8 of tot 'n laer standerd? -- Wat ek nie sal weet nie is dit wat die hof nou vra, want een van die kinders wat op Davey Secondary School was het daar gelos toe die kind in Vorm 2 was.

MNR. JACOBS : Die oorledene Patrick, in watter standerd was hy gewees? -- Vorm 1.

Wanneer het hierdie skoleboikot begin? -- As ek nie verkeerd is nie was dit 10 Augustus op 'n Vrydag.

En toe die oorledene beseer gewees het, moes hy by (30)

daardie/...

daardie geleentheid by die skool gewees het. Is dit reg? --  
Nee, dit is nie reg nie.

Wat is dan reg? -- Hy was op pad van die skool af toe  
hy beseer is.

En was dit nog in skooltyd gewees, was die skool gesluit  
en die kinders teruggestuur of wat was die posisie gewees?  
-- As ek nie fouteer nie is die kind in die middag om 14h15  
beseer.

Was daar daardie betrokke dag, weet u of weet u nie,  
skool gewees? Het die kinders klas geloop? -- Volgens wat(10)  
ek gehoor het was hy by die skool gewees, want hy was op  
pad vanaf die skool saam met die ander kinders.

Dit is nie my vraag nie. As jy nie weet nie sê vir ons  
so. Moet net nie raai nie. Was daar klas gewees daardie  
dag by die skool of nie?

HOF : Hoe moet die getuie dit sê as hy nie daar was nie?  
Moet hy vir u hoorsê gee en as hy u antwoord, dan sê u hy  
moenie raai nie.

MNR. JACOBS : Lucky Majola, die vierde slagoffer hierso,  
in watter skool was hy of was hy nie meer in 'n skool nie?(20)  
-- As ek nie 'n fout maak nie, was hy nie meer op skool nie.

Ken u die organisasie SOYCO? -- Nee, nie so goed nie.  
Ek weet eintlik nie waaroor dit gaan as 'n mens van SOYCO  
praat nie.

Het jy gehoor dat dit staan vir Soweto Youth Congress?  
-- Ja, ek kan sê ek het al daarvan gehoor, maar ek was nie  
seker daarvan nie.

Dit is gesetel in Soweto? Dit is 'n organisasie wat  
bestaan in Soweto? -- Ja, so het ek verstaan.

Kan u vir die hof sê wat se belang het daardie (30)  
organisasie/...

organisasie gehad by die begrafnis van hierdie mense in Daveyton? -- As ek nie 'n fout maak nie, die bietjie wat ek gehoor het is dat die organisasie is skoolkinders se organisasie.

Dit is net presies anders om. Dit is kinders wat nie meer in die skool is nie se organisasie? -- Ek dank u vir daardie inligting, want daar is baie dinge wat 'n mens hoor wat kan veroorsaak dat jy dinge deurmekaar maak omdat jy nie presies weet wat gebeur nie.

Wat se belang het hierdie organisasie van Soweto nou(10) gehad by hierdie begrafnis in Daveyton? -- Weens die betrokkenheid van COSAS by die reëlings van hierdie begrafnis, neem ek aan dat dit moontlik COSAS was wat die organisasie van die begrafnis gesê het.

Julle as die mense wat direk daarby betrokke was, het julle nie belang gestel daarin nie en was dit nie ook bespreek daar hoekom moet daar mense van Soweto af kom om op hierdie begrafnis van julle te praat, dit is julle kinders en nie COSAS se kinders nie? -- Ons kon dit nie gedoen het nie, want na ons ooreengekom het met die begrafnis, dat (20) dit 'n gesamentlike begrafnis gaan wees by die stadion, het ons dit toe in die hande van hierdie mense gelaat om dan verdere reëlings te tref net soos dit hulle gepas het.

Wat se belang het ERAPO gehad by die begrafnis? Weet u? -- Dieselfde geld vir ERAPO, net soos ek vroeër gesê het dat dit die besluit was van COSAS net soos die vorige organisasie.

En UDF, het jy geweet wat is UDF? -- Nee, ek weet nie wat se ding dit is nie.

Is dit nie daar deur julle gevra wie is UDF en wat soek(30)

UDF/...

UDF sprekers daar nie en wat se belang het hulle by die begrafnis nie? -- Toe navraag gedoen was oor die UDF wat ons nie van geweet het nie, het hulle self gesê dat ons dit nie sal kan verstaan wat dit is nie.

Wat is die betekenis van "Forward to a people's government" op 'n begrafnisprogram? -- As 'n mens dit vir my vra om dit te verduidelik soos dit daar in die blanketaal geskryf staan of genoem word, sal ek dit nie kan verduidelik nie, want ek verstaan eintlik wat alles beteken wat u genoem het nie. (10)

Het dit julle goedkeuring weggedra dat daar op die program gesê word "Forward to a people's government"? -- Ek het hier vir die hof gesê dat na ons die gesprek voltooi het aangaande die begrafnis, het ons dit in die hande van hierdie mense gelaat om dan verder voort te gaan met wat dan ook gereël moet word.

Stem jy saam as 'n mens hierna in geheel kyk dat hier was heeltemal 'n politieke opset, 'n politieke vergadering en daarom dat dit in die stadion gehou was? -- Watter een tussen hierdie mense sê u was die politieke organisasie dat u sê (20) dat dit 'n politieke vergadering was?

Ek sal dit vir u so stel dat COSAS, SOYCO, ERAPO en UDF is almal politieke organisasies en daarby nog hierdie slagspreek wat hier aangebring is "Forward to a people's government" is volgens hierdie organisasies se doelstelling, politieke doelstelling? -- Ja, ek het dit nie so verstaan dat al hierdie organisasies politieke organisasies was nie. Ek is bly as u dit vir my so stel. Wat ek van u wil verstaan is, bedoel u dat hierdie skoliere se organisasie ook maar 'n politieke organisasie was volgens u omdat hulle sekere (30)

dinge/...

dinge daar wou gehad het?

Dit kom daarop neer, ja. -- Dankie.

Ek wil dit aan u stel - nee, laat ek eers vir u so vra. Was hierdie ander ouers van die ander persone wat begrawe was, ook dieselfde soos u, ook nie geweet wat eintlik daar aangaan met hierdie sprekers en die geaardheid van hierdie slagspreuk nie? -- Ek sal nie weet nie om dit te kan sê nie, want na die begrafnis het ons, die ouers, nie weer bymekaar gekom nie.

Op die vergadering toe hierdie program bespreek is, (10) was al die ander ouers so onbekend omtrent hierdie organisasies en hierdie slagspreuk? -- Al waarvan hulle geweet het net soos ek, as ek nie verkeerd is nie, is dat ons daar bymekaar gekom het om die kinders te begrawe. Die enigste mense wat dit dan kon geweet het is die mense wat dit gereël het.

So, as ek dan 'n afleiding van u getuienis maak dat dit lyk of hierdie organisasies wat die ouers bygestaan het om die reëlings te tref eintlik julle misbruik het om 'n politieke vergadering te maak van die begrafnis? -- Soos ou mense (20) nou, wat vir hulle gesê het "kyk, hiervanaf moet julle verdere reëlings tref", hulle het die reëlings getref en toe verkry wat ons van hulle verwag het en daar was toe 'n gesamentlike begrafnis gehou. Wat toe verder daar gebeur het by hierdie gesamentlike begrafnis sal ek as 'n ou mens nie kan sê nie. Miskien sal hulle die mense wees om dit beter te kan verklaar, maar wat die ou mense betref, het ons net aanvaar dit is die prosedure wat gevolg word.

Is dit nie so nie dat daar is toe in werklikheid by die begrafnis in die stadion politieke toesprake gelewer? -- (30)

As/...



As dit miskien aan my verduidelik word byvoorbeeld in die vorm van 'n woord wat gebruik is wat regverdig dat 'n mens kan sê dat dit 'n politieke toespraak was, sal ek dit dalk verstaan.

HOF : Weet u wat word bedoel met die begrip politieke toespraak? -- Ek verstaan dit om te beteken dat die persoon iets gesê het wat hy sê teen die verloop van die regering se stelsel is of teen die regering self.

MNR. JACOBS : Sal u saamstem dat by hierdie ooreenkoms in die stadion is daar nie net verwys na kerklike aspekte, (10) gelees en gebid nie, maar daar is verder gegaan en ander dinge gesê as bloot die dinge wat simpatiebetuiging is, wat neergekom het op 'n preek? -- Behalwe die simpatie en die preek van die mense daar wat buite dit gesê was, was die volgende. Dat 'n toespreker daar gesê het "Wat julle vandag hier sien wat hier gebeur het, gebeur in die ander lande ook maar dit het nooit gebeur dat as daar vereistes was dat die polisie mense moet dood, soos ons nou hier vandag staan voor hierdie oorledenes."

Kom ek help u nog verder. U het mos nou geluister (20) na biskop Tutu se rede wat hy daar gelewer het? Hy het daar gepraat en ek sal die woorde gebruik oor die "struggle for freedom." Onthou jy dit? -- Wat ek verstaan het volgens sy laaste woorde was dat ons moet net die manier of die procedure volg wat die Here gemaak het dat mense moet bid om reg te kom met dit wat hulle wil hê, dan sal hulle begeleiding kry om die regte pad te kan volg.

U antwoord nie my vraag nie. Kan u onthou, dit is mos so dat biskop Tutu het daar gepraat oor die "struggle for freedom"? -- Die aanhaling deur die advokaat is "struggle (30) for/...

for freedom en ek verstaan dit om in Engels gesê te word. Dit is 'n moontlikheid dat ek nog nie aandag aan hom gegee het op daardie tydstip nie as gevolg van die toestand waarin ek myself bevind het. Dit is miskien dat my aandag gevestig was op hierdie kiste wat voor my was dat ek daaromtrent gedink het en dat ek nie gehoor het hy gebruik die woorde nie.

So maklik is dit nie. Hoe is dit dan moontlik, kan u vir die hof sê, dat u net die dele onthou waar hy nou sou gepraat het oor simpatiebetuiging en waar hy sou gepraat(10) het uit sy preek uit en niks hiervan nie? Hoe kies jy dan net sekere stukkie? -- Ek het hier vir die hof gesê dat die biskop meer as een taal gebruik het. Byvoorbeeld op 'n stadium het hy Zoeloe gebruik, op 'n stadium het hy Xhosa-woorde gebruik in die Zoeloe wat hy gebruik het en in die Noord-Sotho het hy dit gemeng met Suid-Sotho. Dit kon ek nog volg. Dit kan wees dat toe hy dit gesê het was hy besig om 'n Engelse toespraak te maak, waarop ek nie veel ag geslaan het nie. Dus het ek dit gemis.

