

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

I.3 Vol. 19 Pg. 808-884

SAAKNOMMER: CC 482/85

DELMAS

1986-02-07

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRUGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEK

19

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 19 (IN CAMERA GETUIE)

(Bladsye 808 - 884)

COURT RESUMES ON 7 FEBRUARY 1986.

MNR JACOBS: U Edele die Staat wil net op rekord plaas dat die beskuldigde Matlole, nr. 17, is vandag weer nie hier nie, hy is opgeneem in die Hospitaal, Hendrik Verwoers Hospitaal in Pretoria. Ek sal in die loop van die dag probeer vas stel hoe lank hy daar sal wees.

HOF: Dankie, ons gaan voort.

ABRAM SEKGOTO: d.s.s. (Through Interpreter - In Camera)

FURTHER CROSS-EXAMINATION BY MR BIZOS: You tell us that this tape dealt with how AZAPO fights to bring the land back to (10) the owners? -- That is not what I have said.

What did you say? -- My evidence was Mabaso said to the interviewers that they are fighting from inside the country so that when they get the freedom they must be in this country.

Can you remember anything else that Mr Mabaso said on this tape? -- As I have already said to the Court that I did not listen to this cassette freely therefore I cannot remember some of the things that I heard.

COURT: You did not listen fully or freely? -- Freely.

Freely? -- Yes.

(20)

MR BIZOS: In what way was your freedom denied you whilst you were listening to it? -- This was because of the owner of the house arriving there and then it was then there and then immediately removed.

But you told us you listened for about ten minutes? -- I said the rough estimation is about ten minutes.

And is that all that you can remember Mr Mabaso saying? -- That is so.

And Mr Cooper? -- I cannot remembering hearing Cooper talking in that cassette. (30)

Would you say that it was announced that both Mr Mabaso and/.....

and Mr Cooper would speak at the beginning of that tape? --
That is so.

Can you recall whether right at the beginning when that announcement was made and when it was said that it was Radio Freedom from Lusaka whether there was any music? -- All I can remember is when they were talking in the beginning of the cassette. I cannot remember any music.

Alright. Now you used the words "AZAPO fights to bring the land back to the owners" in your evidence-in-chief. Do you recall that? -- I do not remember saying that. (10)

You do not remember saying that. Well is it so though?
-- What, so what?

Is it so that AZAPO fights to bring the land back to its rightful owners in your view? -- I never said that.

Yes. And you do not believe that that is one of the objects of AZAPO? -- I do have that belief but not that I said so.

I see. And did you believe that the, this object of AZAPO was similar to that of the PAC? We are talking about April 1983 now. Did you then believe that? -- Just repeat that (20) question.

Did you believe in April 1983 that the object of AZAPO to restore the land to its rightful owners, the Black people, was a similar object to that of the PAC? -- That is so.

Yes. Does that mean that you were familiar with the objects of the PAC in April 1983? -- Yes I knew that from reading in newspapers as to what were the objects of the PAC.

And were you reading in the newspapers also what the objects of AZAPO were? -- That is correct, I did read about that in the papers but in addition my friend Oupa also explained that (30) to me.

COURT: That is now no. 2?

MR BIZOS: No. 2 accused, yes. Let me see if I understand the purport of your evidence correctly. Are you saying to His Lordship that accused no. 2 persuaded you to join AZAPO? -- I did not say accused no. 2 persuaded me. What I said in my evidence is that accused no. 2 spoke to me as a person known to him.

Yes. Had the accused no. 2 not taken the initiative to recruit you into AZAPO would you yourself have taken any initiative to join AZAPO? -- I am not in a position to tell (10) the Court whether I would have taken that initiative of joining AZAPO at my own. I do not know whether I must say it was fortunate or unfortunate that he first came to talk to me about joining AZAPO before anything occurred in me about that.

Would you say that you were a politically aware person before the meeting with accused no. 2 or were you an apolitical and peace loving man? -- I was reading about politics and at the same time a peace loving man up to now.

Who was not really interested in becoming committed to any political organisation or any particular political (20) philosophy? -- It had not occurred to me that I must take my own initiative of going to join any organisation.

Yes. And you were not, you did not feel strongly about any political philosophy? -- I did have that kind of a feeling.

Yes what was that feeling? -- In sitting down and sort of analysing the way in which Black people are living in South Africa.

Yes, yours was just a detached analytical approach? -- Yes I was in fact analysing that from far, not in it.

Yes, and you did not allow your emotions to get the (30) better of you? -- Not at that time, I had not allowed my feelings/.....

feelings to draw me to anything.

Yes, and you told us that you call yourself a poet? -- I do not know, when was that when I told you that?

COURT: The witness said he was a member of the Writers Association. I cannot remember him saying he was a poet.

MR BIZOS: Perhaps I am projecting my own knowledge. I am sorry My Lord. Did you yourself write poems? -- That is so.

Well, and did you read your poems in public? -- That is so.

And did you read other people's poems in public? -- No (10) I have not done that.

You have not. Is not your favourite poem "Africa My Beginning"? -- That is not so.

You know I am going to put to you that you are being untruthful about yourself because I am going to put to you that you lost no opportunity to read the poem "Africa My Beginning" to large groups of people? -- If that is what you are putting to me then that I am going to say is not the truth before His Lordship.

COURT: Is "Africa My Beginning" your own poem or somebody (20) else's poem? -- I have not even seen that kind of a poem called or titled "Africa My Beginning".

Is the title of the poem "Africa My Beginning".

MR BIZOS: "Africa My Beginning".

COURT: Or is that the first line of the poem?

MR BIZOS: No it is the title of the poem. We will produce it because we will, we have evidence that the witness regularly read this poem at meetings. Have you seen the cover page of this book? -- No I have not seen it before.

COURT: "This book" is? (30)

MR BIZOS: "Africa My Beginning" in a collection of poems, the whole/.....

whole story is told on the cover page.

COURT: Yes but now this has been written in. I take it that on the cover page your "Africa My Beginning" appears? Does it not?

MR BIZOS: Yes, and it appears, and it is attached to it.

COURT: Yes.

MR BIZOS: What language do you write your poetry in? -- In English.

COURT: When you refer to the cover page Mr Bizos what do you mean by the cover page? (10)

MR BIZOS: That is the front page of the book showing the

COURT: Outside or inside?

MR BIZOS: Well it is outside and inside, I presume that the...

COURT: No surely this part "Published by Raven Press" will be somewhere at the back I take it?

MR BIZOS: No, I think that the inside, inside the cover page presumably.

COURT: Is this, the two pages we are seeing

MR BIZOS: That is two pages that Your Lordship is seeing.

COURT: Yes. (20)

MR BIZOS: As Your Lordship sees it in the other, that it is. Now are you mindful of your duty to tell His Lordship the truth under oath, do you say that you have never seen this poem, you have never read it and you have never read it out in public?-- I have taken an oath which is binding on me to tell the truth, that is busy what I am telling here. This poem referred to by the defence on this document in front of me I have never seen it nor have I ever read it to any public. If they were talking about another poem titled "Cry Africa, Cry" then I would understand because that one is the one (30) which was written by me. I am sure the police must still have that/.....

that one with them because when they were searching my residence at the time of my arrest they found that one and took it with them.

Do you remember it off by heart, your own poem? -- Yes I do remember some of the wording in that poem, though I may not remember all the wording in it because I have written quite a number of them. This one was about love.

Have you recited any -- I beg your pardon, the position is this "Cry Africa, Cry" was the only one which was not about love, otherwise most of my poems I was writing (10) about love.

Well I do not think we are interested about poems of that class but would you like to try and give His Lordship your poem about "Cry Africa, Cry"? -- Well if I am so requested by the Court I can do that.

COURT: Do you want a rendition?

MR BIZOS: Please My Lord.

COURT: Yes will you please recite it.

MR BIZOS: As you might have done before a crowd.

COURT: Well let us first get clarity. Did you recite it (20) before a crowd, "Cry Africa, Cry"? -- That is so.

Yes?

MR BIZOS: Did you recite it at any of the meetings in the Vaal Triangle? -- Yes at one of the meetings I did.

Which meeting? -- The meeting of 27 October 1983.

Where? -- Roman Catholic Church, Zone 12, Sebokeng.

Yes, please let us have the way you rendered it at that meeting, your own poem of "Cry Africa, Cry". -- Cry Africa, Cry. Cry my motherland cry. Cry for thy children are going away. Cry for they are selling me, him and her. Cry, Africa (30) Cry. I the child of mother Africa suffers in the hands of
strangers./.....

strangers. (Meaning the Whites, that is how I have done that).

No do not explain now, just let us have the poem straight.

-- So cry, Africa cry. Thank you.

Is that all? -- That is all.

Did you not at some time or another as a poet or a writer of poems feel that you had to recite poems of your brothers that expressed your own feelings? -- That is correct I did have that kind of a feeling.

Yes, and did you not think that it might be thought presumptuous of you to only recite your own poem and did (10) you not recite the poetry of some of your brothers at meetings? -- Not at that time, it never occurred to me because even this one of mine which I have just recited I was requested to do so.

Now although you deny that this poem "Africa My Beginning" was read by you with His Lordship's permission I am going to read it and ask you whether it expresses your own innermost feelings.

COURT: At the moment or at the time?

MR BIZOS: At the time.

COURT: When he joined AZAPO or when he was visited by (20) no. 2?

MR BIZOS: At the time when you were approached by no. 2, whether, well let us make it more general, whether before your detention whether this poem expressed your innermost feelings or not?

COURT: Now how is that relevant, before his detention? We are dealing with the approach of no. 2 to the witness.

MR BIZOS: It goes further with respect, and our instructions in relation to the probabilities as to what he says he did and did not right up to the 3rd, and more particularly on the (30) 3rd.

COURT:/.....

COURT: Yes very well.

MR BIZOS: Would you like me to read it or would you like to read it aloud? -- I am going to request that you read it to me.

Yes. It is headed "Africa My Beginning. They came from the west sailing to the east with hatred and disease flowing from their flesh and a burden to harden our lives. They claimed to be friends when they found us friendly and when foreigner met foreigner they fought for the rain exploiters of Africa, Africa my beginning and Africa my ending. They asked Mugabe - and then I will not try to read the rest, perhaps you can (10) help us with that - in Africa my beginning and Africa my ending. Suckers on my country they laid their sponges flat on its soil and absorbed its resources to fill their coffers. Agostinho has spoken in the language of poets that they went their way in multitudes and forgot their hearts behind but late is never a bad start in Africa my beginning and Africa my ending. No easy way to freedom, ten lonely years, Black hopeful men, food being their wish, courage their pay until Africa was respected for a leader had emerged and from the bush to Maputo Viva Frelimo, Africa my beginning and Africa my ending. I remember (20) Ja Toivo, Namibia is not lost, Nujoma is not idle. He would be a coward if he was. You might as well know Germany is no more in Africa my beginning and Africa my ending. AZANIA here I come from Apartheid in tatters in the land of sorrow from that marathon bondage, the Sharpeville massacre, the flames of Soweto. I was born there I will die there in Africa my beginning, and Africa my ending. Let us do something Bhopa(?)." Does that express your innermost feelings or did it express your innermost feelings before your detention? -- When it is being read as a Black person it sort has a touch in my feelings (30) and I so wish that I could have got it before my arrest.

Because/.....

Because if you had it you would have no doubt have read it? If you had had it you would no doubt have read it? -- Quite well, yes.

COURT: Do you want this to be an exhibit?

MR BIZOS: As Your Lordship pleases.

COURT: What will be the number.

MR BIZOS: The next number will be AAQ. Now do you know the poet who wrote this poem, Mr Ingoapele Madingoane, appearing in the small print on the front page, the second line My Lord.

-- No I do not know this person. (10)

Did you not have an interest in contemporary poetry written by Black poets? -- I did not have that feeling of saying to read their poems.

Now I am going to put to you that this poem was a sort of national anthem of your poetry group.

COURT: The poetry group being the Writers Association?

MR BIZOS: Yes, that he belonged to My Lord.

COURT: Well give it a name, he gave it a name.

MR BIZOS: Yes well let me, I did not recall the name. Were you involved in any poetry group other than the Writers Association in the Vaal? -- I did not belong to any group of poets. (20)

Or writers? -- I was a member of the Writers Association, yes.

Were poets excluded from the Writers Association? -- No they were included but we did not have a special group which one could have referred to as a poets group.

What I am putting to you is that within that association there was a poets group which you appeared to be the master?

-- I deny that. (30)

Did you yourself write any prose except for the poetry
that/.....

that you wrote? -- That is not so.

