IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

A

SAAKNOMMER: CC 482/85

PRETORIA

1988-02-11

DIE STAAT teen: PATRICK MABUYA BALEKA EN 21 ANDER

VOOR: SY EDELE REGTER VAN DIJKHORST EN

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT: ADV. P.B. JACOBS
ADV. P. FICK
ADV. W. HANEKOM

NAMENS DIE VERDEDIGING: ADV. A. CHASKALSON
ADV. G. BIZOS
ADV. K. TIP
ADV. Z.M. YACOOB
ADV. G.J. MARCUS

TOLK: MNR. B.S.N. SKOSANA

KLAGTE: (SIEN AKTE VAN BESKULDIGING)

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COURT RESUMES ON 11 FEBRUARY 1988.

WILHELMINA MANANE CHABAKU: d.s.s. (Through Interpreter)

FURTHER EXAMINATION BY MR BIZOS: Your Lordship may recall that accused no. 17 has from time to time to attend as an out-patient at the Johannesburg Hospital. The consultant asked him to report there tomorrow if your lordship would grant leave for him to attend.

COURT: Yes leave is granted.

MR BIZOS: As your lordship pleases. That is tomorrow, the 13th. Mrs Chabaku you told us that at one stage on this march you saw the police waiting. Now whilst you were marching, whilst you were marching did you see any police vehicles or any policemen? -- Yes.

What sort of police presence did you see whilst you were marching? -- White policemen travelling in vehicles. Those were two vehicles used by the police.

And did they follow the march or were they on the side, what were they doing? -- When I became aware of the presence of these policemen they were following the march.

Did you feel that there was anything wrong in your taking part in this march whilst this was happening? -- I did not feel like that because of what I read.

Read where? -- I read the writing on the placards.

I see yes. Well whilst you were marching along did you pass any houses of councillors? -- We passed in the vicinity of a house of a councillor.

Who? -- That was in the next street, not in the same street but the next street not far from his house.

Which councillor was that? -- Pule is the name of the councillor.

Was/...

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Was he just an ordinary councillor or was he a special type of councillor? -- He had some special duties in the council.

Was he the mayor? -- No he was not.

Who was the mayor? -- It was somebody else.

I see. Do you know Sister Malopi? -- Yes I do.

Did you pass anywhere near her house? -- We passed in the area where she lives, just the next street from the street in which she lives.

Were any of the people on the march armed in any way or showing any tendency to any violence at all? -- They were not armed with anything nor did they make any indication of being violent.

You told his lordship that you were singing Senzeni na. Were you familiar with that song? -- Yes I am familiar with that song, I heard it before.

Where? -- It is being sung even in the church during the church services.

Which church do you belong to? -- Zion Apostolic Church.

COURT: On Sundays? -- On Sundays, yes.

During the service? -- Yes.

MR BIZOS: Why were you singing this song? -- Do you mean why I was singing the song in the street or in church during the church service? -- Well in the street. -- I was just taking part in the singing.

You saw the police waiting. Please tell us what happened then? -- When we came up to the police where they were standing they instructed us to stop. Which we did.

Please carry on, in your own words tell us what happened? -- While we were standing there we were told by the police to disperse within ten minutes. We immediately dispersed by

turning/....

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turning back, that is going in the direction from which we came just prior to reaching the point of the police. We walked for a short distance from that point and then reached a corner of the street at which corner we turned right. After turning right there I then heard the shots which were being fired. Teargas being shot at us.

COURT: Were you still in procession when the first shots went off or had you dispersed, that is all gone in different directions? -- We had dispersed, moving in different directions.

MR BIZOS: And you say you heard shots and teargas, were you affected by it? -- Yes I was affected by that. The teargas caused my eyes to be itching and what furthermore happened to me I felt a bit dizzy. As a result of which then we started running.

Now how many people were there with you when this teargas was, affected you? -- We were a few together.

How many ... -- I cannot tell how many in number would that be.

More or less? -- I find it difficult to give an estimation because I had not thought of that, to look around in order to be able to give an estimation of the number.

Was anyone misbehaving him or herself at the time that this gas was shot and affected you? -- All the people with whom I was at the time were well behaving.

And what were you busy doing? -- We were just walking around.

Do you know whether it was only in this one place where you were that gas was shot at or whether it was done at other places?

COURT: Just give us your personal observations please.

MR BIZOS:/.....

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MR BIZOS: Yes, did you see whether any other gas was used against other people? -- Yes I did see that.

What did you see? -- When the police were firing the gas.

At whom were they firing the gas? -- At the people.

Were any of the people at whom gas was being fired misbehaving in any way? -- The people were behaving quite well at the time of the shooting of the teargas. It was only the next day that I noticed that they were still shooting at the people, saying that they were getting them off the streets by shooting at them.

Now let us just stick to this first day. You told his lordship that you did a circular route. Why was that, do you know? -- In my opinion I would say this was done to make the people who were not satisfied aware that there was going to be a discussion and therefore for them to come and discuss.

You say that you were stopped by the police. What were you going to do and where were you going to go if the police had not stopped you?

COURT: Well did you know, did you know where you were going? -- From what I read from the placards which I read in my mind I said we were going to the office, which was later confirmed by somebody after joining the march. I asked from another person there as to where this march was getting to. This person told me the march was getting to the office which was in fact a confirmation of what I had in mind.

That is why I asked you previously whether this march was en route out of the township because I understood that the offices were at the entrance of the township. And then you said to me no you were following a circular route. -- Our office is not far from the township, it is just near the

township./....

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township.

Outside the township? -- Outside the township, that means the last street of the township outside.

MR BIZOS: And why, did you know or did you think why you were going to the offices? -- From reading the placards I got the impression that we were going to the office where the councillors are to be found to go and talk to them there.

Talk to them about what? -- To go and talk to them about the rent.

COURT: Do they work on Sundays? -- Yes they used to work on Sundays as well-

MR BIZOS: Why do you say they worked on Sundays? -- They are supposed to attend to people's problems and I therefore concluded that if that be the position they are supposed to be working even on Sundays.

The councillors there in Tumahole are they business people or do they have jobs, working for employers, or both? -- Some were owning businesses, some were employed.

If people have complaints, leave aside this day, if people have complaints do you know either from your personal knowledge or from what the community said, do you know when people approach the councillors? When and where they approach the councillors about their complaints? -- Yes I know that one would find them at the office.

When? -- I do not know when but what I know is that one was to find them at the office.

Well when you were affected by the gas what did you do, where did you go to? -- I ran, although that I did with difficulty because I kept falling in the run. As a result of which I got injured.

And/....

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And what did you do then? -- I fell only once and while on the ground there I was picked up by someone.

And taken whereto? -- This person took me to the place where I was getting to while I was still running away.

Is that your home?

COURT: Are we interested where she went Mr Bizos, is it important in this case?

MR BIZOS: Because ...

COURT: Why do you not just lead the evidence that she was affected by the teargas and she dispersed and that is the end of it. You can go on and on if you want to but how is it important in this treason trial case?

MR BIZOS: Practically every one of the witnesses has been asked many questions as to what they saw after certain events and what was burning and what was damaged.

COURT: Yes, when we were busy with the Sebokeng-Vaal triangle area. We are now on a different ball game.

MR BIZOS: I will ...

COURT: You can lead the evidence, I am not stopping you Mr Bizos.

MR BIZOS: Well I do not, my lord it was because this cross-examination was directed in the past ...

COURT: We were busy with the Vaal triangle.

MR BIZOS: I am only too happy to take your lordship's indication in that regard and I will not ask any more questions about it. Do you remember whether or not there was, or do you know whether there was a march or any other activity on 10 September 1984? -- I do know that yes.

Did you go to this march?

COURT: Was it a march? -- It was not a march in fact, it

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is just everybody was going to the office.

You mean a gathering at the office? -- When I got up that morning there was an announcement which was being made that people must go to the office to go and have a discussion with the people in authority. I went out and saw some people walking in the direction of the office. As a result of which then I went to dress and also went to the office.

Was it an official announcement that the authorities called upon you to meet there with them or was it somebody else who arranged a meeting there with the authorities? -- I did not see the people who were announcing this meeting. I am therefore not in a position to say whether it was the officials or not. I only heard the voices that were announcing that there is a meeting.

Yes thank you.

MR BIZOS: Did you go to this meeting on this day? -- Yes I did.

Was it inside or outside? -- We were all standing outside.

How many people were there? -- There were many, quite many.

And were the police officers there in police vehicles? -- Yes there were. Not long after my arrival at this meeting I noticed the police also arriving in their vehicles.

Did you wait there for some time? -- Yes I waited there for some time.

What were you waiting for? -- To hear what was being said here, what was it all about.

COURT: What was going to be the subject? -- In connection with the rent was the subject.

MR BIZOS: Did you hear whether you were waiting for any particular person to come? -- Yes I heard that.

Who?/....

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Who? -- Mr Ganz.

Did he come? -- I left before him arriving there.

Whilst you were there was there any trouble or any difficulty either amongst the people or between the people there gathered and the police? -- Not at all, it was all quiet.

Thank you my lord, I have no further questions.

KRUISONDERVRAGING/....

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KRUISONDERVRAGING DEUR MNR. JACOBS : Mevrou, kan u net vir ons sê wat is u seun se naam? -- My seun?

Ja? -- Ephraim.

Ephraim wie? -- Chabaku.

Hoekom het hy nie gewerk in 1984 nie? -- Hy is ook siek as gevolg van die feit dat hy beseer was deur mense by die plek waar hy gewerk het.

Is hy getroud? -- Ongetroud.

En die huis waarin u daar gewoon het, was dit op sy naam geregistreer? -- Nee, nie op sy naam nie, maar op my moeder se naam.

Het u moeder ook in daardie huis gewoon? -- Ja.

Het sy ook ʼn pensioen gekry? -- Ja, dit is so.

En u seun, het hy ook ʼn pensioen gekry of soos hulle dit noem werkloosheidsversekering?

ASSESSOR (MNR. KRUGEL) : ʼn Ongeskiktheidstoelae?

MNR. JACOBS : Het hy ʼn ongeskiktheidstoelae gekry? -- Nee, hy het dit nie gekry nie.

HOF : Kry u seun geen geld nie? -- Nee.

MNR. JACOBS : Het hy nie werkloosheidsversekering gekry wat hulle noem "unemployment" nie? -- Nee. Wat gesê was is dat hy nie by die werk seergekry het nie. Hy is net deur die mense beseer buite die grens van sy werksplek.

Behalwe nou uself, u moeder en u seun, het daar nog mense in daardie huis gewoon? -- Nee, dit was nog ʼn ander kind van my wat nie meer by ons bly nie.

Wat destyds daar gebly het? -- Ja.

Waar het die kind gewerk of het hy nog nie gewerk nie? -- Destyds het die kind van my nog nie gewerk nie. Die kind was nog jonk gewees.

Wie/...

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Wie is die kind? -- Jacob Chabaku.

Was hy nog op skool daardie tyd gewees? -- Omdat ek nie meer geld gehad het dat hy skool toe moet gaan nie, het ek hom die skool laat los.

En nog iemand wat daar gebly het? -- Niemand anders nie.

Daardie seun van jou wat beseer was, het hy nie 'n vrou gehad nie? -- Nee, hy het nie 'n vrou gehad nie. Hy was ongetroud.

So, is dit dan reg dat hierdie huishuur was nie deur u betaal nie, maar deur u moeder? -- In die tyd wat sy nog gelewe het, ja, voor haar dood.

HOF : Wanneer is sy oorlede? -- Om en by Novembermaand 1983.

MNR. JACOBS : U sien, ek vra vir u van 1984 destyds waarvan u getuig het in hoof. In 1984 toe u gehoor het van die huurverhoging en die mense wat daar by u gebly het, in wie se naam was die huis geregistreer? -- Destyds was die huis op my naam geregistreer.

Is dit nog op jou naam geregistreer? -- Dit is so.