U het nooit vir die hof gesê dat u verstaan nie (20) Engels nie? -- Ek het hier vir die hof gesê dat ek 'n bietjie Engels verstaan, nie goed nie.

Jy weet tog seker wat word in die Engels bedoel met "struggle for freedom"? -- Die heel eerste woord in die aanhaling wat u gebruik het, is een wat ek nie verstaan nie, maar die laaste een "freedom" "Ke tokologo." Dit is wat dit beteken.

Jy sê jy weet nie wat beteken "struggle" nie? --Kom, daarmee is jy sekerlik nie nou eerlik met die hof nie? -- U sal onthou dat ek vroeër gesê het dat ek verwag dat sekere(30) woorde/...

woorde aan my verduidelik word. Dit beteken dat met die verduideliking ek dalk sal onthou wat dit beteken. Soos ek sê "freedom", dit weet ek is "tokologo."

HOF : Watter standerd het u op skool behaal? -- St. 6 in die ou dae se tyd.

Wat was die aard van u werk toe u nog gewerk het? -- Ek was 'n huisbediende.

By Afrikaanse of Engelse mense? -- Ek het by verskillende werkgewers gewerk as 'n huisbediende. Nou ja, hulle het nie almal dieselfde taal gepraat nie. Dit het gebeur op (10) 'n stadium waar daar Engels gebesig is dat die kombuisbediende my help. Dit is die kok my help met die betekenis van die woorde.

Ons weet daar was sprekers van COSAS van SOYCO en van ERAPO volgens die program. Watter taal het hulle gepraat? -- Die meeste van die mense veral die skoliere praat die meeste van die tyd Engels.

Dus die jong mense praat Engels? -- Ja, selfs die ou mense het ook Engels gepraat.

Sou 'n mens dan kan sê dat die mense van COSAS en van (20) SOYCO het Engels gepraat? -- Soos ek vir die hof gesê het die mense van SOYCO en COSAS se gewoonte is om Engels te praat. Ek het dit agtergekom dat hulle meeste van die tyd Engels praat.

Die man van ERAPO, watter taal het hy gepraat? -- Hy het ook Engels en Sotho gebesig.

Vader Mkhathshwa? -- By die begraafplaas het Mkhathshwa Zoeloe gepraat na hy gebid het.

En in die stadion? -- As ek nie fouteer nie het Mkhathshwa nie by die stadion gepraat nie. Wat ek wel onthou is dat (30)

hy/...

hy by die begraafplaas eers kans gegee was om iets te doen.

U het in u hoofgetuienis ook so gesê. Ek het 'n probleem. Volgens die program sou biskop Nkoane by die begraafplaas praat en vader Mkhathshwa in die stadion?-- Ek het gister ook gesê dat biskop Nkoane die persoon is wat die werk met 'n gebed geopen het hier by die stadion.

Ken u biskop Nkoane? -- Ek het hom vir die eerste keer daardie dag gesien.

En ken u vader Mkhathshwa? -- Ek het hom ook vir die eerste keer dié dag begin sien. (10)

MNR. JACOBS : As ons nog terugkom na biskop Tutu se toespraak toe. Kan u onthou dat hy gesê het "Freedom is not cheap. Freedom means to engage in liberation struggle" of woorde tot daardie effek? -- Ek kan nie meer onthou dat hy so gesê het nie. Dit kan wees dat hy dit miskien in Engels gesê het. Net die mense wat goeie Engels verstaan sou gehoor het wat hy daarby bedoel.

Wil u nou te kenne gee u verstaan ook nie wat beteken dit om te sê "freedom is not cheap" nie? -- "Freedom" beteken soos ek alreeds gesê het "tokologo". Die laaste (20) woord wat dan gebruik is in daardie sin, as ek reg is, beteken dit 'n mens betaal nie duur nie.

En "freedom means to engage in a liberation struggle" het u dit verstaan? -- Nee, daardie stuk verstaan ek nie.

En "In a liberation struggle there will always be casualties"?

HOF : Mnr. Jacobs, die getuie het dit al baie duidelik vir u gemaak dat hy nie Engels goed verstaan nie. Nou kan u vir hom sê hy verstaan Engels baie goed en hom daarop toets maar ek dink nie u gaan baie ver kom nie. Eintlik is u (30)

besig/...

besig om tyd te mors.

MNR. JACOBS : Ek wil dit net aan u stel waar u nou vir die hof vertel het dat u het as 'n huisbediende gewerk eintlik bots met u getuienis-in-hoof, want daar het u gesê u het vir David Brown Gearcutters vir agt jaar gewerk? -- Nee, dit was nie eintlik dat ek gesê het in my loopbaan het ek by die fabriek gewerk nie. Die vraag was wie was my laaste werkgewer voor ek afgetree het. Toe het ek gesê dit was David Brown by wie ek agt jaar gewerk het net voor ek afgetree het. As 'n mens van die tydperk wat ek as huisbediende was, (10) is toe ek nog jonk was wat ek as 'n huisbediende gewerk het. Dit is op 'n later stadium wat ek by die fabriek begin werk het.

HOF : By David Brown, wat was u werk daar? -- Ek het met die masjiene gewerk waarmee ons die "gears" ge"cut" het, dit wil sê die ratte gesny en my ander pligte daar het behels dat ek die plek moet skoon hou en die afval moet wegvat.

MNR. JACOBS : Blykbaar het jy voor jy by David Brown gewerk het as ek jou getuienis reg verstaan waar jy praat van fabriek het jy ook by ander fabriek gewerk? -- Ja, ek was (20) al by verskillende fabriek gewees voor ek by David Brown diens aanvaar het.

Om dit miskien kort te sny, ek wil dit aan u stel, waar u by die fabriek gewerk het was die voertaal Engels gewees en jy moes baie Engels gepraat het en jy het Engels goed verstaan? -- Ek sal nie met u stry dat in gevalle waar Engels die voertaal was, is die fabriek nie dieselfde nie. Party fabriek het iemand wat dit vertolk vir die werkers daar wat dit beteken. Daar is party van die fabriek waar 'n mens werk en dan vind jy dat Afrikaans eintlik die voertaal is. (30)

Ek/...

Ek is ook nie so goed in Afrikaans nie, maar dan vind jy dat Afrikaans die voertaal is. Nou ja, dit is nie al die plekke waar ek gewerk het waar Engels as 'n voertaal gebruik is nie.

Maar daar was plekke waar Engels die voertaal was en waar jy Engels gepraat het en daar met jou gepraat is en jy het goed verstaan? -- Dit is nie dat ek dit altyd alles verstaan het nie. Dit het gebeur dat terwyl 'n persoon met my Engels gebesig het dat ek nie verstaan nie en om myself duidelik te maak aan daardie persoon, het dit my gekos om (10) 'n taal van "tatalapa" te gebruik.

HOF : Is dit 'n soort "fanagalo"? -- Ja.

MNR. JACOBS : Is u 'n man wat koerante lees of het u ooit koerante gelees? -- Soos 'n mens, ja. Dit gebeur partykeer dat ek 'n koerant kry en dit optel om so 'n bietjie te lees, maar ek kan nie die hele koerant lees nie, want die meeste wat bevat word in daardie koerant verstaan ek nie.

Watter koerante het jy gelees? -- Die Sowetan as ek dit reggekry het het ek 'n bietjie gelees of Citizen as ek dit kry. (20)

Beide is Engelse koerante? -- Ja.

Het u ooit self koerante gekoop om te lees? -- Ja, maar ek sal vir u sê, die rede is veral as ek wil kyk watter perd gaan wen, dan koop ek die koerante.

En dan verstaan jy ook goed as jy dit lees? -- Nee, dit is nie dat ek dit verstaan nie. òf ek koop die koerant om dit saam te neem na 'n vriend toe wat beter kan lees sodat hy net vir my kan lees wat sê hy van daardie perd, wat is die kans van daardie perd òf ek vat daardie koerant na my kinders toe sodat hulle dit vir my lees om dan te kan (30)

weet/...

weet wat is wat in verband met die perde.

Hou u vol dan die toesprake wat by daardie stadion op die begrafnisse gelewer het, COSAS se sprekers, SOYCO se sprekers, ERAPO se spreker en biskop Tutu se toespraak, die Engelse gedeeltes het jy nou nie gehoor of verstaan nie? -- Soos ek alreeds gesê het, as mense nou die hoë Engels begin praat, dan verstaan ek niks.

HOF : Het hulle die hoë Engels gepraat? -- Blykbaar, ja, want daar was van die woorde wat ek net nie verstaan het nie en dan het ek sommer belang verloor om nog te volg wat die(10) persoon sê.

MNR. JACOBS : So, jy kan nie vir die hof enigiets sê wat daardie mense in Engels gesê het nie? -- Ek sal nie vir u kan sê nie, want die meeste van die tyd het hulle moeilike Engels gepraat wat ek nie gevolg het nie.

Dan wil ek van u weet in u getuienis-in-hoof toe u vir die hof gesê het dat daar is nie geweld aangemoedig of enigiets van die aard nie, hoe jy dit kan sê as jy nie verstaan wat daar gesê word nie? -- Ek het dit nie gehoor daar gesê word nie. (20)

Hoe kan jy sê dit is nie daar gesê as jy nie gehoor het wat hulle sê nie? -- Hier word gevra of die mense nie gepraat het van geweld nie. As mense gepraat het van dat daar iets beskadig moes word of iets vernietig moet word in die woorde van Engels wat ek nie verstaan nie, dan sou ek dit nie gehoor het nie.

Is dit nie so dat hierdie pamflet BEWYSSTUK CA29, die program, was nie net op die eerste vergadering - ek wil dit aan u stel dit was voor dit beplan gewees, want hy was sommer baie maklik en baie gou beskikbaar op die tweede vergadering,(30)

op/...

op die laatste twee dae na die eerste vergadering.

HOF : Deur wie? Hoekom moet die getuie kom afleidings maak. Ek kan my eie afleidings maak. Ek dink ons moet in hierdie saak ophou om sake te argumenteer wat in argument geargumenteer moet word. 'n Getuie moet kom feite gee en dit is al.

MNR. JACOBS : Dit kan my dalk blameer word dat ek hom nie kans gegee het om te antwoord nie. Dit mag wees dat hy weet dat dit so is en dan het hy nie geleentheid gehad om te antwoord nie.