Well then how did you come to be the Chairman of the Writers Association? -- That group was just starting, the association was just starting to establish and about poems I since loved poems from during my school days.

Now you gave us the date when this meeting took place as 27 November 1983 where you read the

COURT: October if I remember correctly.

MR BIZOS: My Lord did you say

COURT: October.

(10)

MR BIZOS: Did you say October? -- I said October.

You are sure that it was October? -- That is so.

Not November? -- It was October.

Why are you so sure? -- Because I was reading the poem there before a mass meeting.

I see, and that is why you say that it was in October? -- That is so.

Now with His Lordship's permission, in order to show how your evidence-in-chief departs from reality I am going to ask that ten minutes of the tape that accused no. 2 will say was (20) played to you to be played in court.

COURT: But now just a moment, before we listen to the tape, he says it was not that tape it is a different tape. Now what use will that be to us to listen to a different tape?

MR BIZOS: No My Lord, with respect, the use will be this that the evidence from Mr Cooper and Mr Mabaso will be that they only ever in their lives gave one radio interview and that is the tape that we have. What I want to ask the witness after he has listened to it for ten minutes whether he heard Mr Cooper or Mr Mabaso saying any of the things that are on that (30) tape.

COURT: /.....

COURT: That is irrelevant because he did not listen to that tape he says. If you prove that there was only one tape made and that it was on Capital Radio then the witness is discredited to that extent.

MR BIZOS: As Your Lordship pleases.

COURT: But it will have no purpose to listen to a tape which he says he did not listen to. You can produce the tape eventually when Mr Mabaso or Mr Cooper gives evidence and they can play the tape if they want to, if necessary, if it is relevant then. But I cannot see any purpose in listening to a tape (10) at this stage that the witness said was on Radio Freedom and you say is on Capital Radio.

MR BIZOS: Yes. My Lord may I then merely, because in order to avoid any suggestion later of anything I would like Your Lordship's registrar to take charge of the tape that we do have which we say is the only tape available.

COURT: Yes we can, you can hand it in as EXHIBIT 1.

MR BIZOS: As Your Lordship pleases.

COURT: Have you got it?

MR BIZOS: Yes it is here. (20)

MNR FICK: U Edele die Staat sal vra dat hierdie bewysstuk BEWYSSTUK 25 genommer sal word.

HOF: 25?

MNR FICK: 25, want die Staat het reeds, ons lys van bewysstukke het ook kassette genommer.

COURT: Any objection?

MR BIZOS: No My Lord.

COURT: 25.

MR BIZOS: Would you recognise the voices of Mr Mabaso and Mr Cooper? -- I believe so that I can be in a position to (30) recognise their voices.

I do not know whether Your Lordship wants at least a small portion of it played for that purpose?

COURT: If you convince me that it is relevant that he recognises the voices of Mr Mabaso and Mr Cooper on this tape then you are at liberty to play it until such stage as he says "I do" or "I do not" recognise them.

MR BIZOS: As Your Lordship pleases.

COURT: But I am not going to listen to ten minutes of that tape. (10)

MR BIZOS: As your Lordship pleases. It comes fairly early on.

COURT: Very well. Will you please stop the proceedings as soon as you recognise or say you cannot recognise the voices.

MR BIZOS: I am informed that it can be played better on the equipment of the operator than on a, on the equipment that is put on but I do not know whether it is ready or not.

COURT: Well let us try it on this one. Do they talk together, Mr Mabaso and Cooper or do we have to listen to Mr Mabaso for ten minutes to be able to get to Mr Cooper?

MR BIZOS: There is a time lapse of a couple of minutes. (20)
They are asked questions.

COURT: Well speed it up a bit.

MR BIZOS: Yes, just leave the front part out.

TAPE IS PLAYED TO THE WITNESS - EXHIBIT 25.

COURT: Just play it in front of that microphone. -- The witness requests that it be started at the beginning.

MR BIZOS: Where the Radio Zambia is announced?

COURT: Do not mislead the witness, the witness stated, you stated to the witness it is Capital Radio, is Capital Radio in Zambia? (30)

MR BIZOS: No My Lord.

COURT:/.....

COURT: Stop there please. Yes? -- The cassette which was brought to me by Oupa Hlomoka does not begin with any music.

MR BIZOS: Right, you have told us that. Let us just carry on and see if you recognise the voice of Mr Mabaso and Mr Cooper later.

TAPE PLAYED OUT - EXHIBIT NO. 25.

COURT: Yes? -- I recognise the voice there as that of Lybon but I still say this is not the cassette I listened to.

MR BIZOS: Can we ask Mr Sutherland to move it forward until Mr Saths Cooper is speaking please. (10)

COURT: I seem to remember that the witness told us that Saths Cooper did not, he did not reach him on the tape.

MR BIZOS: He did not reach him.

COURT: So that would serve no purpose.

MR BIZOS: As Your Lordship pleases.

COURT: Yes, will you hand up the cassette to my registrar please.

MR BIZOS: Now did I understand you correctly to say that up to April 1983 there was no branch of AZAPO in the Vaal Triangle? -- According to what Oupa told me, yes that was the position. (20)

And you viewed the first meeting that you had with Oupa, accused no. 2, as a sort of inaugural meeting of the AZAPO branch in the Vaal Triangle? -- According to what he told me is that he wanted us to form a branch in the Vaal, that is the AZAPO branch. He even gave me the name.

With a clear indication that there was no branch of AZAPO in the Vaal? -- That is so.

You see I am going to suggest to you that this is just fantasy on your part because if need be as many as twenty people can give evidence that the AZAPO branch in the Vaal Triangle (30) was established in March 1980 in Evaton. -- My evidence was when

Oupa/.....

Oupa approached me he had come to talk to me about a formation of a branch, that is the AZAPO branch of the Vaal, which branch he was going to chair after it had been formed. Which branch he chaired in fact after it was formed.

And I am going to put to you that right up to October 1983 one Gaby Shabangu was the Chairman of AZAPO in the Vaal Triangle. -- That I do not know. As I say during that period I was not involved in that. I only know of what Oupa approached me about.

You could not have realised the importance of the period (10) that I have put to you, that up to October 1983 Gaby Shabangu was the Chairman of AZAPO in the Vaal Triangle? -- In reply to that I said that I do not know.

Anything about during this period. But it is quite inconsistent with you not knowing if in fact you attended an inaugural meeting at which no. 2 was appointed the Chairman in April 1983. It does not make sense, does it? -- According to Oupa when he was talking to me about the formation of the branch there his words were to the effect that there is no branch in the Vaal Triangle and therefore he wanted us to (20) form a branch. And that is why, after organising those few people we could organise then we decided on him being a Chairman because of his experience or ideas about AZAPO.

When do you say AZAPO was established in the Vaal to your knowledge? -- According to my knowledge I would say it was some time in April.

How do you work out April? -- I come to April this way, in March I was approached by Oupa, in April he came with the cassette and then after the cassette we later met with the people I have already mentioned to the Court that they were (30) people with whom we formed this branch, that is how I come to

April./.....

April.

Do you recall the question being asked directly of you by the Prosecutor in your evidence-in-chief as to when AZAPO came into being in the Vaal? -- Maybe in a different way, not direct as you put it now as to when it was established, no.

Well I am going to put to you that the question was "Was taak van AZAPO in Vaal, was daar 'n taak van AZAPO in die Vaal en wanneer het dit tot stand gekom" and your answer was "Nog gedurende 1983, kan nie onthou in watter maand." What do you say to that? -- My evidence is and was in fact in-chief (10) that I was approached by Oupa during March, he came back to me in April. It is then that I was recruited. After being recruited it is then that the branch was formed.

You see I am going to put to you that not only was it in existence since 1980, not only was its chairman Mr Gaby Shabangu but that accused no. 2, Oupa, was an executive member under Mr Gaby Shabangu until October 1983. -- That I do not know. I maintain that this thing was just as I have told the Court. I do not even know this Gaby.

Do you know Modise Lehoko? -- Yes I do. (20)

Do you know whether he was a member of the executive of AZAPO? -- At the time of our forming a branch he was the secretary.

Yes. Was he not the secretary before that? -- That I do not know.

Do you know Jabu Shabalala? -- Yes I do.

And just for the sake of clarity not the well known trader of Soweto but a younger man in the Vaal Triangle. -- I know that person, yes.

Was he in the executive of AZAPO? -- That is so. (30)

Now I am going to put to you that insofar as you tried
to/.....

to describe the first meeting that you attended as an inaugural meeting of AZAPO, that that evidence is incorrect. -- That is how I know that.

Yes. And I am going to put to you that insofar as you may have suggested that Father Moselane, that is accused no. 3, was at what you call an inaugural meeting of AZAPO that that evidence is false.

COURT: It was also stated by him that Father Moselane, accused no. 3, was a member of that branch. Is that disputed?

MR BIZOS: That is also disputed. -- That is true, I have (10) evidence to that.

What evidence have you got? -- The evidence I am talking about is the oral evidence I am now busy giving in this court to the effect that Father Moselane even said to us even if he is not present his church is available to AZAPO because he is Black conscious orientated.

I do not think that Father Moselane has ever apologised for his Black consciousness orientation except that his Black consciousness is perhaps different to yours.

COURT: Do you want an answer to that question? Firstly is (20) it a question?

MR BIZOS: Yes.

COURT: Or are you just arguing with the witness.

MR BIZOS: No, I will split the question into two.

COURT: Yes.

MR BIZOS: I am putting to you that Father Moselane openly admitted that he was an adherent of Black consciousness but that the Black consciousness he is an adherent of is different to what you appear to consider to be Black consciousness.

COURT: Well you have not asked the witness what he under- (30) stands under it and you have not told me what Father Moselane understands/....

understands under Black consciousness. Will you please define the term as you see it and then we can debate it with the witness.

MR BIZOS: As Your Lordship pleases. You see the bitterness that you describe in your poem, the exclusion of all people who are not Black from the South African life of the future, Father Moselane does not go along with. What do you say to that? -- I differ with you on that.

Yes. And that he describes the Black consciousness that he has adhered to is the Black consciousness as defined by (10) the late Steve Biko, with whom he was connected in his younger days. -- I believe each and every Black person is just like myself pertaining to that. I have evidence, that is oral evidence, that we are the same, including himself.

Were you given any membership card? -- From which organization?

AZAPO. -- People were just forming a branch. Oupa was supposed to have brought those things from the head office of the AZAPO.

Were you ever given a card? -- No I did not get a card, (20) the last I know about a card is when Oupa said I must come and fetch it, if I do find time to do so.

Did you pay any dues? -- Yes I did.

How much? -- What I can remember that I paid there amounts to R15 for books and other things. That is including the joining fees, R3,50.

Well is it R3 or R3,50? -- R3,50.

Did you pay the R3,50? -- Yes I paid it to Oupa.

Did you pay any other dues? -- No except for the books and the joining fee and the badge. (30)

Do you know whether or not you are supposed to make a
monthly/.....

monthly contribution to AZAPO if you are a member and active supporter of it? -- I know that Oupa used to ask me about that as to when am I going to pay that. Then I would say to him "Yes I know I will give it to you friend, comrade."

Is there any explanation why you did not make this payment throughout that period? -- I did not have the money. I would not say it was anything special except to say it was just ignorance, a person leaving something he knows he is supposed to do.

You see because I am going to suggest to you that it (10) is not just ignorance but that you were just a drifter. -- No that is not the way, it is not like that.

That is not the way. Was the commitment to your liberation not strong enough to make regular payments to the organisation that you say you joined? -- Just repeat that question?

Was your commitment to your liberation not sufficiently strong to make regular contributions to your organisation? -- My feelings were very strong towards liberation.

Yes. Now you have just said that Father Moselane said at the meeting which he denies ever took place in his presence (20) that his church was always available? -- I am saying that is so. Like any other person who would do something he knows he is not supposed to do and knowing that that thing will put him in danger, once he is in that danger that person will always deny having done what he is being accused of.

Is that your standard or morality? -- Not mine, generally people are like that. What I am driving at is to say even with Father Moselane it is exactly the same position. What I am saying today here he denies whereas that is in fact the position. (30)

Now tell me do you know whether this church has a parish council?/....

council?

COURT: Which church, no. 3's church?

MR BIZOS: No. 3's church. -- That is so, I know.

You know. And do you know whether in this parish council there are different people with different philosophical persuasions? -- Well because of the fact that I was not a member of his church that I do not know.

Yes. And do you know that whenever the church was used by the residents of Sharpeville whether the church council was consulted and approved of the use of the church? -- (10)
I know that is the procedure with other churches but I do not know with this church but I am quoting his words here "Whenever you are holding a meeting my church is always available."