En destyds toe jy gehoor het van die verhoogde huur het hierdie twee seuns toe by u gebly. Dit is in 1984? -- Ja, hulle het saam met my in die huis gebly.

Die dag met die opmars waarvan u vir die hof vertel het, het hierdie seuns saam met u gegaan na die opmars? -- Nee, hulle het nie.

Waar was hulle? -- Een van hulle was nie tuis nie. Die jongste een van die twee was nie tuis nie.

ASSESSOR (MNR. KRUGEL) : Is dit Jacob? -- Ja. Hy het gaan kuier by die plase. Die dag van hierdie voorval was hy nie daar nie. Dit is net die ouerige een wat tuis was, die een wat sieklik is. Hy was net daar by die huis.

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MNR. JACOBS : Het u of enige van u seuns aan enige organisasie soos TSO of Tumahole Civic Association behoort daar? -- Nee, nie een van hulle was 'n lid van 'n organisasie nie.

En uself? -- Nee, ek ook glad nie. Ek weet nie eers daarvan nie.

Het u geweet in Julie 1984 van die bestaan van die TSO? -- Nee, ek het nie geweet nie.

Maar het u dan nie geweet wie is dit wat die optog georganiseer het en wat die plakkate georganiseer het nie? -- Ek het nie geweet nie, want hierdie mense is nie aan my bekend nie.

Maar dit is mos 'n klein dorpie in Parys daarso. Is dit nie? Julle weet mos wat daar aangaan in die dorp? -- Al is dit 'n klein plek sal 'n mens nie alles weet wat daar aangaan nie.

Het jy geweet van die Tumahole Civic Association op daardie stadium? -- Nee, ek weet nie daarvan nie.

Oor daardie tydperk weet u van enige vergaderings, openbare vergaderings wat daar in die woongebied van Tumahole georganiseer was? -- Wat se vergaderings?

Openbare vergaderings daar in die gebied? -- Nee, ek het niks daarvan geweet nie.

Met ander woorde, moet ek aanvaar dat u het absoluut niks geweet wat daar in daardie gebied aangegaan het daar in die sin van enige aktiwiteite deur enige organisasies of vergaderings wat daar gehou was nie? -- Organisasies?

Ja? -- Waarvoor is die organisasies?

Nee, ek vra vir jou. Jy het niks geweet van organisasies soos Tumahole Students Organisation nie. Jy het niks geweet van organisasies soos Tumahole Civic Association of enige

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ander organisasie wat georganiseer het in die gebied nie? -- Ek het net gehoor van die name wat u sê is organisasies. Ek het nie geweet waarvoor dit was nie. Dit is juis die punt hoekom ek vir u gevra het wat maak hulle.

So, u het nou gehoor van daardie organisasies wat bestaan in die gebied?

MR BIZOS : The answer was "Ek het van die name gehoor." She went on to say that is why I asked him why, what they were and what they were doing. The question started off "You therefore now say that you knew that these organisations." That is how the question started.

MNR. JACOBS : Kom ons kry dit weer. Het u geweet dat daar bestaan ŉ organisasie soos die TSO, Tumahole Students Organisation? -- Ek weet nie van ŉ organisasie nie.

Het u nie gehoor dat daar so ŉ organisasie bestaan nie? -- Ek hoor net die name wat genoem word. Ek weet nie wat dit is nie.

HOF : Wat het u gedink is dit? -- Ek het nie eers daaraan gedink wat dit kan wees nie, want ek het geen belang gehad om te weet waarvoor dit is nie.

MNR. JACOBS : Is daar nie ook gesê wat doen hierdie organisasies toe u die name gehoor het nie? -- Deur wie?

Waar jy die name gehoor het? -- Waar ek van die name gehoor het? Ek sê ek hoor net die name word genoem. Ek weet nie waarvoor dit staan nie. Ek sal ook nie loop en verdere navrae doen daaromtrent nie, want dit is ŉ ding wat ek nie eintlik in belang stel om te weet waarvoor dit staan nie.

Is dit daar in Tumahole waar jy van die name van sekere organisasies gehoor het?

MR BIZOS/...

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MR BIZOS : The prosecutor persists not to want to understand the witness. The witness said "I heard these names. I do not know what they stood for." The answer is ignored and the question is repeated and he is in fact arguing with the witness on the basis that she admitted that she knew these were names of organisations.

MNR. JACOBS : Die name wat jy gehoor het, het jy dit gehoor in Tumahole? -- Nee, nie terwyl ek in Tumahole was nie.

Nou waar het u dit gehoor? -- Ek was in ŉ bus gewees as ŉ passasier waar ander mense wat ook passasiers was in die bus gepraat het hiervan en toe melding gemaak het van die name waarvan ek vir die eerste keer gehoor het.

Gee vir ons die name wat u gehoor het? -- Dit is die name wat u nou net genoem het. Ek is nie in staat om die name self uit te spreek nie.

Hoeveel name het jy gehoor? -- Dit is nie baie nie, maar hierdie eenonthou ek omdat u nou net daarvan gepraat het of ek al van die naam gehoor het.

Is die naam Tumahole Civic Association ook uitgespreek by daardie geleentheid? -- Nee, hulle het nie gepraat van Tumahole nie. Hulle het gepraat van die "civic association."

Het jy gweet wat se ding ŉ "civic association" is? -- Ek het nie geweet nie. Tot nou toe weet ek nog nie.

Het hulle nie gepraat wat doen die "civic association" of die ander organisasie Tumahole Students Organisation nie? -- Nee.

Het jy geweet of daar in Tumahole ŉ vroue-organisasie bestaan het? -- ŉ Vroue-organisasie?

HOF : Ja, of ŉ vrouevereniging of ŉ vrouegroep? -- Daar bestaan nie so ŉ organisasie daar by ons in Tumahole nie.

MNR. JACOBS/...

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MNR. JACOBS : Het u geweet dat daar in 1984 geagiteer was teen die verhoogde hure voor die opmars? -- Ja, in Meimaand het ek geweet.

Wie het geagiteer teen die verhoogde huur volgens jou kennis? -- Ek weet nie wie nie, maar ons het papiere gekry vanaf die kantore.

HOF : Kyk, die kantoor het vir u kennis gegee dat die huur opgaan? -- Ja.

Het iemand op ŉ redelik georganiseerde wyse daarteen beswaar gemaak? -- Nee, nee, niemand het dit gedoen nie. Ek het van niemand geweet nie.

MNR. JACOBS : Weet u of daar voor 15 Julie 1984 op ŉ redelik georganiseerde basis in daardie gebied beswaar gemaak was teen raadslede? -- Dat ek enige kennis daarvan gehad het?

Ag, antwoord die vraag. Jy het dit mos gehoor? -- Nee.

Is die antwoord nee? -- Ek het eers daarvan bewus geword die dag van die optog.

So, u het geweet van geen ontevredenheid wat daar in Tumahole bestaan het ten aansien van die verhoogde huur of van die raadslede nie, behalwe u het dit agtergekom op die dag van die optog? -- Mag die stelling weer herhaal word?

Ek sê u het hoegenaamd nie geweet van enige ontevredenheid of agitasie teen raadslede of die verhoogde huur nie, behalwe jy het dit agtergekom die eerste keer op die dag van die opmars op 15 Julie 1984? -- Ja, ek het niks daarvan geweet nie. Ek het eers bewus geword daarvan dat mense ontevrede was op hierdie dag.

En dit moes seker vir jou as ŉ groot skok gekom het toe jy nou sien hier loop ŉ lot mense in die straat wat nou ontevrede is met die raadslede? -- Dit was nie vir my

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skokkend gewees nie, want die mense se loop daar het niks getoon wat ŉ mens sou geskok het nie.

Daar is op geeneen van die plakkate wat u hier vir die hof beskryf het iets gepraat omtrent raadslede nie? -- Nee, daar was nie.

Hoe het jy dan geweet die mense is ontevrede met die raadslede op hierdie dag? -- Hulle het nie van die raadslede gepraat nie. Op die plakkate was daar melding gemaak van die huur.

Jy antwoord nie my vraag nie. -- Herhaal die vraag?

My vraag was gewees dat hier op die plakkate word daar niks gesê van raadslede nie. Hoe het u dan op die 15de agtergekom, 15 Julie 1984, dat daar nou mense agiteer en ontevrede is met die raadslede?

HOF : Ja, maar het sy so gesê? Wanneer het sy so gesê?

MNR. JACOBS : Ek het vir haar die twee gevra, of sy op ŉ stadium geweet het dat daar geagiteer word teen die huur en dat daar geagiteer word teen raadslede?

HOF : Nee, ǒf huur ǒf raadslede. Die antwoord is ja. Maar u het dit nie gespesifiseer of die een of die ander een nie. Die vraag was of u weet van enige ontevredenheid teen huur of raadslede, behalwe op die dag van die optog op 15 Julie en die antwoord is ja. Sy weet van niks nie en sy het eers bewus geword dat die mense ontevrede is op 15 Julie. As u nie gaan spesifiseer of dit die een of die ander een is nie, dan staan albei as moontlikhede. As jy jou vrae nie duidelik stel nie, kry jy ŉ antwoord wat misleidend kan wees vir jouself.

MNR. JACOBS : Ek sal twee vrae stel. Voor 15 Julie 1984 het u geweet of daar geagiteer word teen verhoogde huur?

Ek/...

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-- Ek het gesê ek het nie geweet nie. Ek het vir die eerste keer daarvan bewus word op hierdie dag.

Voor 15 Julie 1984 het u kennis gedra daarvan dat daar geagiteer word teen raadslede in Tumahole? -- Ek het gesê ek het nie daarvan geweet nie. Ek het eers daarvan geweet op hierdie dag dat daar mense was wat net soos ek nie tevrede was nie.

HOF : Met wat? -- Met die huur.

MNR. JACOBS : Maar my vraag was nie of u voor 15 Julie 1984 geweet het van mense wat agiteer teen die raadslede omdat hulle ontevrede is met die raadslede nie.

MR BIZOS : The witness has said at least three times that she knew of no agitation of any kind prior to 15 July.

MNR. JACOBS : Die getuie het dit gekwalifiseer toe die hof vir haar gevra het. Op my vraag het sy gesê sy het nie geweet nie, sy het nie gespesifiseer nie. Toe die hof vir haar vra toe sê sy met die huur was hulle ontevrede.

HOF : Maar sy het ook gesê dat voor 15 Julie sy niks geweet het nie.

MNR. JACOBS : Van raadslede nie, maar van huur.

HOF : In verband met agitasie teen raadslede. Nou vra u dieselfde vraag weer oor.

MNR. JACOBS : Ek sal dit dan so aanvaar. Kan u vir die hof sê wat in hierdie plakkate het vir u die indruk gegee dat die mense gaan op 15 Julie na die administrasieraadskantore toe? -- Die woorde wat op die plakkaat gestaan het, wat sê "ons baklei nie, ons praat."

Maar daar sê dit nie dit gaan na die administrasieraad nie. Daar sê nie met wie moet daar gepraat word nie. Hoe kan u sê daarvolgens kon u aflei dat daar na die

administrasieraad/...

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administrasieraad se kantore gemarsjeer word? -- Dit gelees met die woord aangaande die huur. Die huur het veroorsaak dat daardie woorde gebruik word.

Ek wil dit aan u stel dat op hierdie dag, toe die polisie vir u die eerste keer gesê het die mense moet uitmekaar gaan, het hulle uitmekaar gegaan? -- Ja, hulle het gesê dat ons uiteen moet gaan, wat ons wel gedoen het. Ons is toe weg.

En daarna is groepe gevorm en toe die polisie die tweede keer na hierdie groepe toe kom, het die skare die polisie met klippe gegooi? -- Op die stadium wat ek nog daar was, het ek geen groepe gesien nie. Dit is nie so nie.

Hoekom is dit vir u so onmoontlik om vir die hof te sê die groep wat u nou in geloop het, omgedraai het hoe groot hy omtrent was? -- Ek weet nie hoekom hulle dit gedoen het nie, maar hulle het wel ons opgevolg en toe geskiet.