HOF : Wel, hy het vir u drie weergawes gegee oor wanneer (10) hy hom gesien het en een van die weergawes was dat hy dit vir die eerste keer op die tweede vergadering gesien het. Nou ja, hoe weet hy dan meer? Maar u kan vir hom vra of hy enigsins iets weet van die ding voor die tyd.

MNR. JACOBS : Ek sal dit daar laat. Is dit nie so nie dat u as die ouers sou nooit daaraan gedink het of dit nooit oorweeg het om die mense van hierdie organisasies wat wel genooi was na hierdie begrafnis toe soos SOYCO, UDF en ERAPO te nooi nie? -- Die organisasie wat ons van geweet het as ouers was COSAS soos ek alreeds gister gesê het, dat hulle (20) daar gekom het en hulp aangebied het indien ons enige hulp nodig gehad het. Dit is die skoolkinders se liggaam wat bestaan het daar.

Ek laat dit daar. Is dit reg dat na die begrafnis het mense in groepe in die strate gemarsjeer? -- Wat ek van weet, as ek nie 'n fout maak nie is dat elkeen teruggekeer het na sy huis toe na die begrafnis.

Het jy gesien dat daar groepe beweeg vanaf die begraafplaas weg in die woongebied in? -- Ek self het niks gesien nie, want toe ons daar by die begraafplaas uiteen was, het (30)

ek/...



ek in 'n bus geklim waarmee ek huis toe gery het.

Gedurende die tydperk Augustus tot Februarie - Augustus 1984 tot Februarie 1985 dra u kennis daarvan dat daar verskillende wonings van raadslede en van polisiebeamptes afgebrand is en aangeval is met petrolbomme? -- Wat ek kan sê is wat ek gesien het na dit gebeur het. Byvoorbeeld die drankwinkel naby ons daar. Een dag toe ek teruggekóm het van die werk af het ek gevind dat daardie plek beskadig was. Nou ja, dat ek vir die hof moet sê dat ek dit gesien het, kan ek nie sê nie. (10)

Daar was ook huise van raadslede beskadig en aan die brand gestee? -- Ek het net hierdie bottelstoor gesien, want dit was op pad as ek terugkom met die bus vanaf die werk.

Dat polisiebeamptes se huise is aan die brand gestee? -- Ek weet nie daarvan nie.

Weet u dat daar in die algemeen oor hierdie tydperk wat ek genoem het onluste daar was waar padversperrings in die paaie opgerig is, voertuie met klippe gegooi word, busse met klippe gegooi word? -- Al wat ek kan sê in daardie tydperk (20) was dat die polisie en die soldate het die plek gepatrolleer orals daar.

Hoekom? -- Wat ek kan gee as 'n rede is omdat die kinders nie skool toe gegaan het nie en van die kinders was geslaan as hulle skool toe gaan. Dit is die rede hoekom die plek gepatrolleer was.

En jy weet niks van enige plekke wat afgebrand is behalwe daardie een bottelstoor wat beskadig is nie? -- As ek nie 'n fout maak nie is die bottelstoor die enigste plek wat beskadig was. As ek op pad huis toe is, moet ek by die (30) bottelstoor/...

bottelstoor verbygaan vanaf die werk. Wat die ander plekke betref het ek net van mense gehoor dat by so 'n plek beskadig was, maar ekself het dit nie gesien nie.

Was daar algemene ontevredenheid in die woongebied oor die huurverhogings? -- Ja, dit is so. Eintlik is ek een van die mense wat nie tevrede was nie.

Was daar vergaderings gehou aangaande die huurverhogings in die woongebied gedurende daardie tyd vanaf Junie 1984? -- Ek kon nie by 'n vergadering gewees het nie, want ek het selfs naweke gewerk waar ek werksaam was. (10)

Ek vra nie of u daar was nie. Ek vra was daar vergaderings gehou, massavergaderings? -- Ja, daar was vergaderings wat gehou was.

Was hierdie vergaderings geadverteer daar in die woongebied, hierdie massavergaderings? -- Die meeste van die tyd het ek van my vriende gehoor dat daar 'n massavergadering gehou gaan word, ja.

U sê nou die meeste van die tyd. Was daar massavergaderings geadverteer deur koerante, plakkate, pamflette? -- Ek onthou nie dat ek enige geskrewe ding gesien het wat die (20) vergadering adverteer het nie. Dit kan wees dat dit daar was maar ek het dit nie gekry nie en ander mense het dit gekry.

HOF VERDAAG.

HOF HERVAT.

PHAULE SOLOMON PHALA, nog onder eed

VERDERE KRUISONDERVRAGING DEUR MNR. JACOBS : Is dit reg dat hierdie vergaderings was gereël om te agiteer teen die verhoogde huur en ook die onderwysstelsel en skole?

MR BIZOS : If a witness has not been at meetings, he is being asked to pass an opinion of the gist or the juice or the very essence of meetings which he did not attend. (30)

MNR. JACOBS : Miskien kan ek dan ook die woord gebruik, was/...

was die persepsie daar dat hierdie agitasie het gegaan oor verhoogde huur en onderwysstelsel?

HOF : Ek is nie baie gelukkig met hierdie hele persepsie konsep in hierdie saak nie. U kan hom vra waarom die vergadering - wel, u kan hom eintlik nie vra nie, want hy het nie eers gegaan nie.

MNR. JACOBS : Ek sal dit daar laat. Ek sal net vra, is dit bekend dat hierdie vergaderings was gereël deur ERAPO en COSAS? -- Al wat ek van weet is dat die organisasie COSAS te doene gehad het met die reëling van hierdie vergadering. (10)  
Meer as dit weet ek nie.

En van ERAPO, het jy niks van hom geweet nie? -- Ek het begin weet van ERAPO se bestaan toe die spreker wat namens ERAPO daar iets te sê gehad het begin praat het.

HOF : Dit is nou op die begrafnis? -- Ja.

MNR. JACOBS : Jy kan ook nie vir die hof sê hoe lank ERAPO alreeds bestaan het in Daveyton nie? -- Soos nou hier gepraat word van die organisasie, ek het eers bewus geword van die bestaan van hierdie organisasies na die bakleiery begin het in daardie woonbuurt. (20)

Wanneer het die bakleiery begin? -- As ek nie fouteer nie, het dit in 1984 begin.

Kan jy vir ons sê watter maand? -- As ek nie 'n fout maak nie onthou ek die dag van 10 Augustus wat dit begin het en toe verder voortgegaan.

En as u nou sê u het van die organisasies begin hoor toe die bakleiery begin het, meen dit dat hierdie organisasies was betrokke by die bakleiery?

HOF : Na die bakleiery.

MNR. JACOBS : Na die bakleiery? -- Nee, dit is nie wat (30)

ek/...

ek sê nie. Al wat ek sê is, as ek praat van die 10de, is dit toe hierdie ding by die skool met die skoliere begin het.

Is dit so dat daar het raadslede bedank in Daveyton? -- Ek weet nie daarvan dat daar raadslede was wat bedank het nie.

Ek wil dit aan u stel dat op daardie begrafnis was dit duidelik hoorbaar ook waar u was dat daar op daardie begrafnis vryheidsliedere gesing is en slagspreuke geskreeu is wat verwys na Tambo, wat verwys na Umkhonto we Sizwe? -- h Lied wat ek daar onthou waaraan ek nie gewoond was nie, is (10) die een van Hamba Kahle dan word die naam van die oorledene genoem. Van Umkhonto het ek nie h lied gehoor nie.

En die Hamba Kahle wat u daar sê u vir die eerste keer gehoor het, is dit nie h algemene kerklied wat by begrafnisse gesing word nie? -- Ek stem saam met u dat dit gesing word by ander begrafnisse, maar ek bedoel hierdie dag was dit daar gesing.

Die eerste keer dat jy daarvan gehoor het? -- Nie die heel eerste keer wat ek daarvan gehoor het nie.

So, toe u nou-nou gesê het u het dit die heel eerste (20) keer daardie dag gehoor was u verkeerd? -- Dan vra ek om verskoning. Dit is nie wat ek bedoel het nie.

Ek wil dit aan u stel ons het h video gesien hier in die hof van daardie vryheidsliedere wat daar gesing is en die skreeu van Tambo se naam en dit word hard geskreeu, h mens kan dit baie ver hoor en die hele pawiljoen het daaraan deelgeneem en nie net h hoekie soos wat jy in jou getuienis wou voorgee nie? -- Die klomp mense wat gesing het, was ver van ons gewees en ons het daar by die kiste gesit wat heelwat ver was vanaf die singery. Ek kon nie mooi hoor wat die (30)

liedere/...

liedere is, waarom dit gaan nie.

En toe die kiste gearriveer het, was daar ook baie hard vryheidsliedere gesing? -- Al was dit gesing sal ek dit nie betwis nie, maar ek onthou van een Senzeni na wat daar gesing was.

En die laaste vraag wat ek vir jou wil vra, kan jy onthou of jy daar op die begrafnis - is dit reg, was daar mense gewees wat in hulle baadjielapelle sulke strikkies, hulle noem dit strikkies, gehad het met die kleure geel, groen en swart? -- Ek het eintlik nie opgelet na die klere-(10) drag van die mense nie en veral aan hierdie klein goedjies het ek nie veel ag op geslaan nie.

HERONDERVRAGING DEUR MNR. BIZOS : Mnr. Phala, toe die begrafnis van u kleinkind daar in die stadion plaasgevind het en biskop Tutu en vader Mkhathshwa en ander sprekers daar toesprake gemaak het, was jy ongelukkig daaroor? -- Ek was heeltemal tevrede met hulle toesprake daar, want van wat hulle daar gesê het was vir my van belang in die sin dat hulle my gehelp het om te kalmeer.

Was Patrick die oudste van u kleinkinders of was daar(20) ander kleinkinders wat ouer as hy was? -- Hy was die oudste van my kleinkinders.

Hoeveel jonger was die volgende kleinkind van jou? -- Die jongste kleinkind was gebore op 17 Desember 1983.

Nee, miskien het ek myself nie reg uitgedruk nie? Wie was na Patrick? -- Daar is kinders wat oorlede is wat eintlik na Patrick gekom het.

Ja, maar wat nog gelewe gedurende daardie tyd? -- Die een wat ek nou net genoem het wie se datum van geboorte ek nou net genoem het, is die enigste een wat leef na Patrick.(30)

In/...