Is that why you say that Father Moselane was a member of AZAPO? -- No that is not the reason.

What is the reason? -- Because he attended all the meetings of AZAPO which were held.

Which meetings? -- AZAPO in the Vaal Triangle, that is in Sebokeng and Sharpeville.

Which meetings? -- Just clarify your question, I am (20)
talking about

Please identify the meetings where you say, you call them AZAPO meetings, which Father Moselane attended? -- The meetings which were held in preparation for the establishment of the AZAPO branch there and the meetings which were also held after their establishment of the AZAPO branch.

Do you say that Father Moselane attended the committee meetings of AZAPO in Sharpeville, is that what you are saying? -- That is just like that.

At how many meetings did you see him? -- About five, (30)
six meetings, I cannot quite remember.

You/.....

You did not attend many more yourself? -- I used to attend the meetings though most of the time I would leave the meeting while the meeting was still on because I am getting to work.

Are these committee meetings or public meetings that you are talking about? -- Both, he attended committee meetings as well as public meetings.

Alright, we will take you up on that in due course. Now do you know whether Whites attend Father Moselane's church? -- Not to the church where he is specifically.

Well have you ever

(10)

COURT: Is your answer that you do not know it or is your answer that they do not? -- What I mean is I do not know whether there are any whites attending to his church specifically.

MR BIZOS: And do you know whether he shares communion on the Sundays that he officiates with people irrespective of colour? -- That I do not know. I have not before attended a service in his church.

Yes. Well then you are hardly in a position to comment about the similarity of your views of Black consciousness and his? -- It is not the way you put it. This reminds me of some certain words as a result of the remark or the question. I remember certain words which I did not make mentioned of in my evidence-in-chief, those were the words uttered by Father Moselane at a meeting in Sebokeng. (20)

COURT: Yes? -- I quote "Whites in this country are like the Egyptians of old and Blacks the jews. Whites are oppressing the Black people just the same way the Egyptians oppressed the Jews and Whites are enjoying the fruits of this land while the rightful owner enjoys nothing but oppression." (30)

MR BIZOS: Tell me is the comparison of the Pharoah and the

Jews/.....

Jews often made in the Black community? -- The comparison of Jews and what?

The comparison between the Pharoah and the Jews? -- I do not understand.

The Egyptians? -- Ja I think it is wise you mention the words the way I put them.

Is the comparison that you have mentioned often made in the Black community? -- There you are, Father Moselane did it.

No the question is whether this parallel is often used.

COURT: Where, in church or outside church? (10)

MR BIZOS: In and out of churches. -- Not it is not something which people use.

Now let us come for what you thought the purpose of AZAPO was, in the Vaal Triangle. Do you recall whether or not in 1983 there was to be a referendum among the Whites? -- Yes I do remember about that, about such thing which was to take place. In fact I heard that from Oupa as well.

Yes. And was there a new type of urban council to be elected? -- A new type?

Yes under new legislation with different powers, (20) different structures? -- Do you mean pertaining to the townships?

To the townships. -- Yes that is so.

Is the name George Thabe known to you? -- Quite well.

Was he a community leader in the Vaal? -- Yes he was.

And was he the Chairman of the Council as it existed prior to this new dispensation that was being introduced?

-- That is so.

And do you recall that he resigned in protest? -- No he did not resign, he lost his elections. (30)

Do you not recall that he resigned and said that "I am not/.....

not prepared to be used by anybody"? -- I do not recall that happening, that is him resigning or uttering those words or words to that effect. All I recall is that he lost his votes.

Do you recall whether, during 1983, the proposal was made to what your leaders in AZAPO made to Co-Option politics?

COURT: By whom was the proposal made? Will you just put it clearly Mr Bizos that we do not get mixed up.

MR BIZOS: Right. Do you recall that people like Mr Mabaso and Mr Cooper and other leaders of AZAPO called what was happening in the country was that it was an era, a time, of Co-Option (10) politics? -- Yes I remember such talks from Lybon.

And what was meant by that is that the government was trying to co-opt into the government machinery the coloured and indian people with what was called the new dispensation? -- Are you putting to me a statement to comment on or is that a question?

No do you recall that that was what was being said? -- That is so.

And the allegation or the statement by the leaders of AZAPO was that the majority of the people, the Black people (20) in the country, were really being left out of government institutions that really mattered? -- Yes I know those words.

And Mr Mabaso and Mr Cooper and other leaders of AZAPO it was considered an insult that what was being offered to the Black people were these Councils? -- I cannot remember whether they said that.

Yes. Now do you recall whether there was any objection to having Councillors dealing with local issues or was the objection that Councillors, the Council system, was being offered as a sort of alternative and useless political right? (30) -- This question is rather too long. I cannot make out what

is/.....

is it in fact that you want me to answer on?

COURT: Well why do you not ask him what was the objection to the Community Council system?

MR BIZOS: Perhaps that, well you have heard His Lordship put it much more succinctly with respect. What was your real objection to the Community Council system? -- Because the community councillors have to do only with the local politics, that is they have to do with what is happening in that area where a person is a community councillor.

Yes. And was there strong objection, was there strong(10) objection expressed, let me put it how I am instructed it was put at some of the meetings, the Whites will have their Parliament, the Coloureds will have their Parliament, the Indians will have a Parliament and we have been thrown a bone called the Community Councils. -- If that is the question I cannot remember attending any meeting where that was mentioned.

Maybe you did not hear those precise words at any meeting but was that a fundamental objection? -- Yes I agree with that.

Yes. So that I take it that the AZAPO policy as you understood it that if you had political rights to send people to (20) Parliament to make the big decisions in your life you would not have had any objections to having urban councils?

COURT: Community Councils.

MR BIZOS: Community Councils. -- That is so.

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Yes. Now

COURT ADJOURNS FOR TEA. COURT RESUMES.

ABRAM SEKGOTO: d.s.s. (Through Interpreter - In Camera)

FURTHER CROSS-EXAMINATION BY MR BIZOS: My Lord I have been requested by My Learned Friends for the State, subject to Your Lordship's approval, to mark the last exhibit AAQ1 ... (30)

COURT: Africa My Beginning?

MR BIZOS:/.....

MR BIZOS: Africa My Beginning. And then the other documents that I tender AAQ2 etcetera so that we do not run short of letters of the alphabet. In brackets shall we put it?

COURT: Yes. AAQ(1) will then be Africa My Beginning.

MR BIZOS: As Your Lordship pleases. So I think that we are agreed that the fundamental objection to Community Councils was that they were being offered as a substitute for what Black people consider meaningful political rights? -- Yes we agree on that.

Yes. And all these proposals for the establishment of (10) these councils were to be established in terms of newspaper shorthand called "Koornhof bills"? -- That is so.

COURT: Could I just get clarity? Do you by the term "Koornhof Bills" understand those bills establishing the community councils only? -- That is how we understood it.

Yes.

MR BIZOS: Now you as a person who was concerned with the affairs of your people would you say that this was a fundamental objection in the community as a whole? -- That is so.

And let me remind you of some of the things that Mr (20) Elliot Shabangu said at one of the meetings about these councils, in order to put them into perspective from the Black community's point of view. Did he say that these councils were not something new in the African people's history? -- Yes he did make mention of that.

And do you recall that he went back to 1923 when councils of sort were first introduced? -- I cannot remember about the year.

But did he give a long history? -- Yes he did refer to some history. (30)

And was the line of his argument that whatever they may have/.....

have been called, whatever they may have been called, whether Native Advisory Councils or Advisory Boards, or under whatever Act they may have been established, they all were the same thing? -- That is so.

The servants of White authority? -- That is true.

And here they were trying to dress them in terms of the Koornhof Bills, they were trying to dress them as meaningful political rights? -- That is true.

But they would be no different? -- That is so.

They would still be the puppets of the White man? -- (10)
That is so.

Would you say that that was a widely held, that it was a widely held view in the community in which you lived? -- Yes it was viewed in that way by the community where I was living at the time.

Yes. And of course in Evaton there was also a special complaint, the community in Evaton was one of the few that enjoyed freehold rights? -- That is true.

Ever since 1948 did the community believe that the government considered them as a black spot? -- I do not know (20) whether they were saying that.

Were the people of Evaton suspicious of anything that may have turned their freehold area into what was commonly called a location? -- That is true.

And the introduction of a council into Evaton was viewed with great suspicion? -- That is so.

And were Councillor's properties in Evaton sub-divided into small stands and sold at a considerable profit? -- I do not know whether they were doing that to the councillors.

Yes. Now what perception did the people in the Vaal (30) Triangle have as the main functions of the council? -- The most/.....

most of us were saying or labelling them as the government puppets.

Yes. Were their main functions the allocation of houses?
-- That is how they promised.

And the determination of the rental? -- That is so.

Now in relation to the opposition of this council system would it be correct that it was not only AZAPO that was opposed to it? -- That is true.

Practically every organised group of people, whatever their main purpose may have been, was against this prin- (10)
ciple? -- That is true.

COURT: Does this now include tennis clubs and soccer clubs and that sort of thing or politically organised groups? -- Political organisations.

MR BIZOS: Church groups? -- I do not understand, church groups in what sense?

What church do you belong to? -- AME, African Methodist Episcopal Church.

Who is the leader of your church? -- Prior to my arrest it was Father Senatle, Bishop Senatle. (20)

Did your church not take a stand in relation to the Council issue? -- That was one kind of a church, it was not taking any stand.

Were its members not taking any stand?

COURT: Individually or as a church congregation?

MR BIZOS: Yes, well let us deal with individually did the members take any stand? -- Some yes.

Yes. Now in order to try and cut this short I am going to read to you a Ministerial statement in relation to the perceptions of the people of the Vaal Triangle to the (30)
local authorities and ask you whether you agree or disagree
with/.....

with it, in relation to what your personal experience was as a member of that community. My Lord it is a statement headed "Statement by the Honourable G. van N. Viljoen M.P., Minister of Co-Operation and Development and Education" and it is dated 4 January 1985. I intended handing copies to Your Lordship but unfortunately due to the volume that we have to carry the copies are not with us this morning but we undertake during the adjournment to make copies available to Your Lordship and Learned Assessors.

COURT: Yes.

(10)

MR BIZOS: Now there are five introductory paragraphs which I will not read to you, although it will be handed in to His Lordship, which deal with a survey conducted by Professor van der Walt of Potchefstroom University.

COURT: You are going to hand it in?

MR BIZOS: Yes My Lord.

COURT: It needs a number, that will then be AAQ(2)?

MR BIZOS: AAQ(2).

COURT: Yes.

PROF. JOUBERT: What are Professor van der Walt's initials?(20)

MR BIZOS: It is the Rector of the University. The paragraph reads "Professor van der Walt's report presents six main findings and recommendations falling within the broader political field and which I would like to deal with briefly. The first is first he finds that there is enormous ignorance and lack of understanding - you understand English do you not? You write poetry in English? -- Yes I do.

Can we give the

COURT: Just read it out slowly or summarise it. You can read it out and summarise it and that can be interpreted. (30)

MR BIZOS: Yes could I ask the witness if he does not understand anything/....

anything that the interpreter can translate it to him so that..

COURT: Well if you want him to comment upon a specific finding it has to be interpreted to him.

MR BIZOS: Interpreted. As Your Lordship pleases. "First he finds that there is enormous ignorance and lack of understanding among the black residents about a local government system in general and specifically about the factors influencing the determination of municipal rates and levies." I think we should give a copy to the Interpreter to make his task easier. I read the first sentence of this paragraph (10) Mr Interpreter.

INTERPRETER: Yes, the one starting with "First he finds that there is enormous ignorance."

MR BIZOS: "Enormous ignorance and lack of understanding". Now as a member of the community what do you say about that? -- Do you want me to comment on that as to what my feeling is?

Yes do you feel that there is such ignorance or not?

COURT: Was at the time.

MR BIZOS: Was at the time? -- Yes there was because people were not being taught. (20)

We have heard much evidence in this case that at the meetings speaker after speaker said that the Councillors did not call the people together to explain what was happening. -- That is true, they were not doing that.

And that people were kept in ignorance? -- That is the truth.

Yes and then the Honourable Minister says what ought to be done about that. I do not think we should ask your opinion on that but let us go on to the next finding of Professor van der Walt. "Secondly Professor van der Walt more specifically recommends that an official investigation regarding (30)

the/.....

the amounts and the composition of Municipal rates and levies in the Vaal Triangle be instituted in comparison with rates and levies in other Municipal areas." Now did the people in the Vaal Triangle have a perception that they were paying more than their brothers and sisters in other townships? -- That is true, that was our feeling.