Antwoord my vraag asseblief. Ek het vir u gevra hoekom is dit dan so onmoontlik hier om vir die hof te sê die groep waarin u was, hoe groot daardie groep was? -- Ek sal nie kan sê nie, want ek het eintlik nie daarna opgelet nie. Ek het nie daaraan gedink om 'n skatting te maak daarvan of te tel omtrent hoeveel mense daar was nie.

Maar u kan tog seker vir die hof sê of mense honderd is en of hulle net tien is en of hulle net twee is? Jy kan tog darem ten minste vir die hof 'n idee gee? -- Dit is na ons uiteen gegaan het. Ek is nie in staat om vir die hof enige skatting te gee nie, want ons was maar uitmekaar gewees.

As ek u getuienis reg verstaan het, dan het u vir die hof gesê toe die polisie sê gaan uitmekaar, het u omgedraai en toe geloop? -- Ja, dit is so.

Is dit nou u alleen wat omgedraai en teruggeloop het

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of is dit die hele groep wat omgedraai het of 'n groot deel van die groep? Het die mense voor u ook omgedraai en teruggeloop? -- Ons het almal onmiddellik omgedraai en weg beweeg.-

Die hele optog? -- Ja, die hele optog wat dan verskillende rigtings geneem het.

En dié wat nou omgedraai het en net teruggeloop het, hoeveel van die optog is dit? Is dit net die agterste deel of is dit die helfte van hom? Laat ek dit liewers vir jou makliker maak, die mense wat voor u geloop het, het hulle ook omgedraai en teruggeloop op dieselfde roete as wat u teruggeloop het? -- Met die omdraai het ons almal in dieselfde rigting gekyk vanwaar ons gekom het. Toe ons verder weggestap het vanaf die punt waar ons omgedraai het, het die mense verskillende rigtings begin loop.

Waar het u omtrent in hierdie optog geloop? -- Ek was omtrent in die middel aan die kant, want ek het by my hek gestaan toe die voorpunt daar verby is, tot op 'n stadium waar ek omtrent by die middel was waar ek by die kant aangesluit het.

Toe u nou die polisie voor weer teëgekom het, nadat u omgedraai het, was u toe al aan die voorpunt van die klomp wat omgedraai het of waar? Of was daar tussen u en die polisie ook 'n groep mense wat nog in 'n stoet geloop het, in 'n prosessie geloop het? -- Ek was 'n bietjie aan die voorkant van die middel van daardie klomp mense.

En ek wil dit aan u stel dat daardie klomp mense, toe die polisie gekom het, het hulle die polisie met klippe gegooi? -- Dit is 'n leuen. Dit is nie so nie.

En dat die polisie het toe op hulle gevuur met traanrook dat hulle uitmekaar moet gaan? -- Nee, die polisie het net

begin/...

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begin skiet sonder dat daar enige persoon ŉ klip gegooi het.

En verder wil ek net weet van u, was daar ŉ knuppel stormloop gewees deur die polisie? -- Dit het ek nie gesien nie.

Het jy gesien toe die raadslid se besigheid afgebrand is, die supermark? -- Ek het dit nie gesien nie.

Hoe lank het die geweld daar in Tumahole aangehou by daardie geleentheid? Net die 15de of was dit vir ŉ paar dae gewees? -- Dit was net op die 15de gewees.

Ek het my dan verbeel u het gesê of u het iets begin vertel hier vir die hof toe mnr. Bizos u gestop het dat die volgende dag het jy weer dinge opgemerk? -- Ja.

Wat het jy nou die volgende dag opgemerk? -- Daar was nie onluste gewees daardie dag nie. Dit was die polisie gewees wat in die strate gepatrolleer het wat nie mense op die straat wou gesien het nie.

Het jy in die gebied rondgeloop en gesien wat daar gebeur het? -- Nee, nie met die oog daarop om dit te sien nie, maar op pad na die winkel toe, het ek dit toe gesien.

So, daar was nog groepe mense die volgende dag, die 16de, op die paaie gewees? -- Nee, daar was nie groepe mense gewees op daardie dag nie.

HOF : Is daar op u geskiet op die 16de? -- Nee. Toe dit gebeur het was ek in ŉ kafee gewees en die polisie is daar verby en het geskiet.

MNR. JACOBS : Toe u nou geloop het van die kafee na die huis toe en van u huis af in die eerste instansie en na die kafee toe gegaan het, het die polisie ook by u verbygegaan? -- Ja.

En hulle het toe nie op u geskiet nie? -- Nee, toe ek gesie het dat hulle op ander mense skiet en toe ek bewus geword het van hulle dat hulle dit gedoen het, het ek in ŉ ander huis ingegaan.

RE-EXAMINATION/...

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RE-EXAMINATION BY MR BIZOS: The place where you were when the gas affected you is that near or far away from Mr Hlalele's shop? -- It is very far from there.

Was there anything damaged around the area where you were affected by the gas? -- No nothing was damaged.

Thank you my lord, I have no further questions.

COURT ADJOURNS FOR TEA. COURT RESUMES.

WILHELMINA MANANE CHABAKU: d.s.s. (Through Interpreter)

ASSESSOR (MR KRUGEL): Mevrou hoe laat het u by die optog aangesluit? -- Om en by 08h00 of 97h30.

U het gesê dat u kan nie presies sê hoe lank u geloop het nie maar u het ver geloop, in die optog? -- Ja.

Hoe laat sou u sê het u die polisie teegekom? -- Tussen 10h00 en 10h30 skat ek dit.

Is Hlalele se winkel in die ou gedeelte of in die nuwe gedeelte van Tumahole?

MR BIZOS: I am sorry my lord we cannot hear the questions.

ASSESSOR (MR KRUGEL): I am sorry. Mnr Hlalele se winkel, is dit in die ou gedeelte of in die nuwe gedeelte van die woongebied? -- Dit is in die ou gedeelte.

Die mense, of liewer dan die kinders wat die plakkate gedra het voor in die optog hoeveel was hulle? -- Omtrent ses want hierdie plakkate het hulle op hierdie manier gedra, een aan die een kant van die plakkaat en die ander een aan die ander kant.

Hoeveel kinders was in die optog? -- Hulle was nie baie nie, dit was net ŉ paar.

Hoeveel jong mense was in die optog? -- Hulle was ook nie baie nie.

Was die kinders en die jong mense die voorpunt van die

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optog of was hulle agtertoe? -- Hulle het voor ons geloop.

HOF: Enige vrae vloeiend uit die van die hof?

MNR JACOBS: Geen dankie u edele.

MR BIZOS: No questions thank you my lord.

GEEN VERDERE VRAE.

ELIZABETH STOKI CHOLOTA: d.s.s. (Through Interpreter)

EXAMINATION BY MR BIZOS: Are you a 45 year old housewife? -- Yes.

And do you live at 1892 Motibedi Street? -- That is correct.

In Tumahole? -- Yes that is true.

Do you have four children of your own and a grandchild? -- Yes that is so.

Yes. And ...

COURT: If you want to sit down you are welcome to do so.

MR BIZOS: Your husband is in employment? -- Yes he is employed.

And was he in employment in 1984? -- Yes he was in employment.

What was your rent in 1984? -- R26,25.

Did you hear during 1984 of any proposal to increase the rent? -- Yes I got a paper informing me about it.

Increasing it to how much? -- It was going to be R37.

How did you feel about that? -- I was not satisfied because I could not cope with that when it was still R26.

Who had built the house that you were living in at the time? -- It was a self-built house, by ourselves.

On a site provided by the council? Or board? -- The site was allocated to us after a payment of R20 to the administration office.

Did you have any running sewerage in the house? -- No

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we did not.

Did you have electricity?

COURT: Did you have the bucket system? -- We had a bucket system until in 1986 when we had the toilets which were using water now.

MR BIZOS: And electricity? -- There is none.

COURT: Water? -- In 1986 they provided us with water taps in each and every stand. Otherwise before then we had a community tap in the street.

MR BIZOS: Do you remember 15 July 1984? -- Yes I remember.

In the morning of 15 July 1984 were you at home? -- That is true.

Did you hear anything? -- While I was in the house I heard some people singing. These were walking along my street, Motebedi.

Is your house in the old part of the location or the new part? -- It is a new township between the old and the new township that is being referred to, namely Pelandaba is the name of the other township, and the other one is known as B location. My house is between the two places.

Do you remember what time you heard ...

ASSESSOR (MR KRUGEL): While we are on this please Mr Bizos, which one of the two is the new development, Pelandaba or the B location? -- Pelandaba and B are known to be forming the old location and the area referred to as a new location is the area in which I live.

COURT: And in which location are the offices? -- Right at the end of the old location.

On the way to the new location? -- No on your way to town.

MR BIZOS: Do you know any place known as Scotty Pauli,

P-a-u-l-i?/...

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P-a-u-l-i?

COURT: Who is that?

MR BIZOS: In Tumahole.

COURT: I am sorry, what is it? A place or a name or a person?

MR BIZOS: The name of a place.

COURT: Scotty Bauli?

MR BIZOS: Pauli, P-a-u-l-i. -- No it is Scotty Paula. It is S apostrophe ....

COURT: S apostrophe? -- G-o-d-i.

O-d-i. -- Then Phola, p-h-o-l-a.

P-h-o-l-a. -- Yes.

S'godi Phola? -- Yes I know of that area, it forms part of the new township.

MR BIZOS: Is that the area you live in? -- There are quite a number of new areas there which are all referred to as a new location. I am living in this area which I will describe the following way. You first come to the old location which is called Pelandaba and then come to the area in which I live which is also known as a new location. After that one, that is where I live, you find another portion of the township known as B location. That forms part of the old location because it is not referred to as a new location. There are in fact quite a number of areas called new location.

At what time would you say you heard this singing? -- At about 08h00 or 08h15.

What were they singing? -- Senzeni na was the song that they sung.

Did you go and look? -- I went out as far as the gate of my premises.

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Please tell us in your own words what you saw there outside? -- As they were coming up the street in my direction I noticed that they had placards.

Who is "they"? -- You mean the people carrying the placards?

Yes. -- Children between the ages of 20 and 25 were carrying these placards.

And were there any other people there? -- Yes then thereafter there were parents, men and women following the placard carriers.

How many people would you say there were following the placard carriers when they came outside your house? -- Do you mean of the elderly people now?

All the people together, the young people carrying the placards and the parents? -- According to my estimation they were just a little less than 100, about 90 I would say.

And did you see the placards? -- Yes I did see the placards.

Did you, was anything written on them? -- Yes there was some writing on the placards.

What? -- The very first placard I saw the writing on it was "Hara Lwane Reaboa". The second one was reading "We are asking for the rent to be decreased". Those are the two I can remember seeing.

Yes. I do not remember whether the words were the same my lord, could we have a translation of these words please Mr, they are the same?

COURT: The first one we have translated.

MR BIZOS: As your lordship pleases. Now what did you do when you saw this happening outside your house? -- On seeing that on the placards I did not go back into the house, instead I noticed that there was an opening here. I then joined the march/....

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march and went up with them.

Why did you join the march? -- Because of the fact that I knew that rent was going to be difficult for us and the wording on the placards which says "Hara Lwane Reaboa" I decided to join the march.

You told us that there were parents on this march. If you had to say who were more, men or women, what would you say? -- Women were the most.

And after you joined the march did you join in the singing? -- Yes on joining the march I also joined the singing as well. While we were singing I heard people talking not far from where I was about us getting to the office, that is the councillor's office.

Yes. And then where did the march proceed to? -- We went up my street up until at the corner. We turned right for a short distance, we turned left into another street, that is Matsia Street.

Yes? And why were you turning that way? -- In my opinion that was being done in order to have more people seeing what is written on the placards so that those who are not satisfied about the increase of the rent can also then have the opportunity of coming along to address the councillors.

Yes, and did you only take those turns or did you take more turns around the township? -- We took more turns in the township.

And did more people join the march? -- Yes.

Whilst you were on this march were any of the people on the march armed in any way? -- No.