In verband met die verhoging van die huurgeld, weet u of COSAS enige vergaderings gereël het in verband met die huurgeld of nie? -- Ek weet nie of COSAS enigiets daaromtrent gedoen het nie.

Voor u kleinkind Patrick gewond was en dood is, het u van COSAS gehoor? -- Ek het nog nie daarvan gehoor nie.

HOF : Ek wil u terugneem na die stadion toe. As ek dit reg het het u met die voertuig met die kis na die stadion toe gery? -- Ja.

K1253

Het julle buitekant die stadion vir die ander kiste (10) om almal bymekaar te kom sodat die kiste almal saam die stadion kon inkom? -- As ek reg onthou, met ons aankoms daar was die ander kiste al daar gewees want toe ons daar kom het ons ingery tot by die punt waar die ander voertuie was en dit was gesê dat daardie voertuie met die kiste daar gekom het.

Was dit nou in die middel van die stadion? -- Nee, nie in die middel van die stadion nie, maar meer na een kant van die pale toe, want die meeste mense was eintlik aan die kant waar die pawiljoen is. (20)

O, so die stadion het net 'n pawiljoen aan eenkant? -- Dit is reg. Dit is net een kant die hele stuk daar voor u wat stoele het van die pawiljoen, andersins op die res van die plek is daar nie.

En julle, die families het - is dit gras - voor op die gras gesit? -- Ja, dit is gras.

En toe julle inry het julle gery tot daar waar die families moet sit en toe die kiste afgelaai? -- Ja, dit is so, want dit was eintlik naby die ingang van die voertuie waar ons gaan sit het. (30)

Is/...

Is al die kiste bymekaar daar neergesit? -- Ja.

Het u nie op 'n stadium mense gesien wat daar by of naby die kiste dans en te kere gaan nie? -- Soos ons daar was naby die kiste, naby ons was daar mense gewees wat 'n geraas gemaak het en wat ook gesing het.

Op die grond, nie op die pawiljoen nie? -- Ja, hier naby ons ook was daar mense gewees wat gesing het.

Wat het hulle gesing? -- Ek onthou een Nkosi Sikilele e Afrika.

Was daar ander liedere gesing ook? -- Ek kan nie meer(10) so goed onthou nie, want dit het lank terug plaasgevind en dit is die enigste een wat ek nog kan onthou.

Ja, maar as 'n mens Nkosi sing dan dans jy nie. Is dit nie so nie?-- Dit is reg, maar 'n mens wat sing beweeg. So ek kan net nie seker wees van wat u bedoel met as 'n mense dans nie.

Nee, ek vra vir u die vrae, ek sal vir u reguit sê waarom ek dit vra. My herinnering is, ek mag heeltemal verkeerd wees, maar my herinnering is dat op die video wat ons gesien het daar by die kiste mense dansende Umkhonto we Sizwe gesing(20) het. Ek mag heeltemal verkeerd wees. Ek sal dit later opkyk, maar ek wil net op hierdie stadium u kommentaar daaromtrent hê? -- Ek kan nie meer so goed onthou nie. U sal verstaan dat ek baie sleg gevoel het op daardie tydstip en dit is nou lank terug, dit is jare terug wat hierdie voorval plaasgevind het. Dus is dit vir my moeilik om nog presies te kan onthou wat daar gebeur het.

Is so iets moontlik of is dit glad nie moontlik nie? -- Soos u sê dit is moontlik, want ek sal u sê, dalk as iets genoem kan word kan ek onthou dat na Nkosi Sikilele dit (30) gebeur/...

gebeur het na aanleiding van iets anders en dan sal ek die volgende ding kan onthou. Dit is hoekom ek sê dit is moontlik.

GEEN VERDERE VRAE.

- - - - -

HOF VERDAAG TOT 21 MAART 1988.

K1254

COURT RESUMES ON 21 MARCH 1988.

MR BIZOS : My lord, we have handed to your lordship's registrar the original and a copy of the applicants' reply to the bail application. I am sorry that the copy is not filled in. It has just been signed and the date has been(10) put on but not the name of the commissioner that took the signature for the learned assessor's copy. I am instructed that an index is being prepared which will be served and handed to your lordship. I have discussed the question of the argument with the representatives of the state and subject to your lordship's concurrence we would suggest that Wednesday morning may be the appropriate time to make the submissions to your lordship.

We had a slight change of plan because of some transport problems of people from the East Rand, but I took the first(20) opportunity to let the state know that we are coming to Fordsburg and Lenasia and Johannesburg. It is a short witness within a narrow compass. I did let them know shortly after 09h00 this morning.

DILSHAD NOMENI CACHALIA, d.s.s.

MR BIZOS : My lord, in the further and better particulars page 19, a person named in the particulars as Koko is referred to as a co-conspirator. She is that, except that she spells is differently Coco. Your lordship will also find her/...



her name mentioned in two places in AE19 on page 3 of AE19 4.8 and on the last page merely her telephone number.

EXAMINATION BY MR BIZOS : Where do you live? -- I live at 93 10th Avenue, Mayfair, Johannesburg.

Do you hold a Bachelor of Arts degree with honors in political science from the University of the Witwatersrand? -- I do.

And are you presently employed by SACHED? -- I am.

What does SACHED stand for? -- South African Committee for Higher Education. (10)

And what work do you do for SACHED? -- I work on the labour and community resource project.

What do you actually do? -- I do skill training for trade unions. I teach them.

What do you teach them? -- I teach them course in note taking, report writing and meeting procedure.

Are you also known as Coco? -- I am.

Has your attention been drawn to the fact that you are alleged to have been a co-conspirator to a charge of treason on page 19 of the further and better particulars? -- It (20) has.

And judging, despite the wrong spelling of your nickname on EXHIBIT AE19, are you satisfied that you are the person who is referred to in that exhibit? -- I am.

Did you attend that meeting? -- Yes.

And is it your telephone number that is given there? -- It is correct.

I want right at the outset to tell you that your appearance - the appearance of your name in that part of the extended indictment, that the state alleges that you were a party (30)

to/...

to a conspiracy in conjunction with the ANC, the SACP and/or the UDF to bring about the violent overthrow of the government in the country, what do you say about that? -- I was definitely not part of any conspiracy to overthrow the government violently.

Did anyone suggest to you or tell you of the existence of such conspiracy at any stage? -- No.

Were you a member of an organisation which was affiliated to the UDF? -- I was.

What was that organisation? -- The name of the organi-(10)  
sation was Lenasia Women's Group.

COURT : But this is the Transvaal FEDSAW interim co-ordinating committee.

MR BIZOS : Was your organisation affiliated to any women's organisation? -- The FEDSAW interim committee was also affiliated to the UDF.

Let us see if we understand it. Your group was affiliated to? -- When the group was formed early in 1983 it was not affiliated to FEDSAW. It, however, did affiliate to the UDF in 19 - when the UDF was formed in August 1983. (20)

COURT : So, were you never affiliated to FEDSAW? -- Well, FEDSAW was in existence in the 1950's. It continued in the 1980's and affiliated to the UDF as quite a loose structure. In the beginning of 1984 we affiliated to FEDTRAW, the Federation of Transvaal Women when that structure was launched. We never formally affiliated to FEDSAW.

What is the connection between FEDTRAW and FEDSAW? -- FEDSAW according to my understanding was a very loosely structured body prior to the formation of FEDTRAW.

Did FEDSAW fall away when FEDTRAW was formed? -- (30)

According/...

According to my understanding again FEDSAW was never - the reason why we called it an interim committee was because it was never actually formally constituted in this period.

Interim pending what? Interim pending Transvaal FEDTRAW formation? -- No, pending the relaunching of FEDSAW and the first stage of that process was the launching of FEDTRAW as a regional body which would affiliate then to a national body FEDSAW.

So, FEDTRAW was launched but FEDSAW was never launched?  
-- Not formally. (10)

But did it exist? -- It existed, yes.

MR BIZOS : Were you instrumental together with other women in the formation of the Lenasia Women's Group?-- Yes, I was.

How did the idea of the formation of this group come about? -- We felt quite strongly that women living in Lenasia did not have sufficient facilities in the area. We established ourselves primarily as community group which aimed to get women involved in discussing ways in which they could improve the facilities in the area, ie. crèche facilities for women who had children, women and health, problems (20) like that. That was the primary reason why the group was formed at that time.

When this organisation was formed, was it as a result of the initiative of any other organisation or did you act independently? -- We acted absolutely independently.

When was it that you took the initiative in the formation of this group? -- It was some time in 1983. I think it was around May, June 1983.

Was there political issue that concerned you as women at that time? -- Early in 1983 we began thinking about the (30)

tri-cameral

tri-cameral parliament elections, but in the early stages of the group we were not actively involved in dealing with these. Our political involvement around the tri-cameral party elections, the anti-election campaign came later in 1983. In the beginning of 1983 when the group was just formed, it was very much a community based group that looked at the problems of women living in Lenasia.

We know that the UDF was launched on 20 August 1983. Was your group formed before or after that launch? -- It was formed before the launch of the UDF. (10)

COURT : Were you formed before the launch of the Transvaal UDF? -- I do not remember.

MR BIZOS : I think that it is common cause in this case that the launch of the Transvaal UDF was in April 1984. Can you recall whether your group was formed before or after April? -- April 1984?

1984? -- It was formed before that.

COURT : Let us take it one year earlier, 1983, and repeat the question.

MR BIZOS : I beg your lordship's pardon. When did your (20) group start? In 1983 or 1984? -- In 1983.

Was it started before April 1983? -- It was - I think as far as I can remember the group was started some time in May 1983.

Does 9 August have any significance to women in South Africa? -- It does.

What is its significance? -- 9 August - on 9 August 1956 twenty thousand women marched to the Union Buildings in Pretoria to protest against the implementation of passes to African women. (30)

Did/...

Did you decide to do anything about it on 9 August 1983? -- We did.

What did you do? -- We called a small meeting in Lenasia.

For what purpose? -- The purpose of the meeting was to advertise 9 August 1956 to make women who lived in Lenasia remember the history of the women who went to the Union Buildings in 1956.

ASSESSOR (MR KRUGEL) : Was it on that day? -- It was on the day.

MR BIZOS : 9 August? -- That is correct. (10)

What did you hope to achieve by commemorating this day? -- We wanted to inform people of the day and of its significance in the history of women in South Africa.