And were the rentals considered extraordinarily high even before the proposed increase that was to come into operation on 1 September 1984? -- That is so.

"Thirdly Professor van der Walt points out the urgent (10) need for additional sources of Black Local Government revenue to supplement their revenue from rates and levies." Was there a perception in the community in which you lived that the money that was paid for, as rent, was not all being used for the purposes of the development of the townships? -- Yes we kept on asking ourselves questions about that, as to why we pay such a high rent and then that money is not used to do something that it is meant for in the township.

And were there suspicions as to what the money was being used for? -- I personally did have such suspicions, I am (20) not talking on behalf of any other person in the community but I had the suspicions.

Yes. "Fourthly Professor van der Walt points out that as a result of an extensive failure on the part of the Vaal Triangle residents to pay any rates at all during the recent weeks the Lekoa Town Council is experiencing serious cash flow problems to continue its basic services to the community." I am reading that out for the sake of completeness but I think that I do not want to ask you to comment on that.

COURT: Yes, read the next one. (30)

MR BIZOS: "In the fifth place Professor van der Walt finds that/....."

that there are persistent and extensive rumours about corruption, self-enrichment and mal-administration within the Black local government system of the Vaal Triangle." -- Do you want my comment on that?

Yes, were there such rumours? -- Yes there were such rumours.

Did you believe them to be true? -- Some I did believe them to be true.

Some of them. And do you believe that you, do you think that you were alone in believing them to be true or would (10) you say that the community, a substantial portion of the community believed them to be true? -- There were other people who were in the same thinking like myself about that.

Yes. Now I do not want to give an exhaustive list and I do not want to give His Lordship too much detail but were there rumours that nobody could get a trading site without bribing the Councillors? -- Yes there was a lot of that rumour.

Yes, and were in fact a number of Councillors convicted of corruption after this, after the unfortunate events? -- I do not know during the time, that is prior to my arrest, (20) nothing of such nature had taken place.

Yes I think that you are right about that, I think that the convictions took place during 1985. But now were there allegations of corruption in relation to the allotment of houses? -- Yes there was such a corruption.

I understand that you yourself believed to be a victim of this corruption? -- Yes that is so.

For how long had you been trying to get a house? -- It was quite long that I was trying to get a house.

Months or years? -- Years.

(30)

Yes. Were there, was there a man that went around locking houses/.....

houses of people who were in arrear with their rentals and that when the people came back they found their houses locked?

-- Yes it used to happen very much.

And what happened to the children and the old people that were in the house whilst the father and mother were at work? How did they get about in order to lock up the house? -- You added something and I did not understand that.

Yes, how did, if there were children and old people...

COURT: Are you asking the witness to testify to facts or to rumours? (10)

MR BIZOS: To perceptions, general perceptions. I will ask him if he has any personal experience. May I say that insofar as it may need be what I am putting can be established as a fact, of spoliations of this nature.

COURT: No I just want clarity on the basis on which you are cross-examining.

MR BIZOS: As Your Lordship pleases. -- They would leave them outside and lock the house and they would see to finish whether they take cover with a neighbour there who was prepared to take them or not. (20)

Are you able to tell His Lordship whether this was generally believed or not or whether you can say that it was true, whether you had any personal experience of people locked out of their houses because they were in arrear with their rents? -- I know it from seeing it happening to other people and I experienced that myself.

And then finally "Professor van der Walt emphasises the urgency of providing greater participation for urban black communities in broader national political decision making on matters affecting their interests." What I want to ask you (30) about that is you have already told us that people would not accept/.....

accept these councils in lieu, instead of meaningful political rights? -- That is so.

So that during 1983 and 1984 would you say that there was tremendous popular resentment against the council system? -- That is so.

And that that resentment was deeply felt by people because it touched upon their everyday lives? -- That is so.

They did not need what are commonly called agitators in order to remind them of the plight that they were living in? -- I am not in a position to tell the Court whether they (10) needed one or not.

Now in relation to the grievances of the people living in the area instead of getting a list from you, you were at the meeting you told us of the formation of the V.C.A. of 9 October 1983? -- That is so.

At which a number of resolutions were taken? -- Yes that is so.

After people had spoken from the platform and after people had spoken from the floor? -- Is that a question?

Yes. -- That is so. (20)

And the resolutions that were taken were adopted by acclamation by all the people who were there? -- That is true.

Which included from old age, who were from old age pensioners to young men? -- That is so.

Yes. Now instead of doing it from memory with His Lordship's leave I would ask you please to have a look at document

COURT: Are you moving away from the document you were dealing with?

MR BIZOS: Yes My Lord. (30)

COURT: Could you hand it up, you may uplift it later for copying./.....

copying.

MR BIZOS: As Your Lordship pleases. May I just attach the covering letter. Just mark it AAQ(2) please. I am going to now refer to a document which has been placed before Your Lordship. It is document AN(13). Would you say that there were, I am sorry.

COURT: Yes, are you placing it before the witness as well?

MR BIZOS: I am hoping that a copy may be available for the witness.

MNR FICK: U Edle dit is ook nie, ek moet net sê dit is (10) nie vooraf aan ons gesê dit gaan daarna verwys word toe kon ons dit nie bekry voor die tyd nie.

MR BIZOS: It is the second last from the, in the bundle. Now it says "Resolutions of the Vaal Civic Association. We, the residents of the Vaal Complex, resolve on this day 9 October 1983 at the Sebokeng Roman Catholic Church, Zone 12, to form a civic association whose function will be to strive for the welfare and betterment of our living conditions through civil political means." Now would you agree that there were over a thousand people there? -- Yes there was quite a lot, (20) they were many.

And were they again people from old age pensioners to youths? -- That is so.

And let us have a look what they hoped to gain with this association. "Demand decent housing and security for all." Would you agree that the community as a whole felt that it was not getting decent housing and security in its housing? -- That is so.

Were there allegations that people had their residential site permits cancelled for corrupt reasons? -- I was present, (30) there was such.

Are/....

Are you saying that you actually ... -- I am sorry what I am saying is there were such allegations.

Yes. Demand low rentals we can afford. Was there a perception, you have already told us that the rentals were too high and that people could not afford them? -- That is true.

Do you happen to know what percentage of the old age pension old age pensioners had to pay as their rental? -- No what I know is we all paid the same rent.

Even the old age pensioners? -- That is so. (10)

COURT: Now what is the purpose of that question? We all pay the same for bread whether we earn a lot or less. I mean where does that take us? Yes put your next question.

MR BIZOS: As Your Lordship pleases. "Condemn the government's attempts to phase out mini bus taxis". -- That is true.

COURT: Why is there an attempt to exclude mini bus taxis? -- What I know is a person who had a Kombi, if that person is going to apply for a certificate that person would be told no you cannot get a certificate unless you want a certificate for a sedan car. (20)

MR BIZOS: Do you know of any specific proposal to actually do away with them altogether? -- I cannot remember that one, whether it was there or not.

Yes very well. "Demand that we must not be charged for maintenance of houses". -- Yes that is so.

Now were there complaints in the community that you lived in that the sewerage system, the water reticulation system, whether you found them when you went into a house in order or not you were compelled to pay for whatever damage or wear and tear there might have been? (30)

COURT: When you took over a house from somebody else?

MR BIZOS:/.....

MR BIZOS: Yes My Lord. They said you must pay. Your Lordship will also hear ...

COURT: Is that for the repair of the system?

MR BIZOS: For the repair of the system. -- That is true.

Whilst we are on this if you wanted a house from which a person had been evicted, and say he was in arrear for three or four months what did you have to do about that rental, that arrear rental, in order to get the house? -- I was bound to pay the arrears for the person who had to leave the house.

Otherwise you would not get the house? -- Otherwise you(10) would not get the house.

Yes.

COURT: Could I just get clarity on the maintenance of houses. Does that mean then that only when one moves into a house that you pay for the maintenance of a house or do you also pay maintenance while you are living in the house? -- You were paying for both, whilst living in that house if something goes wrong and it is to be repaired then you pay for that.

MR BIZOS: Even if it is ordinary wear and tear? -- You just have to pay. (20)

The next resolution "Demand proper roads with adequate road signs". -- That is true, that was one of the resolutions.

Well are there, are your roads paved? -- Only the main street.

Well even the main street that has the, the kerb, other than the kerbstone is there any other form of paving?

COURT: Do you mean the sidewalk of the main street or the main street itself?

MR BIZOS: No the sidewalk of the main street. -- No there was nothing. (30)

Are the other roads unpaved? -- That is true, they do not/.....

not have.

Is the gravel kept in good order or was the gravel kept in good order? -- Let us understand each other here. You see the roads in the township, the streets there they do not have any gravel it is just ordinary ground. Now if you are talking about gravel to me you are creating now a problem because there are no streets with gravelling at all.

Yes. I am sorry, it is my fault. Are the streets just...

COURT: Scraped.

MR BIZOS: Scraped. -- Yes.

(10)

COURT: Graded.

MR BIZOS: And are there large pools of water in the rainy weather that we have had recently? When we went to see them. -- Well I was not there since my arrest.

Yes, and do some of the roads ...

COURT: And it has not rained for a long time. Mr Bizos let us take it back to the perceptions in September 1984 and not deal with what you saw at the moment. It may well be that the roads have deteriorated, who knows.

MR BIZOS: Yes very well. Did some of the roads before your arrest becomes rivers during heavy rains? -- Yes there were such streets. (20)

Did the cross roads have any signs for the protection of pedestrians and vehicles travelling at right angles to each other? -- Some did have such signs.

Yes but not all? -- No not all of them.

"Demand special rent concessions for our pensioners, widows and invalid people". -- I cannot remember whether that was one of the resolutions.

Yes. Well apparently there was a resolution and it was.. (30)

COURT: Could we just get clarity Mr Bizos. You are putting something/....

something to the witness, some of it is typed, some is not typed but written in. Are you putting it that this specific document contains the resolutions as passed at that meeting or have you just picked up a document which you are presenting to the witness?

MR BIZOS: No I am saying that these resolutions were passed at the meeting.

COURT: As you are putting them now to the witness?

MR BIZOS: As I am putting them now, although the document

was not in this form at the meeting, it was, there were (10)

handwritten notes and accused no. 22 will admit that he had something to do with it and he put it together after the meeting from the notes that were taken at the meeting.

COURT: Yes very well.

MR BIZOS: You see there apparently was a demand for the establishment of an old age home and then there was some discussion about it and then there was a demand for special rent concessions for our pensioners, widows and invalid people instead of an old age home. -- Yes I remember that resolution. Yes do you remember that some people thought that an (20)

old age home was not a good idea? -- Yes I do.

Yes, and now were old age pensioners left with anything at all to live on after they had paid their ordinary rental? -- I have no idea.

Then "Condemn the disparity between Black and White pension grants and the distressing conditions under which African

pensioners receive meagre, little as they are, their pension grants." Now let us leave out the question of disparity for

a moment. Do you know anything about the conditions under which these pensions are paid out? -- Yes I do.

(30)

Are they dignified conditions for the old people or not?

Or were they dignified conditions? -- Very far from dignified. Could you briefly give His Lordship what indignities they are subjected to? -- For instance if the pensions were to be

paid the following day the elderly people would go to this pay point which is a hall, to go and spend the whole night outside this building whether they fall asleep there or not but they will have to wait there under that condition until the following day when they collect their pensions.

COURT: Why was that necessary? -- I did make enquiries from

these people as to why they were doing this. They would (10)

tell me that they want to be home as early as possible, and in fact they want to receive their pension moneys as early as possible so therefore for them to sleep or spend the night there until the following morning at nine when the pay out official comes to pay them is with a view that they do not wait long because there are too many to be there at the same time and it takes long for them.

MR BIZOS: The next resolution "Demand unhindered access into community facilities like halls, schools, etcetera and demand that they be put at our disposal." Now we have heard ... (20)

-- That is true. We have heard that some meetings were held, are held in churches and others in church halls? -- That is true. Now are there community halls in the Vaal Triangle? --

Yes there are. Were those halls made available to people who wanted to use them? -- Yes they were being made available to the community but the conditions were that one will have to book the hall with some deposit quite some time before the date on which this person will need the hall for the use and secondly (30)

they would decide on meetings as to what kind of a meeting is

to/.....

to be held in that hall otherwise they would use their discretion as to whether they give you a permission to make use of the hall or not, basing that on a kind of a meeting which is to be held.

Well would organisations like the Vaal Civic Association be given permission to use a hall? -- I do not believe they would be given that authority to use the hall.

Or AZAPO? -- Not at all, they would not.

Or the Evaton Ratepayers Association? -- Well that I do not know because that has got to do with Evaton. (10)

COURT: Could I just get clarity. Were these halls used for political rallies by other parties? -- They were used only for the meetings and rallies for the community councillors.

