

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

I 1.6 Vol. 39 Pg. 1787-1849.

SAAKNOMMER: CC 482/85

DELMAS

1986-03-04

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. JAC

ADV. P. FICK

ADV. W. HANEI

39

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 39

(Bladsye 1787 - 1849)

HOF HERVAT OP 4 MAART 1986.

PETER MOHAPI, v.o.e. (Deur tolk)

MNR. FICK : Hierdie getuie gaan getuig oor paragraaf 72 op bladsy 314 van die akte van beskuldiging, asook oor paragraaf 77(1) tot (6), dit begin op bladsy 353.

HOF : Net om vinnig op te som, waarom gaan dit?

MNR. FICK : Dit gaan oor die gebeure in Boipatong, die vergaderings daar en dan die voorval op 3 September in Boipatong, wat daar gebeur het by die vierkant en dan die mars.

HOF : Is dit 'n getuie wat gewaarsku moet word? (10)

MNR. FICK : Dit is 'n getuie wat die Staat vra om gewaarsku te word ingevolge artikel 204.

HOF : Mnr. Mohapi, die beskuldigdes staan tereg op 'n aanklag van hoogverraad, alternatiewe aanklagte van terrorisme, subversie en moord. Die Staat beweer dat die getuienis wat u mag aflê u moontlik mag inkrimineer op enige van die aanklagte waarop die beskuldigdes skuldig mag wees en ek is dus verplig om u te waarsku onder artikel 204 van die Strafproseswet dat u verplig is om vrae te beantwoord, al sou daardie antwoorde u inkrimineer, maar dat indien u bevredigend en waar ant- (20) woord, ek u kan vrystel van vervolging op enige van die aanklagte of op almal. . U is dus verplig om die vrae te beantwoord.

ONDERVRAGING DEUR MNR. FICK : U is woonagtig te Boipatong? --
Ja.

U is op 7 Augustus 1984 afgedank by u werk in Johannesburg?
-- Ja.

U is die volgende dag na Johannesburg om u lone te gaan kry? -- Ja.

U het teruggekom by die huis en wat vind u toe u terugkom by die huis? -- Met my aankoms by die huis was die huis (30) gesluit gewees. Dit is my ouers se huis. Dit is nie my eie

huis nie.

Waarom was dit gesluit? -- Omdat ons agterstallig was met die huurgelde.

U het die volgende dag u suster gestuur om die huur te gaan betaal? -- Ja.

En op daardie dag het u 'n persoon ontmoet wat met u gesels het in verband met die huurgelde? -- Ja.

Wie was dit wat u ontmoet het? -- John Mokoena.

Sien u hom hier in die hof? -- Ja, hy is hier.

Waar is hy? -- (Getuie dui aar) (10)

HOF : Laat hom opstaan. Is dit hy? -- Ja, dit is hy.

Beskuldigde nr. 11.

MNR. FICK : Wat het hy met u gesels in verband met die huishuur?

HCF : Het hy by u aangekom érens? Waar het hy u kom spreek? -- Ons het mekaar ontmoet by 'n hoek van 'n straat.

Het u hom vantevore geken? -- Ja, ek het hom geken. Ons woon eintlik in dieselfde straat.

MNR. FICK : Wat het hy met u gesels in verband met die huur? -- Hy het aan my gesê hy is van Sharpeville af waar hy 'n (20) vergadering bygewoon het. Die gesprek daar was oor die verhoogde huurgelde.

Wat het toe gebeur? -- Hy het toe verder aan my gesê dit is verwag dat ons ook in hierdie woonbuurt van ons 'n komitee moet stig.

Het beskuldigde nr. 11 gesê wie verwag dat daar so 'n komitee gestig moet word? -- Hy het nie spesifiek gesê wie dit was wat so gesê het nie, maar wat hy vir my verder gesê het is dat as gevolg van die gesprekke wat hy gehoor het by hierdie vergadering wat hy bygewoon het te Sharpeville, was hy ook (30) van mening en dit is sy gevoel dat ons ook 'n komitee moet

... / stig

stig.

Gaan voort? -- Hy sê toe verder dat ons op die 15de by sy woning bymekaar moet kom.

HOF : Die 15de van dieselfde maand? -- Die 15de van Augustus.

MNR. FICK : Het hy gesê waarom moet julle by sy huis bymekaar kom? -- Hy het gesê die doel hoekom hy wou hê dat ons by sy huis bymekaar moet kom was dat daar 'n komitee moet bestaan sodat ons hierdie dinge van die huurgelde kan bespreek.

Die dag van 15 Augustus, het u na beskuldigde nr. 11 se huis toe gegaan? (10)

HOF : Dit is 1984?

MNR. FICK : 1984, ja. -- Ja, ek het.

Was daar nog ander mense behalwe u? -- Ja, daar was.

Was daar 'n komitee gekies? -- Ja.

Kan u eerstens aandui, het hierdie komitee 'n voorsitter en lede gehad? Weet u wie hulle is? -- 'n Sekere man met die naam van Seotso was 'n lid gewees. Die voorsitter van hierdie komitee was mnr. Balfour.

En die vise-voorsitter, wie was dit? -- Ek was die vise-voorsitter. (20)

En die sekretaris? -- John Mokoena was gekies.

Is dit nou beskuldigde nr. 11? -- Ja.