What else did you do during 1983? What sort of things did you do? -- We drew up a questionnaire which we took door to door to the women of Lenasia. Basically the questionnaire had asked questions about women and their facilities in the area and how they thought these could be bettered. That was one of our major campaigns. It took us a long time. We went to many houses. We got many responses and we analysed those (20) responses.

Was this a formal structure, these women of Lenasia or not? -- No, it was a group, it was a very loosely structured group. It was quite a small group and we never formally launched ourselves as the Lenasia women's group and neither did we ever adopt a constitution.

Did you keep formal minutes of your meetings? -- Not that I can recall.

Did you pay membership fees? -- No.

Was there any formal discussion at any stage as to (30)

whether/...

whether you should affiliate to the UDF? -- I do not remember any formal discussion within the group, but I think it was generally accepted that when the UDF was launched in 1983 that everybody in the group supported an affiliation to the UDF.

Were you yourself happy with your group affiliating to the UDF? -- I was.

And was your group represented at the launch on 20 August 1983? -- The group was represented. I myself did not go to the launch. (10)

Why did you want to affiliate with the UDF? -- The group felt at the time that the UDF was formed that the UDF was forming itself as a united organ abroad, a united organisation with the primary purpose of opposing the tri-cameral parliament elections. We opposed the tri-cameral parliament elections and therefore supported the UDF in this venture.

How did you feel about the tri-cameral proposals? -- I opposed them.

Did your group express its reasons why it opposed the tri-cameral constitutional proposals? -- Yes, the group did (20) express its reasons why it opposed the tri-cameral parliament.

Very briefly, what were they? -- Basically that we believed in a non-racial and democratic South Africa, one parliament for all the people in South Africa, not a parliament that was based on different race groups. Also we very definitely opposed the fact that African people were excluded from the tri-cameral dispensation.

What did you hope your affiliation to the UDF might achieve? -- That together with a range of other organisations we could unite to oppose these elections. (30)

Did/...

Did you become aware of the declaration of the UDF issued at its launch and which is before his lordship as part of EXHIBIT A1? Did you ever see the declaration of the UDF? -- I was not present at the launch. I do not remember seeing it from then. I may or may not have seen it subsequently. I think I probably did.

Was publicity given to the launch of the UDF and what its main purpose was? -- Yes.

What did you understand its main purpose to be? -- I understood its main purpose to be to bring together a (10) range of organisations to oppose the tri-cameral elections in a peaceful and in a non-violent way.

Do you recall whether the UDF expressed itself against what became known as the Koornhof bills? -- I did.

What was your and/or your group's feelings about that? -- We opposed the Koornhof bills.

Why? -- We felt that the Koornhof bills were an extension of the implementation of apartheid.

What was your understanding? Was the UDF in opposing the tri-cameral system and the Koornhof bills going to do (20) it in a violent or non-violent manner? -- My understanding was that it was very clearly to be in a non-violent way.

Was it a matter of debate at all in your group? -- No, never. We accepted it as such.

What was going to be the main activity of the UDF and your group in relation to the elections for the tri-cameral system according to your understanding? -- That in a legal way to inform all the people of South Africa why we felt that it should be opposed.

And after your affiliation, did you change your (30) character/...

character in any way as a women's group? -- No, and we always maintained our independence.

As far as you know did you ever send delegates to the general council meetings of the UDF? -- Not as far as I can remember.

Did you ever receive any report or minutes at the general council meetings of the UDF back in your group for the purposes of discussion or adoption? -- Not in a formal way. We never did.

Did you receive anything from the UDF? -- We received(10) UDF circulars and UDF publications, yes.

Did you hear about the million signature campaign? -- Yes, we did.

Did you get any literature or hand-outs in relation to that? -- I have seen the petition page.

I want you to please have a look at the resolutions on A1 which is before you and more particularly on page 25. Has this resolution been shown to you? -- Yes.

COURT : When did you see it first? -- Shortly after the UDF launch. (20)

MR BIZOS : And has it been shown to you more recently? -- Yes, it has.

Is there anything in this resolution which you find inconsistent with your own views in relation to women in South Africa? -- No.

The statements of fact and the expression of beliefs in this resolution, was this something new to you when you read it shortly after the launch of the UDF or had these statements of fact and beliefs been stated before? -- They had been stated before. It was not something that was new(30)

to/...



to me.

You told us that you retained your independence. Did the UDF ever tell you, give you specific instructions to do anything? -- No.

Did you feel obliged to do anything the UDF told you? -- We were an affiliate of the United Democratic Front and as such we supported the campaigns that they took up. We we never given any instructions from the UDF to carry out any of their campaigns.

Which campaign did your group participate in? -- The(10) million signature campaign, most of the members of the group participated in that campaign, but even that campaign was never formally taken up as a group. It was individuals in the group who supported the campaign and went out and collected signatures for that campaign.

Did you personally do that? -- I did not personally go out and collect signatures, but many people in the group did collect signatures.

COURT : What was your position in the group?-- We did not actually formalise the structure of the group. So, we did(20) not have an executive as such.

Did you not have a convener? -- We were a group of women. The convener rotated from time to time. People took responsibility to call meetings of the group.

MR BIZOS : Did you yourself act as a convener at any time? -- I may have.

Did you ever extend your activities to a place outside Lenasia? -- We did.

How did that come about? -- After the launch of the UDF in 1983 about a month or so after that we left the Lenasia(30)

women's/...

women's group, some of us did and we began what we called the Fordsburg women's group. The purpose of the Fordsburg women's group was to fit into the anti-election campaign, to organise women who lived in Fordsburg and the surrounding areas of town not to vote in the tri-cameral party elections.

ASSESSOR (MR KRUGEL) : Did you live in Mayfair then? -- I did.

MR BIZOS : And is that adjoining Fordsburg? -- That is correct.

The Fordsburg women's group, was that active in agitating against the participation in the tri-cameral elections? -- (10)  
It was.

And did it take part in the million signature campaign? -- As individuals, members of the group did take part in the million signature campaign.

Did you use the material that was given out by the UDF in relation to this campaign? -- To both the campaigns, yes.

When did you affiliate to FEDTRAW? -- The group affiliated to FEDTRAW after its launch in I think it was January 1984.

COURT : That was which group? We have got two groups now. (20)  
-- Fordsburg women's group. Sorry, excuse me, I do not think it was January 1984. I think it was January 1985 that FEDTRAW was launched.

MR BIZOS : Were you here at that time? -- No, I was not.

COURT : You were not here? -- No, I was not in the country.

MR BIZOS : If we turn back ... (Court intervenes)

COURT : Did you resume your connection with the Fordsburg group upon your return? -- I did and that was in March 1985, the end of March 1985. It was almost April. 1986? 1985, I am sorry. (30)

MR BIZOS/...

MR BIZOS : Could we go back to August 1984. Do you recall when the election for the indian house was held? -- I do. I think it was 28 August.

1984? -- 1984.

Did you participate in activities trying to persuade people not to vote? -- I did.

Precisely what did you do? -- At that stage we were working in Fordsburg and in the town area.

COURT : Fordsburg and in? -- Fordsburg is what we call part of the town area. (10)

Town area? -- Yes, sort of Ferreirastown, Fordsburg, Mayfair.

Town in Ferreirastown? Or some other town? -- Almost Johannesburg central what we are calling the town area.

MR BIZOS : Is that Fordsburg, Mayfair, Pageview, Ferreirastown? -- Yes.

Near the city centre? -- That is correct.

Will you please tell us precisely what you and your group did to persuade people not to vote? -- We began the campaign by going door to door to people who lived in the area that I (20) have referred to. We would go often with some UDF literature. We would discuss the tri-cameral parliament with them. We would state our point of view and we would then explain to people what we felt about the elections and we would hope that we would have some sort of discussion with people and that they were then free to make up their minds whether they should go ahead and vote or not. That was one sort of activity that we did.

What else? -- The other thing that we did do was that from time to time we had tea parties where we would bake (30) cakes/...

cakes and we would get members of the community to bake cakes and we would call a small little group meeting and at this meeting again we would discuss the tri-cameral parliament and why we felt that people should not vote in that. We also organised a bigger meeting at one point, the exact date of which I cannot remember now, but basically what the purpose of that meeting was, we got two speakers in, the one was a women called Manniben Sita, the other one was a man called Maulana Farid. Basically the idea was for the people to come and explain to a larger group of people why they felt they(10) should not vote in the tri-cameral elections on religious grounds.

Did you arrange a demonstration? -- We did.

What sort of demonstration did you arrange? -- We arranged a peaceful demonstration for women to stand singly with placards in front of them saying that they did not support the tri-cameral parliament.

Was there any concern as to whether the way in which you expressed yourselves should be done in a lawful or an unlawful manner? -- We were very concerned that it should (20) be done in a lawful manner.

Did anyone draw up any document as to how you should behave and as to how you should go about with your demonstration so that you did not fall foul of even municipal by-laws? -- We did have such a document.

Please have a look at this. Is this the document? -- That is the document.

Would your lordship receive it as D115.

COURT : This will be D116. The last one was a Sowetan.

To which paragraph are we referred?

(30)

MR BIZOS/...

MR BIZOS : It is really the preamble which emphasises that you are not breaking any law. Were you concerned that the police may wrongly interfere with what you considered to be a lawful demonstration? -- There was that possibility.

And does this set out what your rights are? -- It does.

Whilst you took part in these activities, was there any discussion or suggestion in your group that women were to be organised to take part in a violent struggle in revolution? -- Definitely not.

Was it your purpose in organising women and particularly (10) black women for the purpose of getting them to participate in a violent revolution? -- No.

In relation to your group's activities, during 1985 did you draw up a pamphlet as to what the Fordsburg women's group was about? -- We did.

I want to show you the original and ask you whether this is it? -- Yes.

Will your lordship receive this as DA117.

COURT : And you are referring us to which part?

MR BIZOS : The whole of it because it deals with who they (20) are, why was the group formed, what the group has done and how it is related to other women's groups. I do not want to read it all out into the record.

COURT : Very well, then we will read it ourselves.

MR BIZOS : Did you have anything to do with the drawing up of this document? -- I did.

When was it drawn up? Do you recall? -- Sometime in 1985, after April 1985.

And does it set out what you did prior to that? -- Yes.

And does it correctly reflect your group's activities?(30)

It/...

-- It does.

Did you ever attend any UDF meetings? -- As far as I can remember I attended the first anniversary of the UDF, it was a meeting that was held in Selbourne Hall.

Would that have been in August 1984? -- That is correct.