Did any one of them do or say anything which indicated to you that they were intent on any violence against anybody

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or anything? -- No.

Did you think that you were doing anything wrong in having joined this march? -- No I joined this march because I realised that it had to do with the rent and that was the only thing and there was nothing else more than that.

Whilst you were going around the streets of the location were there any police officers or police vehicles following you or on your side or anywhere in the vicinity whilst you were going about? -- The only police vehicles I saw was a Land Rover which was parked across the road near the church in S'godi Phola.

Just to get clarity which part of the various parts of the location that you mentioned is S'godi Phola in?

COURT: The new area where she lives.

MR BIZOS: I am sorry, then I withdraw the question.

COURT: It lies between Pelandaba and B location.

MR BIZOS: I withdraw the question. -- No S'godi Phola is another new area, not where I live, but another area which is also a new area in that township.

COURT: What is the name of your area? -- It is only known as a new location. New location Block 7.

ASSESSOR (MR KRUGEL): Is that some distance away from S'godi Phola? -- Yes it is some distance away from S'godi Phola.

MR BIZOS: Where did you say you saw the police Land Rover? -- Near a church in S'godi Phola across the road.

COURT: What do you mean across the road, straddling the road? -- Obstructing the road that we were in fact obstructed to pass there.

MR BIZOS: Yes. Now please tell us in your own words what happened there? -- As we were heading for this Land Rover

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I noticed that there was two policemen on the Land Rover, a black and a white policeman. They had loudhailers with them. The white man spoke first saying that he was giving us only ten minutes to dispers, which was repeated in Sotho by the black man as a result of which we turned back into the direction which we came. We walked away from them for a short distance. Just when we were to turn into the next street teargas was fired.

Did you, at the time that the teargas was fired where were you going? -- On my way home.

Were you marching with the others on your way home? -- We dispersed and took different directions into different streets.

When the gas was used were you on the same street that you had been on approaching the Land Rover, or in a different street? -- I was already in the second street.

Did you form part of a group or did you walk alone? -- Do you mean on my way home?

On your way home on the second street? -- There were people who were walking in my direction as I was walking home and there were others who also went into different houses nearby there.

Was anyone on the street that you were in at the time that the gas was thrown, was anyone misbehaving themselves? -- No.

Was there any stone throwing? -- No.

And did you, what did you do once the gas was used? -- I tried to run home. I was affected by the teargas as a result of which in my running I would get into different premises there, try and wash my face because of having been affected by the teargas.

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Do you know Mr Hlalele's shop? -- Yes I do.

Is it near or far from this spot that you were affected by the gas? -- It is very far. This happened right up in the township and the shop is lying further down.

Whilst you were taking part in the march, before you saw the police Land Rover did you pass any councillors houses? -- Along the Matsia Street that we were using on the march there is a street running parallel with that. In that street there is a councillor who lives there, a Mr Mokoanyana.

Do you know whether any police officers lived along the route that you marched that morning? -- Yes I know of a policeman who lives along those streets, namely Soshiba.

Is he the only one whose house you pass? -- Yes he is the only one whose house is in the street along which we were marching.

Who is that? -- Soshiba is the person's name.

I beg your pardon. Who was the mayor of Tumahole at the time, do you know? -- I do not understand, the mayor where? In the office?

COURT: Do you know what a mayor is? -- A mayor is it not a person who is in a superior position with the police?

Yes.

MR BIZOS: Alright who was that person, do you know?

COURT: That does not help you much.

MR BIZOS: As your lordship pleases, I will leave it at that. Yes. It might say a number of things about... I am told that a translation of mayor is majoor, so it may be one of the reasons but I will leave it at that. Who was the head councillor? -- No that I did not know.

I should have taken his lordship's advice and not

proceeded./...

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proceeded. On 10 September 1984 did you go to the administration building in Tumahole? -- Yes I did.

COURT: When you talk of the offices is that the same place? -- Yes the same place when you are on your way to town as I explained earlier.

MR BIZOS: Did a lot of people gather there? -- Yes there was a lot of people gathering there.

Why were they gathering there? -- You mean on 10 September?

10 September. -- This was because of these papers which were indicating that the rent will be increased.

Did you stay until the end of it? -- No I left.

Did you wait there for some time? -- Yes I waited for some time.

Why were you waiting? -- I waited there for some time. I later came to hear that Ganz is not there yet, he will only be there at about 11h00. I then decided to leave and left the other people whilst waiting.

Thank you my lord.

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KRUISONDERVRAGING DEUR MNR. JACOBS : Ken u in Tumahole die organisasie bekend as Tumahole Students Organisation? -- Nee, ek kan nie onthou nie. Kan u net vir my ŉ bietjie meer besonderhede gee daaromtrent.

Het jy nooit daardie naam gehoor in Tumahole van Tumahole Students Organisation nie? -- As ek nie fouteer nie, onthou ek dat ek iets daarvan gehoor het.

Wat het jy daarvan gehoor? -- Ek het nie veel daarvan gehoor nie, want die meeste van die tyd het ek gehoor dat hulle miskien na die saal toe gaan en daar is iets aan die gang daar, byvoorbeeld hulle gaan miskien daar iets speel. Dan sal sulke name genoem word.

HOF : Hoor u dit by u kinders? -- Ja, tussen die kinders wat onder mekaar daar gepraat het.

MNR. JACOBS : Het u daar gehoor of kennis gedra van ŉ organisasie bekend as Prohumanism? -- Nee, ek het glad nie daarvan gehoor nie.

Het jy ooit gehoor van ŉ organisasie met die naam van Tumahole Civic Association? -- Nee, ek het nog nie daarvan gehoor nie.

Hierdie optog wat u van gepraat het, wie het dit georganiseer? -- Ek sal dit nie kan getuig nie.

In Tumahole voor hierdie optog van 15 Julie 1984 was daar openbare vergaderings gehou in Tumahole? -- Nee, ek onthou dit nie, of dit gebeur het nie.

Kan u onthou daar voor 15 Julie 1984 of daar geagiteer was en mense gepraat het teen die raadstelsel? -- Nee, ek het niks gehoor nie.

Voor 15 Julie 1984 het jy gehoor dat daar geagiteer en gepraat word teen raadslede self? "Councillors"? -- Nee,

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ek het dit nie gehoor nie.

Voor 15 Julie 1984 het u gehoor dat daar in Tumahole geagiteer en gepraat word teen die verhoogde huur? -- Nee, ek het dit nie gehoor nie.

So, jy was seker vreeslik verbaas omdat jy nie kennis daarvan gedra het nie, dat jy sien hier op 15 Julie is daar nou wat in 'n optog loop en daar verwys na die huur? -- Ja, dit was tot 'n mate verbasend gewees, want dit was nie soos dié wat op 10 September plaasgevind het nie. Kyk, op 10 September, mense wat daar verbygegaan het by my, het gesê dat hulle op pad was na die kantore toe aangaande die verhoogde huur.

Toe u nou aan die optog gaan deelneem het, het u nie gevra wie is dit nou wat hierdie plakkate gereël het nie? Wie het gereël dat ons nou hierso gaan loop na die raadskantore toe? -- Ek het nie gevra nie.

Hoekom nie? Het u nie belang gestel nie? -- Dit was omdat ek gesien het op die plakkate daar word gesê dat daar gepraat gaan word en wat daar bespreek gaan word, gaan oor die huur. So, ek het besluit om aan te sluit.

Wil jy vir my sê daar was 'n plakkaat wat gesê het daar gaan gepraat word met die raadslede oor die huur? -- Die plakkaat lees "Hare Lwane Rea boa."

Hoekom sê jy daar sal gepraat word met die raadslede daaroor? -- Nee, maar dit het ek gemeld in verband met die 10de.

Hoe het jy gedink met wie gaan gepraat word? -- Die indruk wat ek gekry het was dat ons gaan na die kantore toe en die kennis wat ek gehad het is daar was party Sondae waar die raadslede by die kantore was om te luister na die griewe

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van die mense. Dus het ek verwag dat ons die raadslede daar sal kry.

En wie sou gepraat het met die raadslede dan daar daardie Sondag? -- Daarop sou ons besluit het met ons aankoms by die kantore wie ons daar kies om namens ons te praat.

Hoe weet u dit dat julle daar iemand sou kies om te praat namens julle? -- Dit is hoe ek gedink het.

Nou wat het jou so laat dink? Wat se basis het jy gehad om so te dink? -- Die bewoording op die plakkate maak dit duidelik dat daar gepraat gaan word oor die huur.

Ek wil dit aan u stel dat u was bewus gewees, dit was ŉ Sondag, raadslede is ook by hulle huis en dat die raadskantore is toe op Sondae. Dit is ŉ algemeen bekende ding in enige woongebied? -- Nee, ek stem nie saam nie. Gedurende die week werk die meerderheid van die mense soveel dat hulle nie kans het om enige ding te kan bespreek met enigiemand wat hierdie dinge kan bespreek nie. Die Sondag is die enigste dag wat die mense vry is om aandag te kan gee aan privaat dinge.

Het u op enige tyd in u bestaan daar in Tumahole gevind dat die kantore oop is op ŉ Sondag? Persoonlik ondervind? -- Dit het nog nie direk met my te doene gehad nie. Ek het wel daarvan verneem.

Sal u saamstem dat die teenoorgestelde is ook waar, u moes tog seker baiekeer op Sondae verbygegaan het by die raad se kantore en gesien het dat hulle is toe? -- Ek stem nie saam nie.

Het u nooit gesien dat daardie kantore is toe Sondae nie? -- Ek was nog nie daar nie.

U het nooit op ŉ Sondag verby daardie kantore gegaan

nie/...

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nie? -- Ek het nog nie daar verbygegaan terwyl dit tyd was vir hulle om daar oop te maak nie.

Het u op enige tydstip gedurende u verblyf daarso op Sondae verby die raadskantore gery gedurende die dag om na die dorp Parys toe te gaan? -- ŉ Mens ry net gedurende die week dorp toe.

Hoekom antwoord u nie my vraag nie? -- Ek sê ŉ mens ry net gedurende die week dorp toe en nie op ŉ Sondag nie.

Het jy nooit op ŉ Sondag daar verbygery nie? -- Dit is miskien as ek daar verby is op ŉ Sondag dat dit nog nie die tyd is vir hulle om die plek oop te maak nie. Dan gaan ek miskien verby op my eie besigheid, nie dat ek soontoe gegaan het nie.

Wat is die kennis wat u gehad het dat op Sondae wanneer die raadslede daar is om mense se griewe aan te hoor, wanneer die kantore oop is? -- Ek hoor as mense onder mekaar praat.

Watter tye nou? Ek vra nou vir jou wanneer is die kantore oop op Sondae om na die griewe van die mense te luister? -- As ek reg onthou tussen 08h00 en 09h00.

Tussen 08h00 en 09h00? -- Ja.

Maar na 09h00 is dit toe? Is dit nou tussen 08h00 en 09h00 in die oggend? -- Dit is wat ek nie weet nie.

Ek verstaan nou nie. Ontmoet die raadslede mense wat kom kla oor enige griewe in die dag in die oggend of in die aand tussen 20h00 en 21h00? -- Ek het nie ŉ goeie kennis daarvan nie.

U sien, as dit tussen 08h00 en 09h00 hetsy in die oggend of in die aand was, dan kon julle, as julle optog na die raadslede toe wou gegaan het, hulle nie daar gekry het nie op die betrokke Sondag?

MR BIZOS/...

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MR BIZOS : I think my learned friend did not hear the evidence correctly. "Tussen 08h00 en 09h00 maak hulle oop." That was the evidence.

MNR. JACOBS : Ek verskil van my geleerde vriend. Ek het gevra wanneer sien hulle hulle. Sy het nie gesê tussen 08h00 en 09h00 maak hulle oop nie. Hulle sien hulle tussen 08h00 en 09h00.

HOF : Daar is moontlik ŉ misverstand tussen u en die getuie. Ek het ook gedink dat sy sê die kantore maak oop tussen 08h00 en 09h00.