MR BIZOS: Would they not make them available to any other political organisation? -- What I know is pertaining to AZAPO and others, they would not get permission to use those halls.

And the next, may I just return to the conditions under which the pensioners were receiving their pensions for a moment. Would the paymaster remain there until everybody's pension was paid or would he sometimes leave because the time allotted (20) for that area had passed and go away without paying some of the pensions of the people that were not there early enough? -- Well that one I do not know, unfortunately we did not have anybody who qualified for that kind of pension to be going there so I have no idea.

Right. Then "Demand adequate schools and call on our teachers not to turn away pupils for petty issues such as uniforms". -- That is so.

Did you believe this to be a valid complaint of the people in the area in which you lived? -- To prove that that was (30) one of the reasons that in fact did not satisfy them it was mentioned

mentioned in this meeting, that is why a resolution was taken on that.

"Condemn the present education system which - I cannot read the word My Lord

COURT: Domesticates.

MR BIZOS: Yes.

COURT: I do not know whether it is very apt. Does that mean that otherwise they would be wild?

MR BIZOS: Yes it is an unfortunate use of the word. "Condemn the present education system which domesticates Blacks and (10) indoctrinates Whites and in its place demand a democratic ...

COURT: Non-racial education system.

MR BIZOS: Non-racial education system. -- Yes that is one of the resolutions.

Can you throw any light on the proper word that should perhaps have been used there? -- The appropriate word there I would have said is explained as follows. The kind of education that Black people receive makes them to remain servants to the Whites which is domestic servants.

I see yes, a bit of shorthand for menial jobs? -- Yes. (20)

I see. "Condemn the high bus fares." -- Yes that was a resolution.

COURT: Is the VTC the company that operates in that area?

-- Yes that is the only one.

Is it a private company or is a public company? Public in the sense that it is owned by the Administration Board?

-- It is a private company.

But now why would the people then attack a private company?

-- That I do not know.

MR BIZOS: Could you throw some more light on that? It is a (30) private company. How do its fares compare with the Kombi

taxis?/....

taxis? -- I am just trying to think in order to compare as to what were the fares for certain distances in order to justify that.

Yes. -- VTC fares were low.

Substantially lower? Because our information is that in many instances the Kombi taxi and the VTC fare were the same? -- No VTC fares were low. For instance I will give an example, there was an express bus operating between Evaton and Vereeniging where one would pay 65 cent per trip in this express bus whereas with a mini bus, the taxi as referred to, would (10) charge 80 cent to R1.

I am informed that in Bhoipatong it is the same but I do not know whether we want to go into all the details but in answer to His Lordship's question you actually worked for this company did you not? -- That is so.

Now had it always had a happy relationship with its work force? -- Not all the workers.

Yes. Because judging merely from the Industrial Court Reports I would suggest that it has been

COURT: Is this a question? (20)

MR BIZOS: Yes My Lord.

COURT: What is the question?

MR BIZOS: Did it have many disputes and were there mass firings of its employees? -- Yes quite so.

Yes.

COURT: Yes but now what does that have to do with the high bus fares?

MR BIZOS: No My Lord I tried to, I asked the question

COURT: Yes is the resolution pertaining to high bus fares, is it a fair resolution if you say that the bus fares were (30) much lower than the taxi fares? -- That resolution was not

clear./.....

clear.

It was not clear? -- Yes.

But was it passed? -- What I am driving at is in my opinion it was not necessary for this kind of a resolution pertaining to bus fares.

MR BIZOS: You do not hope to go back to the same job do you?
-- Even if I wanted to they will not employ me again.

Now

COURT: I would warn the members of the press that my order was that neither directly or indirectly the identity of this(10) witness is to be disclosed. Bear that in mind. Yes go ahead.

MR BIZOS: Now in relation to the earnings of the people in that area and not compared to the taxi fares are the bus fares high or low? How are they perceived in the community? -- This question is a very difficult one for me to answer, I am not in a position to answer that question, the reason being that I do not know what the other people's incomes are per month or whatever in order to compare their income with their travelling expenses.

Right. If I heard His Lordship correctly the question (20) put to you was, I do not know whether I misunderstood the position, as to why people would want to destroy their property. Is that what Your Lordship asked?

COURT: A couple of questions back?

MR BIZOS: Yes.

COURT: Why attack the VTC whereas it is not government owned or related.

MR BIZOS: Yes, that is, I thought I heard Your Lordship correctly. Now how many people who were employed by this company were fired as a result of industrial disputes between(30) the people working there and the company? -- Well quite a lot

of/.....

of them, there were quite many. There is one of them.

I beg your pardon? -- There is one of them.

COURT: Who is one of them? -- One of the accused in the dock here was employed there and because of such disputes or mass dismissals he left the company.

Yes, could you just give us his name or number? -- Bavumile Vilakazi.

What is his number, could he just stand up please. That is no. 10. Yes thank you.

MR BIZOS: What is its work force, how many? -- I cannot (10) remember.

Thousands? -- It is more than a thousand.

And have hundreds been dismissed en masse from time to time? -- No not hundreds at one time, say for instance to dismiss a hundred people at the same time. But what I can tell you is they used to dismiss people very often.

Yes. And have there been work stoppages? -- Yes there was.

And the one side said it was a strike and the other side said it was a lock out? -- That I do not know. I only joined (20) them or I came there shortly after the strike referred to.

The next resolution was "To demand adequate recreational facilities". -- Yes that was taken.

Would you say that there were justifiable complaints about the recreational facilities available? -- Yes it was justified.

Then "Condemn the concerted efforts by the government to strip the Evaton people of their freehold rights. We demand that our people be left in peace." I just want to dwell on the question of the Evaton people in addition to what you have (30) told us. Was there a perception that an attempt was being made/.....

made to sub-divide the erven on Evaton into location type of stands? -- Yes there was, I heard about it.

And was this resisted? -- Yes it was.

And were there efforts through the courts, through meetings, through memoranda, through representations to the government over a great number of years to leave Evaton alone? -- No that I do not know.

Yes. Then there was a resolution that someone wanted to strive for the establishment of an advice and an information centre? -- I cannot remember whether any resolution was (10) taken about that.

Then "Condemn the Community Councils as puppet bodies and to boycott the Black Local Authorities elections since we believe that nothing would be achieved by voting. -- Yes there was such a resolution.

Yes. Now we have been through this and I do not want to repeat it, nor do I want to repeat the condemn and reject the Koornhof Bills and President's Council constitutional proposals which was the next resolution, except in this one respect, were there any Black people at all involved in the politi- (20) cal field who did not feel particularly hurt with the new President's Council Constitutional proposals?

COURT: Can he speak on behalf of all the Black people in the Transvaal or South Africa? Why do you not limit the question a little bit, in his congregation for example.

MR BIZOS: Yes. Did you know of anyone that was, in the circle in which you moved did you know of anyone who was not angry about being excluded from meaningful political rights in the President's Council proposals of that time? -- What I can say in the circles where I moved people were not happy (30) about that.

And/....

And did they feel strongly about that? -- Strongly about what?

Strongly unhappy about the implementation of these proposals? -- They were not happy at all.

Then the next resolution, "Condemn and reject the homeland system, in particular the Ciskei government for its atrocities committed against the people. Condemn the banning, oh that is a different one, I am sorry. Yes? -- That is true, that resolution was taken.

It was taken. (10)

COURT: Tell me, about this aspect, I thought the VCA, initially I thought the VCA was a local civic association. That is an organisation concerned with local civic affairs but the taking of this resolution would indicate that you were operating on a much broader basis? Attacking the Ciskei government for example? -- It is true. When it was established I understood it even from its name that it had to do with matters arising within the Vaal Triangle only. But I was also surprised when I heard this resolution also being read as one of the resolutions being taken in that meeting. (20)

MR BIZOS: Well you now say that you are surprised. Let me ask you a couple of questions about it. How many people of the Ciskei, who either came from the Ciskei or still have families in the Ciskei live and work in the Vaal Triangle? -- I have no idea.

Do you not know that there is a substantial number of people from that area working

MNR FICK: Die Staat maak beswaar. Die getuie het gesê hy weet nie. Nou word hy weer gevra maar weet jy nie. Hy het klaar daarop geantwoord en ek weet nie waarom My Geleerde (30) Vriend aanhou om dieselfde vraag te vra.

And did they feel strongly about that? -- Strongly about

what?

Strongly unhappy about the implementation of these

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Vriend aanhou om dieselfde vraag te vra.

HOF: Eintlik was die eerste vraag "Weet jy hoeveel" en nou is die vraag "Weet jy dat daar baie is" so tegnies gesproke is dit seker reg.

MNR FICK: Maar u Edele

HOF: Hy is eers gevra om te kwantifiseer en nou word hy gevra om net te sê daar was baie of min.

MNR FICK: Maar u Edele as sy eerste antwoord nee is dan kan die tweede niks anders wees.

HOF: Nee sy eerste antwoord is op 'n vraag "Weet jy hoeveel", ditwil sê 3465, die antwoord is nee hy weet dit nie. Die (10) volgende vraag is weet jy dat daar baie was. Die beswaar word van die hand gewys. You can put the question but can you not put it a bit shorter?

MR BIZOS: Yes. Look there are hostels in the area? -- Yes there are.

C59 These are people who are from the Ciskei and Transkei, and other areas? -- I know there are Xhosa speaking people in the hostels there but I am not in a position to tell whether this one is from the Transkei or this one is from the Ciskei.

Yes. Alright well we will ask His Lordship to draw (20) an inference, there might be from both. Now banning, I am sorry, yes "Condemn the banning of SAAWU and to pledge our solidarity with our people is Ciskei".

COURT: Now this condemning of the South African Allied Workers Union, was that in the Ciskei? The banning? -- SAAWU was banned in the Ciskei, yes.

But not in South Africa or not in the Vaal Triangle at the time? -- No in the Ciskei.

MR BIZOS: Let me remind you of some of the problems in relation to this. It is lawful is it not to be a member of this (30) union in South Africa? -- I do not have a good idea about that.

Well/.....

Well let me put it so that we can get it on record, can you recall whether there was discussion at the meeting that there was a ridiculous anomaly that you could be a member of a trade union in South Africa and your employer could deduct your dues and pay it to the union but if you by chance took your union membership card and were found in possession of it when you went to see your family in the Ciskei you could be jailed for being a member of the union? -- I cannot remember reading about that or hearing that being mentioned anywhere.

Do you agree if that was the case that the people of (10) the Vaal were, or what was happening the Ciskei may have been a matter of some concern? What was happening in the Ciskei?

MNR FICK: U Edele die Staat maak beswaar hierteen, is dit nie n opinie wat nou gevra word van die getuie?

COURT: How is his opinion relevant?

MR BIZOS: Well except that Your Lordship has already given...

COURT: He says it was not, I cannot remember it being said in my presence.

MR BIZOS: Except that he had no difficulty in expressing an opinion to Your Lordship that it was not the business of (20) the people of the Vaal what was happening in the Ciskei and it is really testing the validity of that opinion that the question is being put.

COURT: Well go ahead put the question. Have we got an answer to the question yet? -- Just repeat that question again.

MR BIZOS: Yes. Would you agree that if people working in the Vaal were going to be arrested if they had their union membership card with them when they visited their family in the Ciskei that what was happening in the Ciskei was of some concern to some people in the Vaal Triangle? -- I understand (30) what is being put to me. Although it was something which sort of/.....

of affected our feelings about what was going to happen to a member there but then it did not justify us taking any resolution about it.

But obviously the meeting felt differently? -- Yes because there was, a resolution was taken about it.

Yes, and you did not object to it being taken? -- No I did not have any comment about that.

Yes. Then the other resolutions deal with the formation of area committees and the affiliation to the UDF which I will take up when we actually deal with what precisely was said (10) on 9 October 1983, afterwards. Would you agree, from what you have told us through most of this morning that there was a great feeling of dissatisfaction among the people in the Vaal Triangle against the local authorities in particular? -- I am trying to understand the question. It is a long question and I am trying to come to the gist of the question as to what the question is about.

COURT: Have you not already got the ingredients, now why do you want to bake the cake?

MR BIZOS: As Your Lordship pleases. I withdraw the ques- (20) tion.

COURT: Now I would like to ask a question. Will you read the last portion of the document, the exhibit. "We of the Vaal Civic Association pledge to strive for the unity of our people under the banner of, we pledge to strive for the unity of our people under the banner of the Vaal Civic Association, to strive for co-operation and unity with our people in other areas of our country and to co-operate with genuine people's organisations in the country." Was that resolution passed? -- This wording here, or the way it is put here I hear that (30) for the first time today. It may be that the Chairman and

his/.....

his secretary included this portion after everything was done.