Do you recall whether it was shortly before the tri-cameral elections at the end of 1984? -- It was.

Did you hear various speakers there? -- I was in and out at the meeting. So, I did hear some of the speakers, but not all. (10)

Will you be able to remember what precisely was said at this meeting? -- Not really.

Did anyone say anything at this meeting which suggested that the UDF wanted to achieve any of its objects by the use of violence? -- Not that I can remember at all. It was never said.

Do you recall whether you attended any other UDF meetings? -- I do not think I attended any others.

COURT : Were you on the FEDTRAW executive? -- No.

CROSS- EXAMINATION BY MR JACOBS : Can you tell the court (20) at the time when this FEDTRAW Transvaal interim co-ordinating committee met and the meeting was held, when was that? -- I do not recall the exact date now. It was in July I think.

In 1984? -- That is correct.

Why was this called FEDSAW interim co-ordinationg committee? -- Because the idea was that a co-ordinating committee should be elected to look into the launching of firstly a regional structure for women's groups all over South Africa which would lead to the eventual re-launching of the Federation of South African Women. (30)

So/...

So, the first aim of this FEDSAW interim committee was to launch FEDTRAW? -- That is correct.

And at that stage was there a FEDSAW executive existing in the country? -- To my knowledge it was not a formally constituted body at all.

But was there an executive to your knowledge, yes or no? -- I do not know at all.

And at that stage on 21 July there was no such organisation as FEDTRAW yet? -- That is correct.

Who were the members of this FEDSAW interim co-ordinating committee? -- I recall a few names. I recall Leila Patel. I recall Jasmin. I think a woman called Esther Maleke. I do not recall everybody else who may have been on that interim committee.

Do you know a person by the name of Dorcas being a member of that interim committee? -- I am not sure whether Dorcas was a member of the interim committee.

That Dorcas is that Dorcas Raditsela from the Vaal? -- That is correct.

And her organisation was? -- The Vaal Women's Group. (20)  
You referred to Jasmin. From which organisation was that person? -- Jasmin I think came from, it might have been the Eldorado Park women's group.

What was her surname? -- I do not recall.

And Leila? -- Leila Patel. She came from our group.

From? -- The Fordsburg group.

And you yourself? -- I was not on the interim committee.

Do you know a person by the name of Avril? -- Yes.

Was she on the interim committee? -- I am not sure if she was. I do not recall. (30)

What/...

What is her surname? -- I think if that is the correct Avril, it is Avril Joffee.

From which women's organisation was she? -- She would have come from the Johannesburg women's group.

Aneene? -- I do not know.

And Joanne? -- Joanne I think probably also came from the Johannesburg women's group.

When was FEDTRAW then officially launched? -- I think it was launched in January 1985.

You only think so, you are not sure? -- I am sure. (10)

So, if you are sure, you tell the court that you are sure and not that you think so. -- The only reason why I say I think so is because I was not in the country, but I subsequently heard that it was launched in January 1985.

Do you know the executive of FEDTRAW? -- At the time?

Yes? -- I was not aware of who the executive was. I was not in the country.

Did you subsequently come to know the executive of FEDTRAW? -- I came back to South Africa at the end of March 1985. I do not recall knowing exactly who was on the executive of FEDTRAW at that point. (20)

At that stage when you returned, you were already affiliated... -- My group was affiliated to FEDTRAW.

Did you attend any FEDTRAW meetings? -- Yes, I think I did. I cannot remember - subsequently, I cannot remember the dates of those meetings. They generally were report back meetings from where all the groups that had affiliated to FEDTRAW came together and would give a report back on the activities that they were doing in an area.

Did you attend such a meeting? -- I attended one - I think/... (30)



think one or two of that sort of meeting.

When was that? -- That was probably - I cannot recall the exact date, but it was probably at some point after April 1985.

You cannot be more specific about that? -- I am sorry I cannot be more specific about the dates. I do not remember. It was a long time ago.

You cannot give the court the names of any of the executive of FEDTRAW? -- I think Jasmin was an executive member as far as I can remember. Leila was also probably (10) an executive member.

We do not want probably or what you think. You can or you cannot tell the court? -- Jasmin was an executive member, Leila was an executive member of FEDTRAW.

What positions did they hold in FEDTRAW? -- I am not sure exactly what positions did they hold.

Are those the only two persons that you know being members of the executive of FEDTRAW? --Yes, those are the only two that I know for sure.

Is it correct that the executive of FEDTRAW was pre-(20) dominantly black women? -- I think the executive was made up of the affiliates of FEDTRAW. The majority of the affiliates were women from African areas. So, I would assume that they were the majority of the members on the executive.

COURT : Could you give me an idea of how many affiliates there were to FEDTRAW? -- The ones that I can recall were the Vaal Women's Group, the Fordsburg Women's Group, the Lenasia Women's Group also affiliated, the Johannesburg Women's Group, Eldorado Park Women's Group, Tembisa Women's (30) Group/...

Group I think was there, Mamelodi Women's Group might have been there.

These you remember but apart from names, how vast was it? In tens or hundreds? -- Some women's groups were larger than others. Our women's group was quite a small one, but for instance the Soweto Women's Group and the Vaal women's Group were probably quite sizeable in number. I would not be exactly sure, but I would think in the region of about two hundred members.

MNR. JACOBS : U edele, ek wil vir die hof verlof vra dat(10) die getuie afstaan op hierdie stadium, dat ek 'n geleentheid kan kry om hierdie aspekte heeltemal deur te gaan. Ek het eers vanoggend net voor 08h30 het mnr. Bizos vir ons kom sê dat hierdie getuie gaan kom.

HOF : Hoe lang tyd het u nodig?

MNR. JACOBS : Daar is heelwat aspekte wat sy genoem het in haar getuienis waarna ek in dokumente sal moet gaan kyk. Ek wil vra dat sy afstaan tot môreoggend toe.

MR BIZOS : I am sorry that this happened. I have indicated that the people from Daveyton were having transport diffi-(20) culties this morning. I cannot consciously object to this application.

COURT : Are they here the people from Daveyton? --

MR BIZOS : I do not know what has actually happened. We had also arranged that some people should come from the Free State.

COURT : Have you another witness available?

MR BIZOS : I would have to check.

COURT : What does your attorney say?

MR BIZOS : Well, different attorneys are involved in different aspects. We would need about ten minutes to ascertain (30)

whether/...

whether there is another witness available or not.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

JOHANNES TEFO PHATE, d.s.s. (Through interpreter)

MR BIZOS : He is from Thabong. He will give evidence on the circumstances in the township in August 1984, the funeral of Papiki Loape and the meeting with the parents at the Phillip Smith centre that your lordship has heard about previously.

EXAMINATION BY MR BIZOS : Mr Phate, are you 52 years of age? -- That is so. (10)

And do you live at 3180 Thabong? -- That is so.

Is that in Welkom? -- That is so.

And are you a trained nurse and employed at the Ernest Oppenheimer Hospital there? -- That is so.

And do you have five children? -- That is so.

Are you an ordained deacon in the Roman Catholic Church? -- That is so.

When were you ordained as a deacon? -- In 1972.

What can a deacon in the catholic church do? Are you something short of an ordained priest? -- The duties of a (20) deacon in the Roman Catholic Church is to preach the gospil and explain it. To serve the sacraments of the catholics, to wash and bury the dead. The teaching of catechism and to teach the children prior to their being washed.

Also during 1984 did you hold office of regional chairman of the Orange Free State region of the national union of mine workers? -- That is so.

From 1984 to 1986 were you - did you hold office on any school committee? -- That is so.

At which school? -- Mojaho Higher and Lower Primary (30) Schools/...

Schools.

During the council elections in 1983 did you participate in them in any way? -- That is so.

Did you vote in those elections? -- That is so.

For whom? -- Dr Tladi.

Is that Dr K Tladi? -- Dr B Tladi. I am not certain of the initials, whether it is E.B. Tladi, but name of his is Boy. That is what the B stands for. Tladi is the surname.

I want to take you to August 1984. Were you at work(10) on 1 August? -- That is correct so, yes.

I do not want you to tell his lordship about any reports that you received but only what you yourself saw. Did you finish work at about 16h00 on that day? -- That is so.

What did you see on your way home? -- On my way home I noticed people standing around and on my way further on in the direction I was walking, I noticed that there were police vehicles driving around there. I smelt a strong teargas.  
COURT : Where was this now? -- That was on my way home.

Yes, but you work in Ernest Oppenheimer Hospital and (20) I take it you do not live right next to it? -- After entering the township walking along the main street leading to my place of residence, is when I noticed all this and felt or smelt the teargas.

MR BIZOS :

How long does it take you from the hospital to your home if you walk? -- It takes me twenty minutes from my house to my place of employment.

The next day, 2 August, did you go home at about midday? -- That is so.

And what did you see then or what did you become aware(30) of/...

of? -- On entering the township walking along the main street which is Mothusi Street I noticed some dirt in the street namely ash and some other dirt. I noticed there were people standing in groups and there was a movement of people there and at the same time the police vehicles were passing time and again. I went past going straight home.

Did you go back to work later that afternoon? -- That is so.

COURT : Did you go back to work the same day? -- That is so.

At what time? -- When I left home it was at about (10) 15h15.

MR BIZOS : Did you see anything unusual on your way back to work? -- Yes, I did. For instance the presence of the police there was not something usual, and the milling around of the people and the dirt on this road was not something common along the road.

What was the dirt on the road? -- The street was dirty with ash, papers and some pieces of irons like flat irons for instance.

Did you finish work that day? -- That is so. (20)

What time? -- At 19h00.

Did you see any shop or any business damaged on that day? -- No, I did not see that.

I want to now turn to the funeral of the late Papiki Loape. When did you first hear about the death of the late Papiki? -- It was some time during the week that I heard about Papiki's death.

COURT : That is the week following in the incidents? -- Following which one?

You told us about ash on the street and police presence? (30)

That/...

-- That is correct. The week after the week I have just been talking about.

MR BIZOS : Did you know the Loape family? -- Yes.

Did you decide to go to the funeral? -- That is so.

Did you go to the Phillip Smith centre on 11 August 1984 when the funeral took place? -- That is so.

Did you expect to officiate at this funeral on this day? -- No, I was just attending the funeral like any other person who attended the funeral.

Did you finish up in officiating at the funeral? -- (10)  
That is so.