MNR. JACOBS : Kan ons net duidelikheid kry. Wat het u bedoel toe u gesê het tussen 08h00 en 09h00? -- Daarby het ek bedoel of hulle kom daar om 08h00 of 09h00.

En wanneer gaan hulle weg? -- Dit sal ek nie weet nie.

Ek wil dit aan u stel dat op hierdie dag het julle geweet daar is nie raadslede by die kantoor nie en die bedoeling was ook nie om raadslede te gaan sien nie? -- Ek stem nie saam met u nie.

En ek wil dit ook aan u stel dat daarso waar die polisie vir u voorgekeer het en toe hulle traanrook gegooi het, was nie baie ver van die raadslid se winkel af, van die supermark af nie? -- Ek sê die plek waar die polisie traangas gebruik het, was ver agter in die nabyheid of in die woonbuurt wat bekend staan as S'Godiphola.

En ek wil dit aan u stel dat S'Godiphola is nie ver van die raadslid se winkel af nie? -- S'Godiphola is ver en S'Godiphola is ŉ distansie.

HOF : Ver, baie ver, nie ver nie, net soos jonk, oud en middeljarig. Dit help nie om op daardie basis te probeer om ŉ ding te definieer nie, want ons weet wat is ver vir

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een mens nie. Wat ver is vir ŉ ander, is naby vir een mens.

MNR. JACOBS : Ek het die woorde gebruik wat sy gebruik het. Ek is jammer.

HOF : Dit is so. Toe sy die woorde gebruik het, het ek niks geweet nie. Nou weet ek nog niks.

MNR. JACOBS : Kan u vir ons sê hoe lank sal dit neem om te loop van daar waar u uitmekaar gemaak is tot by die raadslid se winkel as ŉ mens ŉ gewone pas loop? -- As jy op jou gemak loop van S'Godiphola af na daardie winkels toe daar onder, kan dit jou ŉ uur en ŉ half neem of twee ure.

HOF : Gesels jy dan ŉ bietjie langs die pad met die buurvrouens? -- As jy loop en jy groet en mense staan en gesels daarso, sal dit jou baie lank neem.

MNR. JACOBS : Die winkel, is hy sigbaar van daar waar julle uitmekaar gedryf is? -- Nee, glad nie.

Was daar knuppels toe die polisie julle uitmekaar gejaag het of traanrook gegooi, vergeet die uitmekaar jaag? -- Nee, hulle het vuurwapens gehad en sambokke.

Was sambokke gebruik? -- Dit weet ek nie of sambokke gebruik was nie.

Was daar baie polisie? -- Hulle was ŉ klompie. Hoekom ek so sê is omdat daar twee bakkies was en ŉ "landrover".

Die oomblik toe daar gevuur is en traanrook by u geval het of naby u geval het, het u enkel en alleen geloop of was u in ŉ groep mense gewees? -- Ons was nie ŉ klomp gewees nie. Ons was om en by vyf daar naby my, wat eintlik daar saam gestap het in die sin dat elkeen nou sy pad vat.

So, die polisie het hierso vyf mense aangeval met traanrook en ek weet nie wat nog nie. Miskien kan jy vir ons sê? -- Nee, die traangas was nie op ons gevuur nie.

Traangas/...

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Traangas was gevuur in die omgewing op verskillende geleenthede. Dit was gevuur gewees tot ek by my huis gekom het.

Ek was geaffekteer deur die traangas wat in die omgewing gevuur is.

Maar u kon nie sien wat daar gebeur waar die traangas afgevuur is nie. U het dit net gehoor? -- Die reuk daarvan en die gryserige kleur daarvan kon 'n mens sien.

Kon u gesien het na wie die polisie die traangas afvuur? -- Ek kon nie sien nie. Ek het net die rook daarvan gesien.

Met ander woorde, kon u net bokant in die lug sien, maar ne op die grond nie? -- Ek verstaan nou nie wat u bedoel nie.

Daar waar u die traanrook gesien het, kon u net traanrook in die lug sien, maar nie op die grond nie? -- Die rook het van bo af gekom na onder toe. Dit het nie van onder af boontoe gegaan nie.

Het u die rook in die lug gesien of waar dit onder op die grond is? -- Ja, ek het die rook in die lug gesien.

En kon u daar waar die rook in die lug was die grond nie sien nie? -- Maar hoe sou ek dit gesien het, want hierdie traangas het my ook geaffekteer, soveel so dat my oë trane geloop het?

Maar toe u die rook gesien het, kon u die grond nie sien nie. Was dit omdat daar geboue tussen u en die plek was waar die rook geskiet was? -- Ja, dit kan wees.

Net een aspek wat ek nog met u wil behandel. Die kinders van u, is hulle almal by u in die huis woonagtig? -- Watter kinders nou?

Wat by u gewoon het in 1984 toe die huur verhoog is?

HOF : As die kinders by haar woon is hulle almal in die

huis/...

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huis woonagtig. Wat is die vraag?

MNR. JACOBS : Ek wou net seker gemaak het dat ek dit nie weer verkeerd verstaan nie. Was hulle nog skoolgaande ouderdom op daardie stadium of het van hulle gewerk of wat is die posisie? -- Bedoel u op die tydstip van die optog?

Ja? -- Maar dit het op 'n Sondag plaasgevind. Hulle sou nie skool toe gegaan het daardie dag nie.

Gedurende daardie tyd, was van u kinders nog op skool gewees?

HOF : U moet versigtig wees, dit was dalk vakansie gewees.

MNR. JACOBS : Het van u kinders gewerk in 1984, Julie? -- Ek het nie kinders wat werk nie.

Was hulle nog in die skool gewees gedurende 1984? -- Ja, dit is reg.

Hoe groot is die oudste een of hoe oud was die oudste een toe? -- Tussen 19 en 20. Ek is nie seker nie, maar ek skat dit omtrent daar.

Die klein kind wat u van gepraat het, wie se kind is dit? Watter een van u kinders? -- Dit is my dogter se kind.

Is sy nie getroud nie? -- Nee.

Het u ooit gehoor of kennis gemaak met Lister Skosana of Johannes Skosana? Dit is dieselfde man wat twee name het? -- Ek het Lister Skosana geken van die tyd wat ek by hulle gewoon het as 'n huurder van 'n vertrek daar of die huurder op die perseel wat aan sy mense behoort het. Vandat ek my eie standplaas gekry het, na ek getrek het by hulle, het ek niks weer te doene gehad met hom nie.

Wanneer het u by Lister Skosana se plek gewoon? -- Dit was in die 70's. Ek weet nie of dit 1976 of 1979 was nie, want toe ek my eie standplaas daar toegeken was, was dit

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in die jaar 1980.

Het u nie kennis gedra dat Lister Skosana was aktief daar in politieke aangeleenthede en gemeenskapsaangeleenthede in daardie gebied nie? -- Nee, ek het nie daarvan geweet nie.

Het u ŉ Vuyizile Dabi geken? -- Ek ken hom nie.

Het u ooit van hom gehoor daar in Tumahole? -- Nee, ek het niks van die persoon gehoor nie.

Het u miskien vir Tom Letsoenyo geken? -- Ek ken hom ook nie.

Niks van hom gehoor daar in daardie woongebied nie? -- Nee.

Ken jy ŉ persoon met die naam van Molokwane? -- Nee, ek ken hom nie.

Sedert Julie 1984, het u gereeld u huur betaal? -- Nee, ek betaal nie huur nie.

Hoekom nie? -- Ek wag vir Ganz nog om vir ons te kom sê met hoeveel is die huur verminder.

Was dit nie gedoen op 10 September 1984, dat die huurverhogings nie ingestel was nie? -- Die huurgeld was nie verminder nie.

HOF : Die huur sou opgaan op 1 Julie? -- Ja.

Bedoel u met verminder na minder as R26,00 of minder as R37,00? -- Daar was kennisgewings uitgestuur na ons toe dat die huurgelde verhoog word na R37,00. Onmiddellik toe dit ons bereik het, het ons opgehou om die huur te betaal en gewag vir mnr. Ganz, wie belowe het dat hy ons sal kom toespreek op 24 Maart 1985 om daardie dag vir ons te kom sê met hoeveel die huur verminder word. Hy het nog nie daar uitgekom nie. Hy het tot dusver nog nie gesê met hoeveel die huur verminder is nie.

MNR. JACOBS/...

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MNR. JACOBS : U praat van "ons het opgehou om te betaal." Wie is die "ons"?

HOF : Wag net so 'n bietjie. Wie het vir u gesê dat mnr. Ganz op 24 Maart 1985 sou kom? -- Daar was kennisgewings na ons toe gestuur by verskillende huise.

Wie het dit gestuur? -- Die werknemer van die Munisipaliteit het dit kom aflewer.

Maar dit is nou in Maart 1985? -- Ja.

Hoekom het u dan nie betaal vanaf Julie of Mei, eintlik Mei toe u die kennisgewing kry 1984 nie? -- Dit is omdat dit vir my baie moeilik was. Ek kon dit net nie bekostig om die R26,25 te kan betaal vir die huur elke maand nie. Ek het te veel probleme gehad in die gesin wat net een persoon wat 'n inkomste het.

Wat verdien die persoon? -- Op daardie tydstip wat daar nog werk was, het hy R120,00 per week verdien. Dit is in daardie tyd wat die werk daar was. Op die huidige oomblik is werk so skaars.

Ja, maar ons praat nou van daardie tyd? -- O, by daardie tyd het hy R120,00 verdien.

Het u bure ook opgehou om te betaal vanaf Mei 1984? -- Ek weet nie van hulle nie, want ek het hulle nie gevra nie.

Wie het u aangeraai om in Mei 1984 op te hou om te betaal? -- Niemand het my aangeraai nie. Dit was as gevolg van my ondervinding van probleme wat ek in die huis het.

HOF VERDAAG TOT 14h00. HOF HERVAT OM 14h00.

K1137 ELIZABETH STOKI CHOLOTA, nog onder eed

HOF : Wanneer is daar vir die eerste keer van huurvermindering gepraat? -- Praat u van die vermindering?

Vermindering, ja? -- Nee, dit was nie spesifiek aan

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ons gesê wanneer dit bespreek was nie.

Nee. U het vir my vertel u het gewag op ŉ stadium vir mnr. Ganz om ŉ aankondiging te maak tot watter bedrag die huur verminder is? -- Ja, ek is toe weg voor ek presies gehoor het wat daar gebeur het.

Moes dit verminder word vanaf R26,00 of verminder word vanaf R37,00? -- Dit moes verminder word vanaf R26,25.

Wanneer het u gehoor dat mnr. Ganz sou praat oor ŉ vermindering van die huur vanaf R26,25? -- Ons het nie daarop ŉ antwoord gekry nie. Dit was eers in 1985 waar ons kennisgewings gekry het dat hy op die 24ste sal kom.

Wanneer het u gehoor dat die kwessie van die vermindering van huur vanaf R26,00 na minder ter sprake sou kom by mnr. Ganz? -- Op ŉ sekere dag terwyl ek daar by die huis was, het daar mense verbygegaan wat gepraat het daarvan dat die huur verminder gaan word. Dit was na aanleiding daarvan dat ek ook saam met die mense gegaan het na waarheen hulle gegaan het om daarvan te gaan hoor en ek het toe later teruggekom nadat ek by daardie plek was waar ons moes gaan hoor het.

Dit is nou die geleentheid toe mnr. Ganz nie gekom het in die tyd wat u daar was nie? -- Ek is nie seker daarvan of hy later na ek weg was aangekom het daar of nie.

Wanneer was dit nou? Was dit in Maart? -- As ek nog reg onthou was dit in Maartmaand 1985, die datum was die 24ste gewees waar ons gewag het vir mnr. Ganz.

Waarom was u geïnteresseerd in die vermindering van die huur? U het amper ŉ jaar lank glad niks betaal nie? -- Ek het alreeds vir die hof gesê dat ek huishoudelike probleme ondervind het en daar was net een persoon wat ŉ inkomste gehad het. Ek kon dus nie met die persoon se inkomste

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alleen klaarkom nie.