MR BIZOS: I am going to suggest to you that that answer is not correct. Because at the end of the meeting there were resolutions such as appear on here, both in relation to co-operation with other organisations and the UDF. But as I promised I will remind you of the details of this meeting which you did not get quite right in your evidence-in-chief. When we deal with that meeting. -- As I have already said after all the other resolutions were taken maybe the Chairman and his secretary at their different places or residence decided to (10) add the last portion there and which they did. I am not in a position to tell.

Yes, well you will hear what the, I will remind you of what happened when we deal with that meeting. Now in addition to these general complaints would you agree that there were many personal grudges among Councillors on the one hand and their individual opponents on the other, and I will give you some examples. Would you agree that

COURT: Let us first get an answer to the question. If he is not able to answer at this stage you can go further. Yes, (20) can you remember any personal grudges? -- About the other people I am not in a position to tell but about myself I had a grudge with one of the Councillors.

MR BIZOS: Well I do not know about your personal grudge, I do not know whether it is relevant to any of the issues but if you want to mention it very briefly you can.

COURT: Well I would prefer us not to debate the personal grudges of each Councillor and each witness in this court.

MR BIZOS: As Your Lordship pleases. Now let me give you an example of what was well known in the Vaal Triangle. Would (30) you agree that a liquor licence is a very prized privilege?

-- I/.....

-- I do not know because I have not met any person to discuss that with.

Is there a large bottlestore very near a school in the Vaal Triangle?

COURT: Well just before we take it via Cape Town to Bronkhorstspuit let us go directly. Does he know about a grudge about a bottlestore near a school.

MR BIZOS: Right, do you know of any such grudge? -- No. I do not know a thing about it.

Do you know whether the population generally resented (10) that there should be a bottlestore next to the school at which their children went to school? -- No that one I do not know.

Do you know whether there were any personal grudges by competing applicants who also happened to be connected in one way or the other with Councillors for franchises, such as, for franchises? -- I have no idea of that.

Now do you recall that at the time that you became a member of AZAPO whether there was much publicity of AZAPO's view to the Constitutional proposals and more particularly to the Council elections? -- I cannot remember that. (20)

Do you or did you regularly read The Sowetan? -- Not very much.

Well did you get it daily or weekly? -- The newspaper I used to read a lot was The Star, not The Sowetan.

Right. Did The Star from time to time publish the views of the AZAPO leadership? -- I cannot remember.

Do you recall whether, in newspapers distributed nationally, like The Star, whether there were views expressed about the advisability or otherwise in taking part in these Council elections? -- Even if I read about it in The Star The Star (30) is not a kind of reading material that one would keep in order to/....

to know for instance by heart what was being said in The Star. You just read it put it away like any other newspaper.

Would you, do you recall when the elections were? -- Which one?

For the Council of Lekoia in the Vaal Triangle? -- It was during November 1983, somewhere there.

Do you remember how many voters actually participated in that election? -- I cannot remember exactly, but what I can pertinently tell the Court which I remember is very very few people took part in those votings. (10)

Yes. Did the, would you say that the majority of the people in the Vaal Triangle considered the Councillors as democratically elected representatives by the majority of the people living there?

MNR FICK: U Edele die Staat maak beswaar. Hy is nie 'n spreekman vir die meerderheid van die Swart mense in die Vaal.

COURT: On what basis can the witness answer that question?

MR BIZOS: The question is whether he can testify, and he has been testifying on the perceptions of the people in the Vaal. (20)
I am assuming

COURT: You asked him about rumours and I allowed you to ask him about rumours although that sort of widened the scope of the enquiry extremely but he cannot speak on behalf of the people in the Vaal.

MR BIZOS: No, well except the perceptions.

COURT: He can only speak about his own perceptions.

MR BIZOS: Right. You say that there was a very small number of people that voted for them? -- Yes according to the results there. (30)

Now did you believe that they represented the will of the people/....

people so to speak? -- Who representing which people? I do not understand that.

The Councillors. Did they represent the will of the people living in the Vaal Triangle?

COURT: What is the will of the people? Why do you not say did they represent the people?

MR BIZOS: Very well. Did you think that they represented the people of the Vaal Triangle? -- According to the feelings of the people, inclusive of myself, they were not representing us. (10)

Did you believe the statements of speaker after speaker at the meetings which you were attending that they were there in order to enrich themselves?

COURT: Before you answer that question have we got evidence that speaker after speaker at the meetings which he attended said that they were there to enrich themselves? There may have been some speakers who said that but speaker after speaker?

MR BIZOS: Well I may have been influenced by some of the accuseds' statements and may I just call it just speakers, (20) such speakers who did so?

COURT: Yes? -- From the meetings, those I attended, no one ever put it direct the way it is being put now that the Councillors are enriching themselves.

MR BIZOS: I see. Did you believe that? Did you believe what I am now putting to you to have been correct? --

MNR FICK: Die Staat maak beswaar hierteen. Ek weet nie wat is the relevans daarvan met betrekking tot die verskilpunte voor u, wat hy gedink het.

COURT: Yes Mr Bizos how is it relevant, what he believes? (30)

MR BIZOS: It is relevant because we submit that within the framework/.....

framework of this indictment the leading of the evidence that these persons were called corrupt and puppets, if no attempt is made to justify the basis of fact or general belief in the community one inference can be drawn. If an attempt is made to justify it another inference may be drawn.

COURT: Well let us hear what the answer is. Did you believe this? -- Because there was nobody who put it direct the way it is being put in those words at the time I am not in a position to say whether I believed it or not.

MR BIZOS: They were called puppets by some speakers? -- (10)
That is so.

Yes. Now did you believe them to be puppets? -- No I did not believe that because I have not had a proof of something on which I could have based my belief to say because of this I believe yes they are puppets.

Now let us see

COURT: Before we go into, before we go puppeteering I will take the adjournment until 14h00.

COURT ADJOURNS UNTIL 14h00.

C60 COURT RESUMES at 14h00. (20)

ABRAM SEKGOTO: d.s.s. (Through Interpreter - In Camera)

FURTHER CROSS-EXAMINATION BY MR BIZOS: My Lord we have copies for the Learned Assessors of AAQ(2). You see you told His Lordship in answer to His Lordship to the question what did you want instead of Community Councils and your answer was "We are not looking for puppets".^o You used those words yourself, "We are not looking for puppets". Do you recall that? -- That is so.

Yes I just want to quickly try and deal with these words which may appear to be emotive but which are understood, (30)
in which way they are understood in your community. What is
the/.....

the perception, what was your perception and as far as you know the perception of the people, these elected Councilors by so small a body, were they really making the decisions or were the officials making the decisions? -- That I do not know because I never attended their meetings before to be able to say whether they are the people taking the decisions or the officials are taking the decisions for them.

Yes, you see this belated welcome objectivity does not correspond with your answer to his Lordship. What did you mean when you said to his Lordship "we are not looking for puppets", (10) what did you mean by that? -- What I meant is that we did not want the people who were sort of put forward by the government, namely the Councilors.

Yes. And ... -- Because of our previous experiences that they do not take our things as they are.

And if they have been put up by the government whose will do they perform? In your perception? -- According to my

Judgment because they are being put forward by the government therefore they are satisfying the government.

(20) COURT: But were they put forward by the government in the sense, were they nominated by the government? -- Not that they

were nominated by the government.

But then how were they put forward by the government? -- By that I mean they are this kind of people who will follow

the instructions of the government.

MR BIZOS: It goes a bit further than that does it not?

According to your perception the Black people want meaningful political rights? -- That is so.

Yes. Offering Community Councils is not an offer of

meaningful political rights? -- That is so.

(30) You yourself and the people in the Vaal Triangle would have

no objection to Councillors directing the ordinary affairs of the townships, or the town if you had political rights?

MNR FICK: U Edele die Staat maak beswaar. My Geleerde Vriend kan nie vir hierdie man elke keer sê jy en die res van die gemeenskap nie. Hierdie man kan nie namens die gemeenskap praat nie. Met alle respek die Staat maak beswaar daarteen. Hy kan vra wat is sy siening maar nie namens die gemeenskap nie.

COURT: Well could you limit it to the group he was involved with. (10)

MR BIZOS: As Your Lordship pleases. He said "we" and, yes the people that you referred to when you answered His Lordship. Who were interested in political rights. -- That is so.

If you had political rights you would have no objection to having people taking part in the administration of the sewerage and the road making and the refuse removal and other local authority functions? -- That is correct.

Yes. You were not really interested in the township being administered in a chaotic, or not being administered and chaos prevailing if you had political rights? -- The question (20) is not clear on that.

Yes let me just, did you or your group have any interest in better conditions or chaotic conditions in the Vaal Triangle during 1983? -- That is in fact the idea with all the people that their residential area, the conditions thereof must be good.

COURT: Or did you want to create chaos in order to get better conditions later? -- No as far as I am concerned that was not the idea.

MR BIZOS: If that was the idea then it would mean that all (30) the resolutions that were passed on 9 October 1983 was one

mass hypocrisy? -- What?

COURT: You are making it difficult for the witness because in fact you are arguing your case with the witness. You can do that to me later on.

MR BIZOS: But with respect the question had an element of argument in the indictment, Your Lordship's question.

COURT: I was putting the indictment to the witness.

MR BIZOS: Well then I want to, and he has given an answer which states the situation, which takes the situation out of the indictment and I merely want to (10)

COURT: Well are you not satisfied with the answer?

MR BIZOS: As Your Lordship pleases, I will leave it at that. Now I also, in addition to what you have told us in relation to AZAPO's position at that time I am going to show you the public statements of officials of AZAPO during October to December 1983. A series of articles in The Sowetan. Your Lordship will see that a portion of one of the columns did not come out. No fault of ours, we are told that it was the only copy and that it was cut off. We will have to live with it, and we could not get the original nor was the original available. (20)

COURT: Well I have not heard from Mr Fick yet what his attitude was to all the previous photostats that were handed in. It may be that he objects to this one as being not a fair copy of the original. Mnr Fick het u al gedink oor wat ons houding moet wees ten aansien van fotokopieë van oorspronklike dokumente?

MNR FICK: U Edele die Staat moet met all respek moet ek dit in eerlikeheid sê het nie daaraan verder gedink nie. Ek het nie geweet hier kom nog 'n klomp in.

HOF: U kan aanvaar daar gaan honderde kom. U kan daaroor dink en my later sê. (30)

MNR FICK/....

MNR FICK: Ek sal voor die hand doen dat dit voorlopig toegelaat word en dat die Staat dan later ...

HOF: Dit sal op die vorige basis toegelaat word.

MR BIZOS: My Lord this would be AAQ(3). May I mark them for Your Lordship and the Learned Assessors?

COURT: Yes please.

MR BIZOS: Now did you see

COURT: Now just a moment. Is this a composite picture we are having here, a composite report? It is not in one issue of The Sowetan? (10)

MR BIZOS: No My Lord, the date appears with the rubber stamp on each one of the articles.

COURT: Now how do we know that something was not left out because parts of this have been blanked out?

MR BIZOS: Well My Lord....

COURT: You see this is always the danger with these photocopies, you do not know what is missing, it may go onto the next page which has not been copied etcetera.

MR BIZOS: My Lord could we admit it provisionally and we will (20)

COURT: Where did you get it Mr

MR BIZOS: From the offices.

COURT: Of The Sowetan?

MR BIZOS: Of The Sowetan.

COURT: Could you not borrow these original documents, make them available to the State and return them the same day once these copies have been checked?

MR BIZOS: We will try and do that.

COURT: Can you not do that in future. It will be much easier.

MR BIZOS: We will try that and then ... (30)

COURT: Then we can also write in what is missing.

MR BIZOS:/.....

MR BIZOS: We do agree that for the sake of completeness that should be done and I may say that we actually asked them and they were brought this morning as copies only and not the originals.

COURT: Yes very well continue.

MR BIZOS: Thank you My Lord. Did you see any of these articles during this period? -- I do not remember seeing these.

You do not remember seeing them. Now would you agree that insofar as these statements are attributed to Mr Lybon Mabaso, to Mr Saths Cooper and to other leaders of AZAPO that they (10) are the public statements of AZAPO policy at that time?

COURT: How does that bind me? How is it relevant to me whether he agrees or does not agree?