COURT : As what? -- One of the people from the deceased's family requested me to officiate at this funeral as the one who was acting in the place of the minister of religion because their minister of religion did not turn up and I was therefore asked if I was not prepared to pity the family and bury the deceased by officiating at his funeral. Because I also had a pity for them I did that and buried the deceased.

MR BIZOS : Was any portion of this funeral conducted in the hall? -- Yes, the service for the burial of the deceased (20) was held in this hall.

By whom? -- I was officiating the service, that is the church service which was held there for the burial.

Did you conduct the service? -- Yes, that is so.

Did you deliver a sermon? -- That is so.

Did anyone speak after you? -- A certain man, yes.

Who was this man? -- I only know that person as Dladla.

Do you know him? -- I know him as one of the taxi drivers.

Do you recall what was the gist of his speech? -- If I remember well, after greeting all the people present at this (30) funeral/...

funeral, he then passed his condolences and said what he wished to say in sympathy with the family of the deceased.

Can you recall whether he said anything about the circumstances of the deceased's death? -- Yes, I do.

What? -- What he said was that it was a disgrace that this child who was a cripple be finished by the people who are in the service of the law in such a way, saying that that makes one feel very bad and then he encouraged the family of the deceased to believe in the existence of God.

Can you recall anything else that he said? -- That (10) is all that I remember of what he said.

Do you remember whether anyone else spoke? -- Yes, I remember somebody who was reciting or was saying a poem in Zulu. Unfortunately I do not know Zulu. I do not understand Zulu.

Was this a young or an elderly person that you saw? -- Well, from appearance to me he looked a grown-up young man.

Did any member of the family speak? -- Yes, somebody who said something about the deceased's background, how he was born, he was born a cripple and he had some difficulty (20) in walking. He further said to the people there unfortunately the death has taken him. That was the end.

Did you see any funeral program at this funeral? -- No, I did not.

Were you aware of any restrictions that were placed on the conduct of the funeral by the magistrate or any other authority? -- No.

Was a benediction offered at the end of this service? -- When everything was done at the church service, I closed the service there from where we proceeded to the grave-yard. (30)

How/...

How did you proceed from the hall to the grave-yard? -- We left the hall. Some of the people got into vehicles. Because of the fact that there were not enough vehicles some people had to walk.

Was there singing in the hall? -- Yes, hymns were song during the service which was held on behalf of the deceased.

And along the way to the cemetery was there singing? -- Yes, there were some songs which were sung on our way to the grave-yard.

What songs were sung on the way? -- The very first (10) one which was sung there is Senzeni na. The second one was Jerusalema Ikhaya Lami. There was another one, I do not know whether I am pronouncing it correctly, because it is Xhosa but Tixo Siyakuthandaza. Those are the only ones I can still remember of the hymns or the songs that I heard.

COURT : But why were you singing in Zulu and Xhosa? -- These are the hymns and songs that are common to the community there, which are not common in the Roman Catholic Church. So, therefore for the fact that they are common, that is why they were sung. (20)

MR BIZOS : Are there people working there from the Ciskei and Transkei and places like that or anywhere else? -- Yes, there are quite many.

Did you see any people wearing T-shirts of any kind either at the hall or along the way? -- Yes, the scholars T-shirts white in colour and with some other colour on the chest. Those were COSAS T-shirts.

How many of those did you see? -- Quite a few. There were not many. Approximately ten. If more than ten then not much more than that. (30)

Any/...



Any other kind of T-shirt? -- No, these were the only ones that I saw.

How was the coffin carried along? -- It was carried by hands.

COURT : On shoulders? -- Lifted high as I now demonstrate.

The hands as high as the top of the head.

MR BIZOS : Were there any problems along the way to the cemetery? -- No, there was no problem.

Did you see the police along the way or shortly after you arrived at the cemetery? -- On our way to the grave-(10) yard I did not see any police. I only saw the police while we were already in the grave-yard next to the grave.

Were they near the cemetery or some distance away? -- They were quite far from the grave-yard.

COURT:Were they inside the grave-yard? -- No, not inside, outside in the direction of the township. To be specific they were standing not far from the road, the route we followed from Smith Hall to the grave-yard.

MR BIZOS : Were the last rights administered at the cemetery by you? -- Quite so, yes. (20)

K1255 What happened whilst you were busy pouring soil onto the coffin of the deceased.

MNR. FICK : Ek maak beswaar. Dit is duidelik leidend. Daar was nooit sulke getuienis gewees nie.

MR BIZOS : Did you pour soil over the deceased's coffin? -- Yes, I am the one who did it first to complete the service as usual.

Did anyone arrive at that time? -- Yes, just when I finished that a Mr Lekota arrived. This person who was said to be Lekota I heard that he was going to make a (30) speech/...

speech or say something. As a result of which then I gave the family members of the deceased the opportunity of calling this person whom they say was going to make a speech to go on.

Do you see Mr Lekota in court? -- Yes, if I am correct, but I had a very short time of seeing this person because there were too many people.

COURT : Point out the person that you have seen? -- That one there if I am not mistaken.

Accused no. 20.

(10)

MR BIZOS : Did he speak? -- Yes, he spoke.

Did you hear what he said? -- Yes, I heard what he said.

Please tell us? -- He first apologised to the people for having arrived late saying that that was due to his being stopped by the police and questioned about quite a few things and he ended up being taken to the police station or offices where he was again questioned. He first started by saying words of sympathy to the family of the deceased and he further said it was quite apparent and quite clear that the police showed their violence or the means, the (20) powers they have by shooting at this crippled child and further said it was surprising and in fact is not something one can understand when the police are accusing the UDF to be an organisation which uses violence whereas in truth and in fact they are the people who are using violence. He further said even if it is like that, we can afford that there be a right and peace and he further added to that that the UDF is an organisation which is after peace. He thanked the community of Thabong for being present there in big numbers to sympathise with the Loape family. He further said (30) unfortunately/...

unfortunately time is gone, there is nothing more we can do and then he closed his address.

COURT : Just a point of clarification. You said that even if it is like that, we can afford that there be a right and peace. What is that word you used, Mr Interpreter?

INTERPRETER : In fact I wanted to ask the witness. I thought that he was going to clarify it in the next sentence, but unfortunately he did not.

COURT : Could you just clarify for me what you meant by right and peace? -- If I understood him well, from what he (10) was saying then, I understood him to be saying, even if it is like that, that this child was killed by the police, but it is still for the community to maintain the rightful peace that cannot be avoided. It is still there.

ASSESSOR (MR KRUGEL) : So, even if the police had acted in this manner, the onus was still on the community to maintain peace? -- That is so, yes.

MR BIZOS : Either at the hall or at the funeral, at the cemetery, did any speaker advocate violence against anybody or the damaging of any property? -- No, I did not hear that (20) being said by anybody and if it is said there was such, I do not know about it.

Did the people leave the cemetery? -- That is so.

Did you yourself see any disorder after the burial of the deceased? -- Yes, when we left the graveside we got into the vehicles following the same route we used coming this end. Up there in the vicinity of where the police were, I noticed some smoke and the vehicles which had gone in that direction had to come back in the direction of the graveyard and take another route, not the same one which was (30) used/...

used when we were coming down this one. That is all I saw happening at that time.

Did you go to the home of the deceased? -- Yes, I did.

Did you stay there? -- I came there and washed my hands as a custom usually and then hurried home.

I want to take you to the question of difficulties with the children not attending school. Were you present at a meeting called by the school inspector, Mr Dikoko? -- I was present.

Where was this meeting held? -- If you could just (10) clarify this for me. There were two meetings that I attended by Dikoko. The other one was a school committee meeting convened by Dikoko and the other one was the community, that was the parents' meeting at Smith Hall also by Dikoko. Which one are you referring to?

Let us deal with the committee meeting first and then with the public meeting? -- I was present at that meeting.

What was the purpose of that meeting? -- It was to go and discuss means of getting the parents to a meeting. That is in fact including the whole community so that we could (20) divide some means of addressing the problems that were existing in the township about the children, especially with reference to school children.

COURT : Was that now a school boycott? -- Yes, that was about a school boycott.

How long had that lasted? -- It was quite some time that that was happening.

MR BIZOS : Were you still a member of the school committee at that stage? -- That is so.

And at this small meeting that was held with Dikoko (30) the/...

the inspector, were you there in your capacity as a parent, an ordinary citizen or as a member of the school committee?

COURT : Is he a member of the school committee and at the meeting of the school committee you are there in your capacity as a member of the school committee?

MR BIZOS : Was it only your school committee or were there a number of people? -- That meeting was for all the school committees from different schools in Thabong.

Were you personally in your committee concerned about the school boycott that was taking place? -- Yes. (10)

Why did the children not go to school? Why did they boycott the classes? -- There were reasons given by the children as to why they were not going to school.

What reasons did they give? -- I will mention a few of them. Number one, that they were being taught in a language they do not understand clearly, namely Afrikaans. Some of the teachers are not properly qualified to teach. That is number two. Number three, the age limit that restricted children of a certain age not to be registered as scholars. Number four, corporal punishment. (20)

COURT : What do you understand by the term corporal punishment? -- From what I understood this is what I got to know, that the teachers would use anything to hit the child in punishing and without using a discretion or using anything that one could use without it being a danger on the child who is being punished.

It does not mean digging in the garden? -- No, that one I do not know.

MR BIZOS : Were these matters mentioned at the joint school committee meeting that you had? (30)

COURT/...

COURT : Is that the lot. You have mentioned four? -- I have mentioned the four.

MR BIZOS : Were there any other minor or incidental matters that they were concerned about? -- There was another one that I remembered now at Tito School. Some children were not permitted to go and sit for their tests. That also contributed towards the boycotting of the schools.

Were these matters discussed at a joint school committee meeting with the inspector? -- Yes, they were discussed.

Were there senior teachers present at the joint (10) meeting? -- Yes, the principals of the schools in our area were present.

And was any decision made as to what should be done in order to try and alleviate the position? -- Yes, the decision was that we invite Mr Msibi who was the head of the education department in the Free State as a whole. Furthermore it was decided there that we invite the parents of Thabong to be present on that day at the hall in order to give hand in solving the problems of the children in Thabong. Everybody agreed with that. (20)

And were the parents called together? -- Yes, the parents were called.

Did you yourself take any part in calling the parents together? -- Yes, I did.

How? -- I offered to drive around the township and inform the people about the meeting in the township. Which I did was, I took my own car with a loudspeaker and announcing the meeting that was to be held giving the date and the place and therefore inviting them to attend that meeting.

Was the meeting to be held on 5 September 1984? -- That (30) is/...

is quite so.