VERDERE KRUISONDERVRAGING DEUR MNR. JACOBS : Ek wil net seker maak dan, was jy dus twee keer na die administrasiekantore om te gaan hoor omtrent huuraangeleenthede? Een keer hier in Maart 1985 en dan ook in September 1984? 10 September? -- 10 September 1984 was ons by die kantore gewees. Wat 24 Maart 1985 betref, is toe daar kennisgewings uitgestuur was dat mnr. Ganz by die kantore besoek sal aflê.

En was julle toe ook by die kantore gewees in Maartmaand? -- Daar was mense gewees wat kantore toe gegaan het op 10 September.

Antwoord tog asseblief net my vraag. Dit is maklik, ja of nee. In Maartmaand 1985 toe mnr. Ganz ook 'n aankondiging sou maak oor huur, was u by daardie geleentheid ook by die administrasiekantore saam met ander mense van die woongebied? -- My getuienis is dat ons was op 10 September 1984 by hierdie kantore gewees omdat ons mnr. Ganz daar verwag het dat hy op hierdie dag daar sou wees. Ek is weg voor hy daar gekom het. So, ek kan nie sê wat later gebeur het nie, maar later was daar weer kennisgewings uitgestuur dat hy op 24 Maart 1985 weer by die kantoor sou wees.

HOF : Antwoord tog nou maar net die vraag.-- Ek was by die kantoor gewees op 10 September.

Was u nie by die kantoor op 24 Maart nie? -- Nee.

Waarom het u nie onmiddellik nee gesê toe die vraag die eerste keer gevra is nie?-- Ek het nog nie die vraag goed verstaan nie. Dit is nou eers wat ek die vraag goed verstaan.

MNR. JACOBS : Is dit nie so dat op 19 September sou die mense daar kom omdat daar samesprekings besig was of sou plaasvind met die raad, met die administrasieraad en met

verteenwoordigers/...

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verteenwoordigers van die woongebiede nie? -- Ek weet nie daarvan nie.

En dat terwyl julle daar buitekant gestaan en wag het, buitekant die gebou, het die samesprekings binne-in die gebou plaasgevind? -- Nee, ek weet nie daarvan nie.

En dat mnr. Ganz daar binne was?-- Nee, ek weet nie daarvan nie.

Is dit nie so dat daar mense of weet u daarvan dat daar mense kort-kort uit die saal gekom het en verslag gedoen het aan die mense wat so rondstaan? -- Herhaal daardie vraag?

Is dit nie so dat daar dan mense kort-kort uit die saal gekom het en aan die mense buitekant verslag gedoen het van hoe die samesprekings binne-in die saal vorder nie? -- Ek weet nie of dit gebeur het nie. Want ek het al weggegaan daardie tyd.

Ek wil dit aan u stel dat dit is wat die verdediging gestel het aan ŉ getuie hierso dat daar het kort-kort mense gekom uit die saal uit en ŉ aankondiging gedoen van wat daar aangaan? En van wat binne-in die saal gebeur? -- Ek kan nie sê dat dit wel so was nie, want ek was al weg op daardie tydstip, ek het nie geweet wat gebeur het na ek weg was nie.

Hoe laat het u by die saal gekom?

HOF : Wat is die verwysing daar?

MNR. JACOBS : Dit is volume 97 bladsy 4 801. -- Is dit nou by die saal of by die kantoor?

Daar by die kantore, by die administrasieraad se gebou waar julle op 10 September 1984 bymekaar gekom het, die groot groep mense? -- As ek reg onthou was dit nog in die môre gewees. Dit was om en by 09h30 of net na 09h00.

En tot hoe laat het u daar gebly? -- Ek is daarvandaan

weg/...

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weg ongeveer na 10h00.

Weet u, het u op enige stadium kennis opgedoen dat daar daardie oggend van 10 September 1984 ŉ aankondiging gedoen was dat die verhoogde huur wat daar sou wees opgeskort is? -- Is dit nou in 1984?

Sê vir my, verstaan u die tolk? -- Ja, ek verstaan. Al wat ek probeer doen is om seker te maak of ek reg verstaan wat die vraag is.

Ek verwys na 10 September 1984 se byeenkoms by die administrasieblok? -- Wat daarvan?

Weet jy of by daardie geleentheid daar ŉ aankondiging gemaak is of het u enigsins agterna daarvan gehoor dat die beoogde huurverhoging opgeskort is? -- Nee, ek het nog niks gehoor nie, tot vandag toe.

U sien, dit was ook gestel aan dieselfde getuie in volume 97 op bladsy 4 803 dat daar was ŉ aankondiging gemaak, ŉ finale aankondiging dat die huurverhogings opgeskort is en toe sou hierdie getuie nog op die skouers van die mense gedra gewees het? -- Ek weet nie daarvan nie. Wat my betref het ek dit nie gehoor nie tot vandag toe.

Het u nie probeer uitvind, u het mos nou belang gestel in die huuraangeleenthede, dat u nou moontlik minder moet betaal of nie die verhoging moet betaal nie, om uit te vind wat het toe nou finaal gebeur nie? -- Ek het nie daardie moeite gedoen nie, want ons kry nog elke maand papiere wat ons in kennis stel dat ons veronderstel is om R37,00 per maand te betaal.

Was daar sprake dat die huurvermindering wat u sê wat van R26,25 verminder moet word, dat dit verminder moes word na R18,00 toe? -- Ek weet nie daarvan nie.

Het/...

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Het u geweet wat die vermindering sou bedra as daar so ŉ vermindering moes wees? -- Dit is voor ek dit geweet het.

Ek verstaan daardie antwoord nie. Het u dit ooit geweet of wat bedoel u met "dit is voor ek dit geweet het"? -- Ek het nie geweet nie, want tot op datum weet ek nog nie of die huur verminder is nie.

Sê u ook dat niemand in daardie woongebied het daaroor gepraat en gesê dit het gebeur nie, dat die huur opgeskort is? Dit is die verhoging opgeskort is? -- Nee, al wat ek sien is die kennisgewings wat aan my sê hoeveel ek veronderstel is om te betaal as huur.

Waar werk u man? -- Hy werk by ŉ fabriek met die naam van ASCOR te Vereeniging.

Is hy ŉ lid van ŉ vakbond? -- Vakbond? Waar? By die werk?

HOF : Union? -- Nee, hy werk net daar.

MNR. JACOBS : Behoort hy aan enige organisasie? -- Nee, hy behoort nie.

Het u man ook deelgeneem aan die 15de se optog? 15 Julie 1984? -- Nee, hy het nie, want hy werk naweke ook oortyd en die skof is 06h00 tot 18h00. Ek sal u sê, hy bly nie by die huis nie. Hy kom net na die huis toe wanneer hy van diens af, dat hy nie sal werk vir die dag nie.

Ek dink u het gesê die loon wat hy verdien het is R120,00 per week. Is dit sy normale loon? -- Nee, dit sal ek nie kan sê nie, of dit sy normale inkomste is vir die werk wat hy doen en of daar sekere dinge daarby getel is nie. Ek kan nie sê nie.

Het hy baie oortyd gewerk? -- Ja, die meeste van die tyd, elke naweek het hy oortyd gewerk. Net vir een naweek

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in 'n maand het hy nie gewerk nie.

En u weet nie wat het hy nog ekstra verdien met oortyd nie? -- Nee.

Op 15 Julie 1984 het u kinders deelgeneem aan die optog? -- My kinders was nie daar nie. Dit was net ek gewees.

Waar was die kinders? -- Ek het kuiermense gehad by my huis. So, my kinders het agtergebly by die huis met die mense wat daar gekuier het. Net ek alleen het deelgeneem.

Los u die kuiermense alleen wat by u kuier om aan die optog te gaan deelneem? -- Dit is heeltemal reg. Ek het kuiermense gehad wat daar by my gekuier het, maar die kaarte betaal van die huurgeld dat dit nou reggestel gaan word en die kuiermense sou my niks gehelp het nie. Dus was dit vir my verpligtend gewees om deel te neem.

HOF : 'n Mens is seker partykeer maar te bly om ontslae te raak van kuiermense? -- Nee, nie dat ek van hulle ontslae wou geraak het nie. Die omstandighede in hierdie geval het my verplig.

MNR. JACOBS : Is die mense van Tumahole? -- Nee, hulle was van Ruiterbos af.

HERONDERVRAGING DEUR MNR. BIZOS : Die plek waar die traanrook jou geaffekteer het, is daar in daardie omgewing enige winkels? -- Nee.

Enige biersale? -- Nee.

Enige geboue van die administrasieraad of die dorpsraad? -- Nee.

Het u ooit gehoor by een of ander van die mense in Tumahole ŏf die administrasieraad ŏf die dorpsraad hof toe geneem het in verband met die huurgeld? -- Nee, ek het nie gehoor nie.

GEEN VERDERE VRAE.

ALINAH/...

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ALINAH PUSELETSO MOKHOBO: d.s.s. (Through Interpreter)

EXAMINATION BY MR BIZOS: Mrs Mokhobo are you a 65 year old resident of Tumahole? -- Yes that is so.

And do you live at 1880 Motebedi Street in Tumahole? -- That is so.

And during 1984 were you living in a house which you were paying R26,25 per month rent? -- That is so.

How many of you living in the house in 1984? -- It was myself and my five children, namely six in number.

Are they all children or are some grandchildren? -- Two of them are now grown up.

And the others are their children? -- I beg your pardon?

The others are their children? -- Yes.

How many people ...

COURT: So there are two of your own children and three grandchildren? -- That is so.

MR BIZOS: How many of the six people living in your house in 1984 were working? -- Only one.

Is that your son? -- Yes.

Were you getting a pension at the time? -- That is so.

Now between your pension and your son's wages were you managing alright? -- Yes we were alright.

Did you hear whether or not the rent was going to be increased? -- Yes from reading in a paper.

COURT: What was your income, your own pension? -- Between R130 and R140.

Per month? -- Every two months.

And your son's income? -- I really do not know because he did not give me his money.

What did he contribute? -- He did not contribute

anything./....

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anything.

So the six of you lived off your pension? -- That is the money I am using for my living.

Yes, thank you.

MR BIZOS: When you say for your living did you pay the rent every month, you yourself? -- Yes that is how I was doing it.

And where did the money that your son earned, where did that go? -- I do not know. He was not giving me his money.

Yes. Now you said that you saw from papers that the rent was going to increase. -- That is so.

What papers, what kind of papers are those? -- It was a piece of paper which was from the office.

COURT: Can we not skip this? I think we have had it three times already now and you can merely say to her that the rent increased to R37 per month and we can go on from there. Did she like it and the answer was no, nobody ever does.

MR BIZOS: Right. Now with the increase of the rent to over R37 per month was this going to be easy or difficult for you? -- No.

Now do you recall 15 July 1984? -- Yes I do.

Was that a Sunday? -- That is so.

Did you see or hear anything unusual? -- Yes there was something.

What was it? -- There was some singing by people who were walking along the street in which I live.

What were they singing? -- They were singing Senzeni na.

Yes, and ...

COURT: Did you join them? -- That is so.

MR BIZOS: Why? -- What happened is I enquired from one of the people who were singing passing at my place why was that

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and what was happening. One woman from whose who were the party of those singing said to me they were heading for the administration board offices where they are going to make a request that the rent be reduced.

How many people were there when you saw this happening? -- Passing my place there I estimated the people to have been about 70 plus.

Was any one of them carrying anything? -- Yes somebody was carrying a cardboard box.

COURT: Part of it? -- Yes.

MR BIZOS: What, as a parcel or as what? How was he carrying it? -- It was in the form of a paper. There was some writing on it.

Yes, what did it say? -- The wording on it was "Hara Lwane Reaboa".

Was there only one piece of cardboard? -- No there was another one.

Yes, did that say anything? -- That is so.

What did it say? -- Rekopa hore rente ithewe.