MR BIZOS: My Lord may I explain this, with respect. On this indictment we may have to take him as an example, we may have to determine finally the state of mind of accused no. 9 or accused no. 10, perhaps 9 in relation to this also, an unfortunate choice because of his lack of knowledge of English, another accused. He is alleged to have conspired with an organisation such as AZAPO, accused no. 10 is not alleged (20) to be a member of AZAPO. His perception of what AZAPO was saying publicly is a relevant factor to his state of mind in relation to his co-operation insofar as it may be proved, with AZAPO.

COURT: If he read the newspapers.

MR BIZOS: If he read the newspaper or if he listened to the radio or if he had discussed the public statements of the leaders with his friends.

COURT: Yes but that was not your question. Your question was whether this witness regards this as the official, as (30) an official statement by AZAPO because it appears under the

name/.....

name of Mr Cooper and Mr Mabaso.

MR BIZOS: Yes. May I change the question. I accept the

criticism of the question, may I change it to what I, may I

change the wording of the question and bring it into line

with what I submitted to Your Lordship?

COURT: Well should I allow any questions on these articles

if the witness did not see them? Then you can put them in, I

will keep them as part of the exhibits and you can use them

when accused no. 9, 10, or whatever it is gives evidence? But

because I do not think that I should allow you to cross- (10)

examine on documents this witness has not seen.

MR BIZOS: Has not seen. Well I will round it off on this

basis, would you say that you are well informed, that you

personally are well informed on the policy of AZAPO in relation

to community councils and other matters during the latter half

of 1983 and the first half of 1984? -- I would not say in full.

You would not say in full. I will leave it at that. Just

one small matter, you drew attention to the fact that Mr

Bavumile Herbert Vilakazi, accused no. 10, was one of the dis-

missed people from the Vaal Transport Association. Were (20)

you employed by that organisation at that stage or not? -- No

at that time, I was not employed there.

Yes. Well that is what he says and you have not got the

facts correctly, he actually resigned.

MR KRUGEL: May I say something? The witness did not say that

he was dismissed. He said that during a dismissal he left

the employ of the company.

MR BIZOS: Oh well then he was correct. I understood him to

say that he was, you did not suggest that he was fired, he

left the company? -- Yes that is what I said.

(30)

No you are right about that. Yes. Right. We now come

to/.....

to the 9 October 1983 meeting. You see the accused's case is going to be this was a meeting which excited much local attention. Would you agree with that?

COURT: Let us not use the word "excitement", say "aroused".

-- That is so.

MR BIZOS: Yes, a lot of interest was shown in it? -- That is so.

And I want to assure you, I want to assure you that a number of the accused are going to tell His Lordship that they were there even though you might not have seen them there or (10) you might not have noticed them there or you left them out. And I am going to put to you who were there. Accused no. 3, do you agree with that, that is Father Moselane, do you agree that he was there? -- Yes I agree.

You agree. Do you agree that Mohapi Lazarus More, accused no. 4, was there? -- I do not recall but I am not going to say yes he was there because I cannot remember seeing him.

Do you recall that accused no. 5 was there but he came particularly late to this meeting? -- I cannot remember the time when he came there. What I know is that he was there. (20)

And you cannot admit or deny that he came very late to the meeting? -- That is so.

And can you recall whether Mr Naphtali Mbuti Nkopane, accused no. 8, was there? -- I have seen him in different meetings therefore I cannot remember whether at this particular meeting he was there.

You cannot remember. Very well.

COURT: Is it put that he was there?

MR BIZOS: Yes I put that no. 8 was there. Could I just ask you please to stand up so that it would expedite matters (30) when I mention them. Do you recall that Tebello Ephraim

Ramagula, /.....

Ramagula, accused no. 9, was there? -- I cannot recall.

You cannot recall. I put that he was there. Accused no 10, Mr Bavumile Herbert Vilakazi, can you say whether he was there? -- I know he was there.

Yes. He agrees with that. And Mr Mkhambi Amos Malindi, accused no. 12, can you recall that he was there? -- Yes.

You remember him. And Mr Pelamotse Jerry Tlhopane, accused no. 14, do you recall him being there? -- Yes I do.

And accused no. 15, Mr Serame Jacob Hlanyane, do you agree that he was there? -- Yes I do agree he was. (10)

And accused no. 16, Mr Thomas Madikwe Manthata, do you agree that he was there? -- I cannot remember about him.

You cannot remember. Accused no. 17 is not with us here today but he will tell His Lordship that he was there, that is the old man that I think you yourself referred to, that is Mr Hlabeng Sam Matlole. Do you recall him? -- I do not recall seeing him particularly in this meeting.

Yes. And no. 18, Mr Maxala Simon Vilakazi? -- I cannot remember.

You cannot remember. And accused no. 22, Mr Thabiso Andrew Ratsomo? -- He was present. (20)

Yes he will agree that he was present and I think that you correctly refer to him as the person concerned with the resolutions. -- That is so.

Do you recall that, at what time you arrived there more or less? -- At about one, I am not quite certain, somewhere around there.

Now can you recall who was the arranged Chairman of that meeting? -- That meeting was chaired by Lord McCamel.

Do you recall whether he was on time or not? -- Yes I do, he was a bit late. (30)

Do you recall that accused no. 22 apologised, that is Mr Ratsomo the young man? -- I cannot recall that.

But you are not in a position to deny it? -- No I cannot dispute it or deny that or am I in a position to say it is correct.

Do you recall what the people were doing whilst they were waiting for Lord McCamel to arrive? -- I cannot remember what the people were doing whilst waiting for McCamel.

I am going to suggest to you what they were doing. They were signing a hymn called "Rea lo boka morena" and loosely (10) translated it means "We thank they Oh Lord". -- I cannot remember that.

You are not in a position to deny it? -- No nor am I in a position to say it is not like that.

Yes, and would you say that of the thousand or so people there there were many elderly people? -- Yes there were many.

Elderly people, pensioners, family men, mothers with children? -- I beg your pardon, family men?

Family men, mothers of children? - That is so.

And that the meeting was completely orderly? -- Yes, (20) this "orderly" I do not know, maybe you are using in a context which I do not understand. Could you just elaborate what you mean by "orderly".

Yes. I am not suggesting as orderly as His Lordship's court but as orderly as meetings are

COURT: How orderly are meetings?

MR BIZOS: There is a law report about the Western Transvaal in 1941 but let us leave that out. But it was a meeting at which people were waiting patiently, they were singing hymns, that hymn? There was no boisterous behaviour? -- I will differ (30) with you on that.

You/.....

You say that it was boisterous? -- You cannot say people were waiting orderly or in a meeting it was orderly when the people were signing there and then they sort of dance on their feet with their arms doing this sign (as indicated by the witness).

With a clenched fist? -- Well while singing a hymn.

Now

COURT: Now just get clarity. The sign is that the sign with the raised fist? -- That is the sign given by the witness.

And are you saying that this sign was given while a (10) hymn was being sung or not? -- According to the defence they were singing hymns there.

Yes. -- I say I differ with him on that.

The witness is stamping his feet on the floor and throwing his right fist in the air. -- With that demonstration it cannot be an orderly meeting as far as I am concerned.

MR BIZOS: Are you saying that -- Unless it is a political meeting.

Are you saying that that was happening at the beginning of the meeting? -- From the beginning before the meeting (20) started when I was there they were singing freedom songs.

I thought you told us that you did not remember what the people were doing.

MNR FICK: U Edele ek maak beswaar, dit is nie wat hierdie getuie gesê het nie. Hy sê hy kan nie onthou of hulle 'n sekere lied gesing het nie en dit is al.

MR BIZOS: I think that My Learned Friend is wrong in fact. My question was what were the people doing whilst you were waiting and he said "I cannot remember what they were doing". You see what I am (30)

INTERPRETER: May I just interpret the answer to that question.

-- When/.....

-- When the people started singing the singing was about freedom songs.

I am asking you about the beginning of the meeting. -- Concerning the beginning of the meeting I cannot remember what happened then.

So you cannot say that they were singing freedom songs or stamping their feet or throwing their fists out? -- What I say is I cannot remember what was happening right at the beginning of the meeting but what I am saying now and what I demonstrated now here is when the singing started that is how they were (10) behaving.

And later in the meeting? -- Lord was already there at that stage.

Yes. Now just listen to me for a moment please. I am going to suggest to you that once in a while you become very excited whilst you are in the witness box. -- That is not so. I was trying to express my feelings on the point in issue.

Yes the point in issue was whether this was an ordinary quiet meeting at the beginning.

COURT: Well now could we just get clarity Mr Bizos. Are (20) you disputing that freedom songs were sung, that fists were shown and that there was a stamping of feet later on in the meeting then?

MR BIZOS: Much later on, it will not be disputed. I am dealing with the meeting at its beginning.

COURT: But should we take the meeting five minutes by five minutes and piece it together?

MR BIZOS: It is important, with the greatest respect, in order that Your Lordship may get some idea, with the greatest respect, as to how these meetings are conducted because the State (30) alleges them to be part of the conspiracy between the ANC,

the/.....

the UDF and AZAPO and the individual accused, and they are pleaded as conspiratorial activities, and with respect we cannot allow either the witness or the State to place its own interpretation on these meetings without placing before Your lordship, even at some length, precisely how these meetings were conducted in order to rebut the suggestion by the State.

COURT: Very well, go ahead.

MR BIZOS: Please let us stay in the beginning of the meeting.

COURT: Now just a minute, is the beginning now before Lord (10) McCamel came or after he had come?

MR BIZOS: Before he

COURT: Before he arrived, yes go on.

MR BIZOS: Before the arrival of McCamel? -- If that be the case then could you repeat your question?

Yes was it orderly and quiet? -- I am not in a position to say whether it was orderly and quiet at that stage. Because I remember when Lord McCamel arrived there in a car he was on crutches. It was then that the meeting was starting.

Yes. Right. Now ... -- And I was outside at the time. (20)

Do you agree that the meeting up to that stage was normal? -- I do not know which meeting are you talking about because the meeting only started after the arrival of McCamel

Yes. Was not accused no. 2 in charge of the proceedings before the arrival of Lord McCamel 22, what did I say?

I am sorry My Lord.

COURT: 2 for 22.

MR BIZOS: 22. -- I cannot recall him being in charge of the meeting.

Yes. Can you recall whether or not there was any (30) singing at all prior to Lord McCamel's arrival? -- I have already/....

already said I cannot remember whether it was a quiet meeting or not in the sense that whether there was some singing or not prior to McCamel's arrival.

Yes. You see I am going to suggest to you what I suggested before about this sudden spurt of excitement on your part because the prosecution asked you a similar question in your evidence-in-chief. Your Lordship notes it is page 741. It is a very brief passage:

COURT: Well just read it.

MR BIZOS: 741 line 1 to 4. "Was daar 'n verhoog in hierdie (10) plek of was daar nie 'n verhoog nie". -- Yes that was the question.

"Die mense het net daar gesing."

COURT: "Gesit" of "gesing".

MR BIZOS: "Gesing" the record says, "gesing". "Ek sal sê alles was normaal gewees.

COURT: We have a note of "gesit". Could we just look it up.

MR KRUGEL: Gesit en gesing. Both words were mentioned.

COURT: Yes.

MR BIZOS: And it is made quite clear at the bottom of page (20) 740 My Lord.

COURT: My note is "Mense was besig om te sing. Daar was 'n verhoog met mense op. Hulle het gesit en party het gesing en ander was leiers van die singery."

MR BIZOS: Correct.

COURT: What does the record say?

MR BIZOS: No My Lord it is a different place altogether of the meeting that Your Lordship was referring to. Could I pass up the record and ask Your Lordship to look at the bottom of 740 and 741, I think we might save time in relation to that. (30) Yes Your Lordship, he did say what Your Lordship read out but
that/.....

that comes out later. Bottom 740, top 741.

COURT: Yes thank you. Now what are you putting to the witness?

MR BIZOS: That his evidence-in-chief differed from what he told us now.

COURT: Will you just read out to him exactly what he said in-chief.

MR BIZOS: Yes, this is what you said in your evidence-in-chief.

"Toe u daar by die vergadering aan kom was die vergadering al aan die gang? Die vergadering was nog nie aan die gang (10) gewees nie. Die mense was net besig om te sing. Was daar 'n verhoog in hierdie plek of was daar nie 'n verhoog nie. Die mense het net daar gesing. Ek sal sê alles was normaal gewees. Die mense het net gewag op wat later daar sou kom plaas vind."

COURT: But then if you continue he said who were the leaders of the singing, then what was sung and then also on the stage was Lord McCamel.

MR BIZOS: No My Lord may I read the record because there is

COURT: It must be about a page on. (20)

MR BIZOS: A page on.

COURT: It will probably be a page further than what you have there. It should be there Mr Bizos.