At what time did you arrive at this meeting? -- When I arrived there it was between 18h30 and 18h45. That is my arrival at the hall.

For what time was the meeting scheduled? -- This was scheduled for 19h00.

How many people does this hall hold? -- My estimation of this is it could be one thousand to two thousand.

COURT : Standing or sitting? -- All sitting properly there at ease. (10)

MR BIZOS : Did the hall fill up by 19h00? -- No, people were already arriving in big numbers but it was not full yet.

What time did the meeting start? -- It was delayed, it only started at about 19h15 or 19h20.

How many people were there in all by the time that the meeting started? -- If I was to estimate at that time people present there were about a thousand two hundred or one thousand three hundred.

COURT : Was the hall overflowing? -- No, not overflowing. (20) it was full and everybody was sitting at ease wherever the person was seated.

MR BIZOS : What sort of people attended the meeting agewise? -- It was grown-up people, parents. There were quite a few children.

If your estimate of one thousand two hundred is correct, how many parents and how many children would you say? -- When I made mention of the one thousand two hundred to three hundred, that in respect of the parents, the grown-up people. If I was to talk about the youngsters, I would say the place (30) they/...

they occupied there, my estimation of them in number would be two to three hundred.

What portion of the place did they occupy? -- They were sitting on the gallery and there was quite a few on the ground but very few.

When you say on the ground do you mean on the floor? -- Yes, on the floor of the hall.

Where the parents were seated? -- Yes.

Who presided at the meeting? -- The inspector of schools Mr Dikoko was presiding over the meeting. (10)

Was he on the stage? -- Yes, he was there.

Were you on the stage? -- I was also there.

Who else was there on the stage? -- I would not be in a position to mention them by their names but I would rather say they were about - they were between forty and fifty people on the stage. I can perhaps mention a few.

It does not matter. Who were the people there on the stage? What office did they hold? -- Mr Msibi who was the main speaker of the day, a Mr Dikoko, the inspector of schools, a Mr Makoko ... (Court intervenes) (20)

COURT : Is it relevant?

MR BIZOS : Not really. Was the meeting opened with a prayer and a hymn? -- That is so.

Was Mr Msibi introduced by Mr Dikoko? -- That is so.

Can you recall what Mr Msibi said? -- Yes, I can.

What did he say? -- He started by greeting the parents. He introduced himself as one of the main people in the department of education and further said that he was there that day to come and solve the problems of the children together with the parents of Thabong, saying that because (30)

of/...



of what he sees there, the presence of the people, it is quite clear that there was going to be a solution about the problems that existed. He then started explaining the importance of education by the children to the parents. Saying it is with the unity of the parents, the children, teachers that the problems of the children can be solved. He also made mention there at this meeting that the parents must know that it is true that there are problems at school but the government is trying at its best to solve such problems. He then sat down giving the others a chance of (10) saying whatever.

Do you recall who spoke after him? -- Mr Ngake.

COURT : Who was he? -- He is a town clerk of Thabong.

And also a parent? -- Yes, also a parent.

MR BIZOS : Did anyone else speak? -- The inspector of schools Mr Makoko.

Where is he an inspector of schools? Where is he stationed? -- Virginia is his area.

Was he also on the platform? -- Yes, he was.

I want to cut this short. Did they all support the (20) idea that the children go back to school? -- That was so.

Was the meeting open to the people from the floor? -- That is so.

Did you know any of the people that spoke from the floor? -- Yes, there are people that I knew.

Who? -- A Mr Mabuya.

Is he a parent? -- Yes.

What did he say? Do you recall? -- He also quoted the words which were said by previous speakers. On that he stressed on the problems of the children that this must (30) tried/...

tried in many ways or whatever possible way that it be solved so that there are no further problems and stay-aways. After him there were quite a number of other people who also spoke there who are only known to me by sight. I do not know their names. The gist of their address was to encourage the going back to school of the children.

Did anyone reply to the people from the floor? -- Quite many of the people on the floor had something to say and there were those that were supporting what was being said in this meeting. (10)

Did Mr Msibi speak again? -- Yes, he spoke again.

What did he say? -- What he said was "You as parents, do you want me to give you a way or a trick of having your children going back to school or taking them back to school?" And then asked from the parents "Do you want the children to go back to school?" The audience agreed and then he said "Look, that is a trick. Speak to your child in the evening. Tell this child to go to school and then the following day you take this child by its hand and take the child to school. If that child refuses to listen to you, chase that child (20) out of the house for the child to realise that you are the only person who is owning the family or the house."

How was that statement received? -- There was a lot of mumbling there on the gallery and even within the parents on the floor here. There was some mumbling as well, but the one on the gallery was stronger than the one on the floor.

Did they do anything else besides mumble, the people on the gallery? -- What I noticed there happening is, after the mumbling a few of the people on the gallery got off from there and after some seconds the lights were off in this (30) hall/...

hall. Not long I heard a stone landing on the glass door which is on the side. There was some confusion then there. After a short while the lights went on again, then the talk went on.

How was the glass door damaged? -- The glass on the door itself was broken.

Was the only glass that was broken on the door? -- That was the glass only that was broken.

When the lights went on, what happened?

COURT : The talk went on he said. (10)

MR BIZOS : I beg your pardon. Who spoke? -- Mr Msibi again.

What did he say? -- Saying you parents saw what happened here now with your own eyes. He carried on with his talk encouraging it the way he said was the way of taking the children to school.

Were there any suggestions made after this disturbance at the meeting? -- Yes, a suggestion was that the people sitting next to that window must move away from there a bit forward away from that window.

COURT : You mean the door? -- It is a double door similar (20) to that one at the entrance of the court-room at the back, but made of glass.

MR BIZOS : Other than that suggestion was there any suggestion as to how the problem of the children not going to school should be faced? -- Yes Mr Msibi suggested a formation of a committee which will work with the problems of the school children.

Was there a discussion on that? -- Yes, there was a discussion because what was said was what does that help us to form a committee and have a lot of committees and at (30) the/...

the same time there is no solution to the problems of the children. As a result there was no agreement on the committee until the meeting was closed without having reached any agreement about whether there is a committee or not.

Whilst this discussion was taking place that a committee should be appointed to look into the matter, were there still school children in the hall? -- Quite a few was still present on the gallery.

What had happened to the others? -- The other disappeared during the darkness when the lights had gone off. (10) They left.

Was the meeting closed? -- Yes, at the closing time it was.

Do you know Mr Johnny Marolong?-- Yes, I know him.

As what? -- I know him as a policeman, a government policeman and as a member of the school committee at Thuta Gauta School.

Was he at a meeting which - at which Mr Msibi was this guest speaker? -- Yes, he was.

Was he on the platform with you or as part of the (20) audience? -- He was seated within the community, not on the platform.

What do you say to his evidence to his lordship that this meeting did not take place at all, because right at the beginning he was recognised as a policeman and the young people there said no, if he, the policeman, is here, the meeting must not take place at all and the meeting broke up in disorder? What do you say to that? -- No, that is not correct. It never happened. In fact Johnny was not the only policeman there as a parent. There were quite a number(30)

of/...

of other policemen present at this meeting in their capacities as parents.

Can you give his lordship the names of any of them? -- Mr Maphutsi who is a member of the SAP was present. A Mr Ntshasa was also present at this meeting and some other policemen whom I just know by sight and not knowing their names.

How did you go home from the meeting? -- On foot after the meeting.

When you left the hall, did you see any cars parked (10) there in the immediate vicinity of the hall? -- There were cars parked outside.

Did you see anyone damaging those cars? -- No, I did not see anybody.

Did you see any cars having been damaged? -- No, I did not see any car which had been damaged.

There is just one aspect which I want to ask you about by way of clarification. Whilst you were speaking about the door, the double door that was damaged, were you pointing at the windows in the court-room? -- Yes, I did. I was (20) trying to make it clear to the court to understand what kind of a door I am talking about.

Is this door just in one section or is it in various sections? -- There are doors on the sides of this hall. On two sides, for instances if the doors are on that side and this side as well, you get that kind of a glass door.

KRUISONDERVRAGING DEUR MNR. FICK : In 1984 het u in Thabong enigiets gehoor in verband met 'n kampanje van UDF om 'n miljoen handtekeninge bymekaar te maak? -- No, I did not hear anything about that. (30)

HOF : Sal u dit vertolk in Afrikaans? -- Nee, ek het niks daaromtrent gehoor nie.

MNR. FICK : Ken u 'n persoon met die naam van Bunga Kwaluga? -- Nee, ek ken hom nie.

Ken u vir Patricia Lungwane? -- Nee, ek ken nie so 'n persoon nie.

Is u bewus daarvan dat daar in 1984 COSAS takke by die verskillende hoërskole in Thabong was? -- Ek weet daarvan dat daar wel COSAS bestaan het in Thabong, maar wat ek nie weet nie is of dit nou by verskillende skole was. (10)

By die skole waar u was, is u ooit op enige stadium as skoolkomitee deur COSAS genader in verband met probleme by skole? -- Nee.

Ken u 'n persoon met die naam van Billy Makobo? -- Ek ken hom.

In 1984 by watter skool was hy? Weet u? -- Nee, dit weet ek nie by watter skool hy was nie.

Hoe ken u vir Billy Makobo? -- Ek het hom op hierdie manier leer ken. Sy oudste suster is getroud met 'n lid van ons Roomse Katolieke Kerk en toe hulle daar met die kinders (20) gekom het was hulle daar gebring om gedoop te word. Dit is die kinders van die suster. Hy was teenwoordig gewees en ek het hom toe daar leer ken.

U het nie later weer met hom te doen gekry daarna nie? -- Nee.

HOF : Wanneer was dit? -- Dit was gedurende 1984.

MNR. FICK : Voor die probleme in Augustus 1984 of na die tyd? -- Voor dit.

U het nooit as u van die werk af kom in die middag enige probleme ondervind of saans as u van die werk af kom (30) enige/...

enige probleme ondervind in die woongebied nie? -- Maar ek het hier vir die hof gesê ek was verbaas gewees om vir die hof te sê dat daar 'n klomp mense in die strate was, die polisie se teenwoordigheid en hulle beweging daar en die strate wat vuil was en die reuk van die traangas.

Die vraag is nou u self persoonlik, het u enige moeilikheid gekry as u saans na 19h00 van die werk af huis toe gaan? -- Nee, nie met my as 'n persoon nie.

HOF VERDAAG TOT 14h00.