COURT: Just spell it? Rekopa? -- R-e-k-o-pa, hore h-o-r-e, rente r-e-n-t-e, ithewe, i-t, I am not sure whethere it is an he or an e, but h or e.

W-e? -- I am afraid I am not certain of the spelling of the last word.

Yes well for the meantime we will make it i-t-e-w-e. And what else? -- Those are the only ones I saw.

Mr Interpreter what is the meaning of the last phrase?

INTERPRETER: We are asking for the reduction of rent.

MR BIZOS: This song Senzeni na, did you sing it? -- Yes at that time I did.

Was/...

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Was that the first time you sang it? -- No it was not the first time. I once had to sing it in church.

Now when you joined it where did the march head to, where did it move to? -- We were moving around in the township, through the township until reaching the office.

COURT: Did you reach the office? -- No.

MR BIZOS: Why were you walking around the township? -- It was with a view of getting the people who were not satisfied with the rent, just like ourselves who were not.

COURT: You mean get them to join? -- Yes so that we go together.

MR BIZOS: And did people join? -- Yes they did.

Why did you not get to the office? -- We were stopped by the police.

Please tell us in your own words what happened? -- The police blocked our way by parking a Land Rover and two vans across the road where we were supposed to pass.

Yes, and what happened then? -- They told us to stop there which we did and when we did that two policemen got on top of a hippo. These were black and a white policeman. They had loudspeakers with them, using this in addressing they told us to disperse within ten minutes from that time. Which we did, we disappeared. What happened is I was right at the end, that is right at the back of this march when this was said. Immediately after this was said that we were to disperse I turned back from where I was which meant then I was right far away from them. I walked for some distance when I heard some shots being fired and immediately thereafter I felt something affecting my eyes.

Were you alone or in a group when this happened? -- We

were/...

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were a group.

COURT: Did anything fall near you? -- No nothing. It is only the smoke which reached me where I was and as a result affected my eyes.

MR BIZOS: You say you were in a group. How big or small was this group? -- We were many, more than 100.

Were you still marching when the smoke affected you? Or were you doing something else? -- No we had dispersed.

And where were you going? -- I was on my way home.

Were there any shops or administration buildings or beerhalls or bottle stores or anything like that in the vicinity of where the smoke affected you? -- These were far from that point.

How far? How long would it take you to go there if you walked? -- I do not know how to estimate that in minutes but what I can say is it is quite a distance.

Whilst you were marching or even after you dispersed was anyone misbehaving in any way that you saw? -- No.

Did you think that you were doing anything unlawful by joining in this march? -- No I did not know that, that it may be unlawful because there was no violence in that.

Thank you my lord I have no further questions.

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KRUISONDERVRAGING DEUR MNR. JACOBS : U het glad nie gesien hoekom die traanrook gevuur was nie, wat die rede daarvoor was nie? -- Ek het glad nie gesien nie, want dit was van agter my gevuur.

U weet nie of daar klippe gegooi was nie?

HOF : As sy nie gesien het wat die rede was nie, dan weet sy nie of daar klippe gegooi was nie?

MNR. JACOBS : U het gesê twee van die persone wat in u huis woon is u kinders. Ek wil net seker maak dat ek dit reg verstaan. Een het u gesê is u seun. Is die ander persoon u seun se vrou of wat bedoel u? -- Nee, die een is my dogter.

So, dit is jou dogter, jou seun en dan jou kleinkinders wat daar woon? -- Ja.

Wie se kinders is dit? Is dit u seun se kinders? -- Dit is my dogter se kinders.

Waar is haar man? -- Sy is nie getroud nie.

Sy het drie kinders sonder dat sy getroud is? -- Ja, dit is so.

Het sy gewerk? -- Nee, sy het nie gewerk nie.

Het sy onderhoud gekry van die vaders van die kinders? -- Nee, sy het dit nie gekry nie.

In wie se naam is die huis geregistreer? -- Dit is in my naam geregistreer.

Het jy nie vir jou seun gesê hy moet ook bydra tot die onderhoud van ... (Hof kom tussenbei)

HOF : Wat maak dit saak? Ek is nie geïnteresseerd daarin nie. Ek gaan nie ŉ onderhoudsaak voer in hierdie hof nie.

MNR. JACOBS : Wie het hierdie optog georganiseer? -- Ek weet nie.

Het u kennis gedra van ŉ organisasie van Tumahole

Students/...

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Students Organisation? -- Nee, ek weet nie daarvan nie.

Tot op datum toe weet u niks van hom af nie? -- Nee, ek weet niks nie.

Het u gehoor van ŉ organisasie Tumahole Civic Association of net gewoonweg Civic Association? -- Nee.

Tot vandag toe nie van hom gehoor nie? -- Nee, nog nie.

Gehoor van Prohumanism organisasie? -- Nee.

Was daar in die woongebied van Tumahole, weet u van enige openbare vergaderings wat daar gehou was gedurende 1984 voor 15 Julie 1984? -- Nee.

Het u kennis gedra voor daardie datum of tot vandag toe dat daar geagiteer word teen raadslede en die raadstelsel?

HOF : Wat wil u nou weet? Voor die datum of tot vandag toe?

MNR. JACOBS : Tot vandag toe.

HOF : Dan het voor die datum niks met die saak te doen nie. Vandat sy gebore is tot vandag toe, wil u dit weet?

MNR. JACOBS : Jammer. Voor 15 Julie 1984 of daar geagiteer was teen raadslede en die raadstelsel? -- Nee.

En na 15 Julie 1984? -- Al wat ek van geweet het is die verhoging van die huur.

U het niks geweet dat daar geagiteer word na 15 Julie 1984 teen die raadslede en die raadstelsel nie? -- Nee.

Het u sedert 1984 tot nou toe aanhoudend u huur betaal? --Nee.

Hoekom nie? -- Van daardie tyd af wag ek nog vir mnr. Ganz om vir ons te kom sê hoe ons moet betaal.

U het mos nou geweet die huur is verhoog vanaf 1 Julie 1984. Hoekom het u nou vir mnr. Ganz gewag? U het mos geweet dit moet betaal word by die kantore, die bedrag wat betaal moet word. Hoekom het u vir mnr. Ganz gewag? -- Dit was

omdat/...

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omdat dit te moeilik was vir my om te betaal, dat ek dit kan betaal. Dus het ek gewag vir hom sodat hy vir my kan sê wat se vermindering hy my kan gee.

Het u nie gedink om na mnr. Ganz te gaan en te vra vir hom "Kyk, dit is my posisie, kan ek enige toegewings kry ..." (Hof kom tussenbei)

HOF : U meen die heelpad tot by Houtkop waar sy hoofkantoor is?

MNR. JACOBS : Hoe het u gedink sal mnr. Ganz na u toe kom om te vra wat is u omstandighede? -- Ons was by die kantoor gewees met die oog daarop om te gaan vra dat die huurgeld verminder moet word.

Het u geweet dat gedurende September 1984 dat daar aangekondig is dat die verhoging van die huurgeld opgeskort is? -- Nee, ek het nog nie daardie kennisgewing gekry nie. Ek wag nog om te hoor.

Wanneer was u by die kantoor om te gaan hoor dat die huurgeld verminder moet word? -- Ek kan nie meer onthou watter dag dit was nie.

Kan jy vir ons sê watter jaar en watter maand? -- Ek kan nie meer die maand onthou nie, maar dit was in 1984.

U het gesê "ons" het gegaan. Wie is die "ons"? -- Ons was baie gewees wat by die kantoor was.

Wie het georganiseer dat julle na die kantoor toe moet gaan? -- Nee, niemand het georganiseer nie. Ons het op ons eie soontoe gegaan.

Hoe het julle almal bymekaar gekom om op een dag na die kantoor toe te gaan? -- Ons het besluit ons sal maar kantoor toe gaan, want die eerste keer toe ons gepoog het om by die kantoor uit te kom, het die polisie ons voorgekeer. Ons

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het dus besluit dat ons net by die kantoor sal ontmoet.

Ek verstaan nou nie wie is die ons nie. Ek vra weer vir jou, wie is die ons wat nou bymekaar gekom het en besluit het ons gaan kantoor toe? -- Ek sal sê al die inwoners van daardie plek het besluit. Ons was baie.-

Het julle ŉ vergadering gehou waar julle besluit het om na die kantoor toe te gaan? -- Nee.

Hoe het julle dit dan besluit? Wanneer het julle bymekaar gekom dat julle almal dit moet besluit? -- Nee, ons het net geloop kantoor toe. Dit is al.

Wanneer was dit? -- Dit was in Septembermaand.

HOF : Van 1984? -- Nee, dit was nie in 1984 nie. Ek het ŉ fout gemaak. Dit was in 1985 dat dit gebeur het.

September 1985? -- ja.

Was dit in dieselfde jaar wat julle hierdie optog gehad het of was dit in die volgende jaar? -- Nee, die optog was in die jaar voor dit.

MNR. JACOBS : Wat het toe gebeur? -- Ons het daar gestaan en wag vir Ganz.

Julle het mos nou gegaan om hom te sien. Wat het julle gedoen om hom daar te kry? -- Ons het net besluit, elkeen het besluit ons gaan nou daar - ons moet daardie mense by die kantoor gaan sien, dat die huurgeld verminder word. Daar was geen reëlings getref spesifiek dat mnr. Ganz daar moet wees nie. Hulle sou toegesien het as ons daar kom wat maak het.

Nou vra ek weer wat het julle gemaak toe julle by die kantoor kom? -- Ons het daar gestaan en hy het net nie te voorskyn gekom nie.

Maar het julle nie ingegaan of iemand afgevaardig om

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in te gaan om met hom te gaan praat nie? -- Nee, ek het nie gesien dat iemand ingegaan het om met hom te gaan praat nie en ons het niemand afgevaardig om dit te doen nie.

Het die raad se amptenare by die kantoor nie uitgekom en het julle nie daar met hulle gepraat dan nie? -- Nee, ek het hulle nie gesien nie.

Toe julle soontoe gegaan het, het julle weer so in 'n optog geloop soontoe? -- Nee, nee, ons het net sommer so gestap.

15 Julie 1984, was mos 'n Sondag gewees? -- Dit is waar.

En die kantore is mos toe op Sondae? -- Ja. (10)

So, as julle nou daardie Sondag geloop het na die kantore toe, dan sou daar mos niemand gewees het nie? -- Nee, nie daar by ons nie. Elke Sondag was daar raadslede gewees by die kantore wat gewag het vir die mense wat nie daarin slaag om by hulle uit te kom gedurende die week nie. Dus het hulle Sondae daar gewag vir die mense.

Het jy ooit raadslede by die kantore gesien op 'n ondag? -- Ek het hulle nog nie persoonlik gesien nie, want ek was nog nie daar gewees om 'n klagte in te dien op 'n Sondag nie.

RE-EXAMINATION/...

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ABINART BINKI PHALI: d.s.s. (Through Interpreter)

EXAMINATION BY MR BIZOS: Mr Phali are you a 66 year old wood and coal salesman living at 867 Mansebo Street, Bophelong? -- That is correct.

Did you ever go to school Mr Phali? -- No.

And in 1984 did you hear that the rent was going to be increased? -- That is true.

By R5,90? -- That is true.

Was that the only thing that was going to be increased in Bophelong or were other things to be increased as well? -- There were other things as well to be increased.

What were they? -- An amount of R50 which would serve as a deposit for electricity and R10 for lodger's permit, which was applicable to children above the age of 21.

And was that going to affect you in any way, the electricity and the over 21 lodger's fee? -- Very much so, yes.

For how long had you had electricity? -- Since 1949 when I moved into that house it was electrified.

And did you have any children over the age of 21 living with you? -- Do you mean at the time I moved into the house?

No, no, in 1984, I am sorry. -- Yes I do have.

How many children over 21 did you have living there that would have to pay a lodger's permit? -- There were three.

How much was your rent before the proposed increase? -- I was already paying R64 per month.

Was this a matter that worried you, these new proposals? -- Yes it was definitely worrying me.