MR BIZOS: It is on the same page. It goes on to say, he goes on to say what Your Lordship has notes of.

COURT: Well is what you are putting to the witness that he said in-chief that the people were singing and that he says now he cannot remember it?

MR BIZOS: That is all I am putting.

COURT: Well let us put it that way yes, will you put that (30) to the witness. -- That is true but what I am saying if one can/.....

can read that thing further and take it in context as it is there in my evidence-in-chief you will understand that where I am talking about the singing the singing is coupled with the period after which McCamel has arrived, then the singing started.

MR BIZOS: Yes, well we will come to that after McCamel has

arrived. Now as soon as Lord McCamel arrived did he take over the chair? Or did he start the meeting? -- After some fifteen minutes that he had arrived there it is only then that he took his position in this meeting.

(10)

Yes. Now let me ask you this, as soon as he took over did he ask someone to offer a prayer? -- That is so.

Can you recall who that person was that offered the

prayer? -- I remember a certain reverend there, Jeffrey Letale,

I just cannot place it whether it was in this meeting where

he opened the meeting with a prayer or another meeting.

Can you, although you may not be sure about it can you

give us the effect of the prayer, what was the prayer for at

this conspiratorial meeting? -- I cannot remember what his

(20)

Do you agree that it would be most unseemly for anyone

to be throwing his fist in the air or to be stamping his

feet in the presence of Lord McCamel and other priests whilst

"Rea lo beka Morena" is being sung? -- I do not want to bind

myself very much about this hymn which was sung there, namely

"Rea lo beka Morena" and the way it is being put to me it is

that people would not have done that, that is what I under-

stand, in the presence of Lord McCamel. For your information

he himself, McCamel, took part in the singing, that is the

singing in which people were stamping their feet and lifting (30)

their arms with clenched fists.

Yes. I do not think that Lord McCamel would deny that nor would he be ashamed of doing that. The question is would people raise their fists or stamp their feet whilst this hymn was being sung or immediately after this hymn was sung or whilst or immediately after the prayer was offered? -- If ever that hymn was sung, though I cannot remember, I do have a reason to advance to His Lordship as to why the people stamped their feet there and with their arms raised up and clenched fists. That is in another words I am driving to say they could have done that, that is the stamping of the feet (10) and making the sign with the clenched fist and arms up.

Do you want to add anything else? -- Yes I said when I started I have a reason which I can advance to this Court which could have been the reason why I say that that they did what they did.

What is the reason?

COURT: Give us the reason. -- What I am going to say is my people, the Black people, now of late have lost respect to some things. For instance death. They run carrying a coffin with a dead body in the coffin, singing any kind of a song. (20) (The witness indicates again the sign of a clenched fist with an arm stretched up). Which means that if they have lost the meaning of how to respect a dead person nothing could stop them if that hymn was sung to do the same, that is the stamping of the feet and lifting of the arm with a clenched fist while that hymn was sung or after the hymn or after the prayer.

MR BIZOS: Whilst you are on this tell me did you yourself clench your fist during this meeting? -- Yes I do that.

Many times? -- Yes many times.

And did you stamp your feet? -- That is what I do. (30)

Yes. You are not a member of the ANC by any chance are you?/....

you? -- No that is not correct.

And what would you say to anyone who suggests that this is the sign of the ANC?

COURT: Did you demonstrate?

MR BIZOS: Yes My Lord.

COURT: Well let us put on record what you demonstrated

MR BIZOS: This.

COURT: Mr Bizos' right fist in the air. Yes. -- I would not dispute that.

MR BIZOS: That it is the sign of the ANC exclusively and (10) only ANC people do this?

COURT: That is two questions. One is is it the sign of the ANC and the second is do only ANC people use it. Which one do you want answered first?

MR BIZOS: Well let us put it this way. Would you say that to suggest that that is the exclusive sign of the ANC is nonsense? -- Yes that is what I will say.

Yes.

COURT: Whose sign is it then? -- This is the sign of the ANC, it is a pity now my fingers cannot, I cannot control my (20) fingers the way I used to when I came to know this. This sign is talking, the opening there stands for from Cairo, from Cape to Cairo or Cairo to Cape.

Is there an opening between the thumb and the other four fingers of the fist, of the clenched fist, and that is the ANC sign? And if you close the fist tightly is it no longer the ANC sign? -- This one is for the PAC but because of people, of the people being ignorant about these things everybody does it.

MR BIZOS: Everybody does what? -- This way, this sign. (30)

COURT: That is the PAC sign, that is with the tight fist.

What/.....

What was your fist, was your thumb loose at the time?

MR BIZOS: Very tight.

COURT: I see, so it is a PAC sign Mr Bizos.

MR BIZOS: As long as it is not held as an admission against me I will live with it. Now tell me this you see this business of you know this moving of the thumb that you are speaking about, that is really a bit of sophistry is it not?

COURT: Do you know what the word means?

MR BIZOS: Oh he is a poet.

COURT: But still does he know it. -- Just repeat that. (10)

MR BIZOS: That is just a bit of sophistry, this business of the thumb being different? -- I do not understand the meaning of the word sophistry.

Yes. That is just a making up reasons? -- That is how it is, the most of the people are using this thumb for that sign.

What you probably mean historically is that the ANC sign in days gone by was the thumb up was it not? -- It is something similar to that.

Yes, but the clenched fist, the clenched fist has really become a symbol of Black unity has it not? -- Yes that is (20) how the PAC wants it.

Yes. That may be how the PAC may have wanted it or wants it but you are not going to suggest that the thousand odd people, including the grannies there, were making the PAC sign? -- So many of those people who are making that sign now I am not in a position to tell the Court whether the grannies were also making the sign.

COURT: And whose sign is the stamping of feet? -- That one I do not know whose sign it is.

MR BIZOS: I do not suppose you have ever been to a meeting (30) of the National Party when a Minister addresses the crowd and
the/.....

the crowd approves? At a stryddag? -- I do not understand what that question is.

COURT: Let us get on with the case Mr Bizos.

MR BIZOS: Right. Do you not know that the PAC sign is the open palm? -- No it is just like I have explained it.

Right. Would you tell us for how long Lord McCamel spoke at the meeting? -- I did not check on time as to what time he started and what time he finished.

Do you recall whether Mr Elliot Shabango and Mr Curtis Nkondo were there before Lord McCamel arrived? -- I cannot (10) recall that one.

Yes. Can you recall who the speaker after Lord McCamel was? -- I cannot remember the speakers according to their order of addressing.

Do you recall that Lord McCamel spoke and outlined the common problems of the people in the Vaal Triangle? -- Yes I remember him talking about that.

Yes. And that he welcomed the opportunity and thanked the people for appointing him the chairman of the meeting? So that the peoples common problems -- That is so. (20)

... could be discussed and ways could be found in order to solve them? -- That is so.

And he said that a number of resolutions would be moved at the end of the meeting? -- That is so.

And the most important one -- That was going to take place towards the end of the meeting.

Yes. And that the most important motion of all that an association should be formed? -- I beg your pardon?

And that the most important resolution that was going to be moved at the end was that an association was going to (30) be formed? -- That is so.

That/....

That he said that there would be three main speakers from the platform, Mr Shabangu, Mr Nkondo and Dr Mlotlana? -- That is so.

He apologised for the absence of Dr Mlotlana who was going to be late because of his professional duties? -- I do not remember that.

Right. And he then indicated that there would be an opportunity for people to speak from the floor and he asked the people who wanted to speak from the floor ...

COURT: Yes does the witness affirm that or do you want him (10) to affirm that?

MR BIZOS: Do you agree that he asked, he said that there would be people that could speak from the floor? -- I do not remember him saying or mentioning those words.

Yes. But you cannot deny it? -- Nor can I admit that is so.

And that they should go and register themselves with the Chairman if they wanted to speak later? -- I remember him saying something about registering. Whether he was now saying people must register with the Chairman before or what he was saying (20) about registering I cannot recall that.

Yes. Now

COURT: Was there a public address system in operation? -- No you were just saying what you were saying from your own natural voice.

MR BIZOS: Yes. Incidentally lest it appear strange that such a meeting should take place in a church just let us get this scene right. The alter is covered with a curtain is it not? -- I do not know, I do not know how to put it because all I can tell you the stage is on the left, on this side (indicated (30) by the witness)

Well/....

Well just to get it clear, a clear picture for His Lordship in the Catholic Church the altar is on the east.

COURT: Then you should not point south because you will mix up the witness.

MR BIZOS: I thought that that was east, unless I am dis-orientated.

COURT: East is over there.

MR BIZOS: That is west, that is where it gets hot in the afternoon My Lord.

COURT: Just keep your hand down Mr Bizos and we will not (10) have any difficulty.

MR BIZOS: Yes. Well look what I, I am going to put briefly to you that the later is covered with a curtain, the stage is at the back of the church and for the meetings the seating order is reversed? It doubles up both as a church and a hall, the one building, that is really it? -- Well all I can say is we sit and face the stage.

And did Lord McCamel introduce Elliot Shabangu? -- That is so.

Did he introduce him as one of the leaders of GAWU? (20) -- I cannot remember whether he was introduced as one of the leaders of GAWU or was he introduced as one of the members from the Soweto Civic Association.

Yes.--Though of course I do remember him, McCamel, saying people like Elliot Shabangu, people who are on the knowing about civic associations, people from Soweto, will tell us more about that or they will be the people to tell us about it.

Yes. Is Mr Shabangu an elderly gentleman? -- Yes.

Yes. And he will agree with you about one thing, that he raised his fist right at the beginning and he said "Amandla" (30) and there was a response of "Awetu".

COURT:/.....

COURT: This is now Mr Shabangu?

MR BIZOS: Mr Shabangu himself. -- That is so.

Did you respond to Mr Shabangu's "Amandla"? -- As I have already explained that I do it very much, so, and I did it.

Yes. And did you say "Awetu"? -- I said I do it, wherever it is necessary I do it and therefore I responded to "Amandla", which means "Awetu".

COURT: When you respond to the shout of "Amandla", raise your fist and say "Awetu" what actually do you mean to express?

-- By that I am expressing that power is ours. (10)

Ours meaning who? -- I beg your pardon?

Who is "ours"? -- We the Black community.

MR BIZOS: Yes, would a good paraphrasing of it in English be "Unity is Strength" like at the top of the court there, "Ex Unitate Vires"? -- That is so.

Yes. Or "Eendrag maak mag"? -- Yes.

Yes. And would it be correct to say that for any speaker to start speaking at any meeting without raising his fist and saying "Amandla" would be a dissociation from the unity of the Black people? -- That is so. (20)

Yes. Did you sing the freedom songs? -- I do sing them very much.

Did you sing them on that day and at the other meetings? -- Every meeting I attend I do sing them.

With feeling and enthusiasm? -- That is so.

Including "Mandela is our leader"? -- Say for instance I was to attend a meeting and I find them singing that song I will also sing with them.

Without being a member of the ANC? -- That is so.

Yes. And you were not alone in this? -- That is true. (30)

And without being a supporter of the main object of the

ANC/....

ANC, or the object of the ANC? -- Yes if they sing that song you sing because it is in a meeting.

Yes, you find yourself in a situation where you sing what other people sing? -- Yes, that is so.

Without committing yourself to any particular organisation or any philosophy or anything else? -- Yes.

COURT: Well in fact when you sang those songs were you not committed to the philosophy of the PAC? -- It depends, are you a member, if so of which organisation.

I thought I understood you to say that AZAPO's aim was (10) the same as that of the PAC? -- That is true.

And you at the time was a member of AZAPO? -- That is true.

So it is to be expected that you would sing those songs? -- That is true.

Yes.

MR BIZOS: I think, with respect to His Lordship, let me just take this up with you. Is Mandela a PAC man? -- No he is an ANC.

And Mr Thambo is he also an ANC? -- That is so.

And did you sing about his training majohnnis(?) in the (20) bush? -- Yes.

Yes, now the PAC and the ANC are ideologically poles apart? -- That is true.

Yes. Therefore by singing these songs you were merely expressing your feelings? You would not want to be associated in any way with the ANC? -- That is true.

Yes. You were singing it because you were with other people and you were expressing your own feelings? -- That is so.

Would you agree that song is a comfort to people in (30) difficult situations? -- I quite agree with you.

Would/.....

Would you consider what we have done, our only sin is Black and ANC song? -- I would not say that is the position because even with AZAPO and some people who are not members of the ANC do sing that song.

Yes, and people who are completely ideologically opposed to the ANC, that is White members, sing all these songs? -- That is so.

COURT ADJOURNS UNTIL 10 FEBRUARY 1986.

DELMAS TREASON TRIAL 1985-1989

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