Did you hear whether or not there was going to be a meeting of 26 August 1984? -- Yes I came to hear about that.

Could you go to the meeting that you heard about?

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COURT: Just a moment now. Where was it to be held? -- In the church building.

In what place? -- In Bophelong.

MR BIZOS: Is that the Anglican church in Bophelong? -- That is true.

Could you go to that meeting? -- I could not go to that meeting.

Was any report made to you afterwards as to what was decided at that meeting? -- I got to know about the resolution there.

What was the resolution?

MNR JACOBS: Edele ek maak beswaar. Dit is nou heeltemal hoorsê getuienis wat die getuie nou aanbied.

MR BIZOS: My lord I am merely leading it for ...

COURT: Yes well you can skip it, it is not allowed.

MR BIZOS: As your lordship pleases. Did you go to, as a result of what you heard did you go to any meeting thereafter? -- Yes I did.

Where did you go and for what purpose? -- It was held in a communal hall.

In Bophelong? -- That is correct.

And whose meeting was it? -- It was a residents meeting inviting the councillors to be present at this meeting.

COURT: Do you know the date? -- It was on 28 August.

MR BIZOS: What time did you arrive there? -- At 18h00.

Were there many people there? -- Quite many people.

Were there lots of children there? -- Not small children. There were people whom I could call children, between the ages of 20 and 30.

And the others? -- The rest these were grown up people.

Were/....

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Were there elderly women and men like yourself? -- Yes that is so.

What happened when you got there? -- There was nothing said on the 28th because it was expected that the councillors were going to be present and the councillors were not present.

Did anyone say whether or not the councillors had been invited? -- Whether they were?

MNR JACOBS: Edele dit is weer wat gehoor word nou, dit is nie eers ŉ vergadering, ek maak beswaar daarteen.

HOF: Dit is getuienis wat op hierdie vergadering gebeur het, waar hierdie persoon was.

MNR JACOBS: Maar blykbaar was die nie ŉ vergadering as ek sy getuienis verstaan. Hy sê niks was daar gesê nie en omdat die raadslede ontbied was, gevra was om daar te kom en hulle het nie opgedaag nie. Nou gaan dit oor iets anderste as wat op ŉ vergadering gesê was.

HOF: Nee, wel dit kan miskien opgeklaar word. Yes Mr Bizos?

MR BIZOS: I will try and change it my lord. Why were you expecting the councillors? -- Because we wanted some explanation from the councillors about the moneys I have mentioned, because we did not know exactly how these moneys were going to be introduced and how they were going to be used.

And did you wait there for a short time or a long time? -- We waited for about two hours.

Did the councillors turn up? -- No they did not.

How did you feel about this, going to this meeting and the councillors not turning up? -- My feeling was that we were all worried in the township about what is happening and nobody knew how they came to the conclusion about this.

You have told his lordship that that was on 28 August

1984./....

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-- That is true.

Did you hear anything the next day, 29 August 1984, about any meeting to be held? -- That afternoon there was a van which was driving around in the township inviting the residents to come to a meeting.

Who was issuing the invitation? -- The van belongs to the municipality.

Did you accept the invitation? -- Yes I accepted it.

COURT: In what manner? -- That I was going to attend this at their request.

Did you go? -- Yes I did.

MR BIZOS: What time did you get there? -- At 18h00.

How many and what age group of persons were there? -- Of the grown up people there present I estimated 700 plus.

COURT: Was it in the same hall as the previous evening? -- That is so.

MR BIZOS: Did any councillors arrive? -- Yes they arrived.

Please tell us what happened as soon as they arrived? -- They got in there and took position on the stage. Immediately thereafter Councillor Mgcina then started addressing.

COURT: Yes one spells it, for record purposes, M-g-c-i-n-a. -- That is correct. Who requested a Mr Motsoari to lead us with a short prayer.

MR BIZOS: Yes and then, carry on in your own words please. -- After the prayer Mr Ramahule then was the person to take over, who in his address was saying he was grateful to see such a good attendance from the residents of the township which was the first time of its kind since his being elected to the council. He therefore welcomed everybody.

Carry on please. -- Then thereafter he requested that

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the residents should make known what their complaints are, and then he sat down. Mrs Mogotsi then got up and mentioned the complaints, namely the increase on rent, the money which was referred to as lighting money, for the lights, the lodger's permit money, that one will have to pay rent and pay in respect of the children in the house, and thirdly one will have to buy food in the house. And she also made mention of the fact that there is another complaint about people who are being evicted from houses because of their having failed to pay. I have just forgotten one name, if I were just to mention that one. By saying I have forgotten a name I wanted to say I have forgotten something else which was said by this man before allowing the listeners of the meeting to raise their complaints to the meeting, namely that he has received a letter from the meeting which was held the previous day which letter was delivered to him by Mr Nhlapo. After the grievances of the community were mentioned to the meeting he then said that those that approached him with reference to the R50 meant for the lights he told those people not to pay that. Then the residents complained about his having said so, saying what does he mean when he only spoke to those that approached him. What about the others who are also residents being affected by the same. Saying we have here elderly people who cannot reach his place, we have pensioners and sickly people who are also not able to reach him. There was an objection then, a strong one from the residents present at this meeting, the audience saying that he is working on separation and they are not satisfied about his manner of doing things. The audience there said that in fact to tell the honest truth they think they have been elected, are not working for the community. Therefore it was

better/....

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better if they were to resign. Immediately thereafter then there was some noise which was caused by people all speaking now at the same time. I noticed that the police and the soldiers entered the meeting which was questioned by the audience as to what is happening now, what are the police in here for, saying we knew that the councillors will not come here by themselves without the police which resulted in Mr Mahlatsi getting up and requested the police to leave the meeting. When they left the lights went off in this hall. Which resulted in some noise and some screaming. Teargas was used in the hall as a result of which people came out dispersing. I remained behind because I was scared of the people running out there, that they were going to bump against me and tramp on me while I was on the ground. I only left the hall later after people had dispersed and left the hall. From where I went home.

Now before the police came in the first time was there anyone in danger of any physical harm?

COURT: Just a moment why do you say the first time?

MR BIZOS: I thought ...

COURT: There was only once that the police entered. We do not know how the teargas came into the hall. It may have been through the windows.

MR BIZOS: Through the windows. Yes I am sorry, I made a wrong assumption. When the police came in and it was then said what do the police want here, just before the police came in was there anybody in danger in that hall? -- No.

And when the lights went out did you see where the councillors were? -- No I did not see where they were.

COURT: Was it pitch dark? -- Yes.

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MR BIZOS: Where were you sitting in this hall? -- I was seated in the middle, that is not far from the middle door into this hall which is a side door.

At the time that the lights went out was there anyone in danger as far as you were able to see? -- No.

COURT: As far as he could see. Or as far as he could hear.

MR BIZOS: Could hear perhaps, yes. -- Yes, no.

I may say that it is, as far as I can see a favourite expression of Mr Yacoob. When you got out was there any trouble outside? -- I only got some reports about what happened outside there, otherwise there was nobody.

COURT: There was nobody around? -- There was just a few which was still there otherwise there was nothing wrong happening with them there.

MR BIZOS: Now the next day, what was it like in Bophelong?

COURT: The next day?

MR BIZOS: The next day, that is the 30th? -- There were police and soldiers who were patrolling the township, firing teargas and rubber bullets.

Who were they directing rubber bullets against? -- Well that day I did not come to know that somebody was hit at the time of the shooting.

COURT: Did you see them shoot rubber bullets, you personally? -- I saw them shooting teargas.

Not bullets? -- No.

MR BIZOS: At what sort of people were they shooting teargas? -- They would just shoot whenever they noticed a people who are together, some people being together in a group, then they would shoot.

And the Saturday and the Sunday after that, what was

happening/...

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happening there?

COURT: What was the date then?

MR BIZOS: Sunday was the 2nd, the Saturday ...

COURT: Are you asking about the Saturday or the Sunday?

MR BIZOS: The Saturday and Sunday my lord, the 1st and the 2nd.

COURT: Yes. What happened on the Saturday and Sunday? -- I did not see anything happening on the Saturday except that I was aware of their presence, I saw them still moving around in the township.

MR BIZOS: When you say "them" do you mean the? -- The police and the soldiers. All the time armed with their guns.

COURT: And the 2nd? -- On the 2nd, I think it was at about 23h00 at night when I heard some noise and some shooting outside. I went to investigate what was happening. I noticed that the beerhall was on fire.

MR BIZOS: Yes. And the next morning what was happening, that is the morning of the 3rd? -- I heard on the morning of the 3rd that somebody was shot during the night, and the municipality office was burnt down.

COURT: Well did you notice that or did you hear this? -- I first heard about it and then noticed that it was already burnt down. I did not see it while it was still burning.

Yes well did you see the person who had been shot? -- No I did not.

Well that evidence is deleted. Yes?

MR BIZOS: At the meeting of the councillors of the 29th was there any decision not to go to work on the morning of the 3rd or to take part in a march on the morning of the 3rd? -- No that I did not hear.

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COURT: Well you had not reached the stage of any decisions yet. -- That is correct, we had not reached decisions yet.

MR BIZOS: That is all thank you my lord.

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KRUISONDERVRAGING DEUR MNR. FICK : Kan ek by u vasstel, sedert September 1984 betaal u huur? -- Nee.

Hoekom nie? -- Ons het nog nie gehoor dat die huur se storie nou reggestel is nie.

U het ook nie gehoor dat die huur nie hoef betaal te word nie? -- Dit is reeds die rede. Ons het by hierdie mense gaan vra wat gebeur oor die huur, dat hulle vir ons die waarheid kan sê, wat die waarheid is. Ons het nog nie die antwoord gekry nie.

Het u na 29 Augustus 1984 se vergadering met die raadslede enigsins weer pogings aangewend om die raadslede te ontmoet? -- Ja.

Wanneer? -- Ek kan nie presies onthou wanneer dit was nie, maar ons het ŉ brief aan hulle gerig en hulle gevra dat hulle aan ons moet kom verduidelik oor die huur. Dit was in Oktobermaand.

1984? -- Ja.

Wie is "ons" wat die brief gerig het? -- Ons, die ou mense wat die inwoners is van daardie gebied.

HOF : Van Bophelong? -- Ja. Waarop ŉ antwoord aan ons gestuur was dat ons tien afgevaardigdes moet stuur wat namens al die inwoners van die Bophelong gebied sal moet kom praat met die raadslede.

MNR. FICK : En is tien afgevaardigdes aangewys? -- Ja, ons het.

Het hulle gaan praat met die raadslede? -- Ek was een van hulle. Ons het gegaan.

Wanneer het u met die raadslede gaan praat? -- Ek kan nie meer die presiese datums onthou nie. Dit kan wees dat dit nog in Oktober of Novembermaand was.

Het/...

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Het u met die hele raad vergader of het u net met die raadslede van Bophelong vergader? -- Ons het mnr. Louw gesien wat die stadsklerk is.

Net hy alleen of die raadslede ook? -- Net hy alleen. Daar was geen raadslid teenwoordig nie.

Is daar ŉ besluit geneem op hierdie vergadering in verband met die huur? -- Mnr. Louw het probeer om die ding vir ons uit te wys en uit te werk om te wys hoe dit gekom het dat die huur verhoog moet word en hoe die gelde nodig was en ons het dit toe aan hom duidelik gemaak dat van die redes wat hy hier verstrek, is dinge wat eintlik deur ander maniere opgelos was voor die raadslede in werking gestel is.

HOF : Kan u net vir my verduidelik. Hy sê wel, ons het geld nodig om al hierdie projekte aan die gang te sit en die hele dorp aan die gang te hou. -- Ja.

En wat sê u toe? Wat is u antwoord daarop? -- Ons het aan hom gesê kyk, die geld wat julle van ons af soek om die projekte aan te pak, was gedoen gewees met die profyt wat ŉ wins is by die drank. Daardie geld was gebruik daarvoor.

GETUIE STAAN AF.

HOF VERDAAG TOT 12 FEBRUARIE 1988.

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