Was daar nog enige ander lid behalwe Seotso wat u van gepraat het? -- Ene Mohau Motaung was gekies as 'n lid.

Hierdie persone wat verkies was, was hulle almal teenwoordig? -- Ja, ons was almal daar gewees.

HOF : Het julle 'n naam gegee vir julle komitee? -- Ja.

MNR. FICK : Wat was dit? -- Boipatong Residents' Committee.

Is daar op hierdie vergadering, 15 Augustus 1984 gepraat of besluit oor wat hierdie komitee gaan doen, waarvoor hy (30) gaan staan? -- Ja, dit was gesê dat hierdie komitee gaan die

gemeenskap verteenwoordig as daar verteenwoordigers moet wees vir die gemeenskap by die raadslede aangaande die huurgelde.

Was daar enige besluite geneem wat hierdie komitee moet doen in verband met die huurgelde? -- Ja. As gevolg van wat John Mokoena gesê het, dit wil sê wat besluit was by die vergadering te Sharpeville was soos volg: Dat as die raadslede nie die huurgeld wil verminder nie, dan sal hulle, die raadslede, moet bedank.

HOF : Was dit gemik op die verhoogde huur wat op 1 September sou in werking tree of was die vermindering gemik op die (10) bestaande huur? Moes die bestaande huur verminder word of wou julle nie die verhoogde huur hê nie? -- Dit was gemik op die geld wat verhoog moet word.

Dus met ander woorde, hulle moet nie die verhoging deurvoer nie? -- Ja.

MNR. FICK : U sê daar is gesê dat as die raadslede nie toestem dat die huur nie verhoog word nie, moet hulle bedank? -- Ja.

Is daar enigiets verder besluit oor die feit as die raadslede omdraai en sê hulle wil nie bedank nie? -- Ja. (20) Hy het verder gesê wat gesê was by die vergadering wat hy vroeër bygewoon het, was as hulle nie wil bedank nie, moet hulle besighede, dit wil sê die raadslede se besighede, geboikot word.

HOF : Het beskuldigde nr. 11 gesê dat dit gesê was by die vergadering waar hy was in Sharpeville? -- Ja, dit is so.

MNR. FICK : Is daar enigiets gepraat oor wat nou gaan gebeur? Moet die boikot tot in ewigheid aangaan? Of wat was verder gepraat? -- Ja, hulle huise sal dan aan die brand gesteek word. (30)

Wanneer? -- As hulle nie verstaan oor dit wat gedoen moet

word en dit nie doen nie.

Eerstens die hulle wat u van praat, wie is die hulle wie se huise aan die brand gesteeek moet word? -- Die raadslede.

Tweedens moet u vir my sê en my reghelp, was daar gesê as die boikot nie help nie, moet huise aan die brand gesteeek word of moet dit in elk geval aan die brand gesteeek word? -- Die ooreenkoms was dat as die boikot geen effek het op hulle nie, dan alternatiewelik, moes hulle huise aan die brand gesteeek word.

HOF : Is dit wat beskuldigde nr. 11 berig het wat besluit (10) is op die vergadering te Sharpeville of is dit wat beskuldigde nr.11 gesê het julle moet doen? -- Dit was 'n besluit wat geneem was by die vergadering te Sharpeville.

Wat moes julle daaromtrent doen? -- Ons plig was om die mense te gaan sien en met hulle te gaan praat oor die huur- gelde wat verminder moes word.

Wat was beskuldigde nr. 11 se houding oor wat julle moet doen in verband met die besluit te Sharpeville? -- Ons moes eintlik die besluite gevolg het wat geneem was te Sharpeville.

Moes julle die besluite van Sharpeville uitvoer? -- Ja, (20) dit is so.

Het beskuldigde nr. 11 so gesê of het jy dit maar net afgelei? -- Dit is hoe hy dit gesê het.

MNR. FICK : Die mense wat daar teenwoordig was waarvan u die name hier gegee het, was hulle almal tevrede met wat hy gesê het? -- Ja, ons was almal tevrede.

Was daar so 'n besluit geneem of was almal maar tevrede en was daar nie spesifieke besluite geneem dat dit gedoen moet word nie? -- Ons was tevrede en toe besluit dat ons dit gaan uitvoer, soos dit voorgestel was. (30)

Was daar op hierdie vergadering enigiets gesê oor massa-

vergaderings wat gehou moes word of wat plaasgevind het? --

Ja, daar was.

Wat was gesê? -- Wat gesê was daaromtrent was dat ons die mense bymekaar moet kry en 'n massavergadering hou om die mense daar toe te spreek oor hierdie aangeleentheid van verhoogde huurgelde in die sin dat dit nie betaal moet word nie.

Was daar deur hierdie vergadering van 15 Augustus 1984 'n besluit geneem dat daar so 'n massavergadering gehou moet word? -- Ja.

Was daar besluit waar die vergadering gehou moet word (10) en wanneer? -- Ja.

Kan u meer uitbrei daarop? -- Die besluit was geneem dat hierdie vergadering by die "church" gehou moet word.

HOF : Watter kerk? -- By die "Anglican Church" gehou sal word.

MNR. FICK : Wie is die leraar by daardie Anglikaanse Kerk? -- Hy is onbekend aan my, maar wat hy gesê het is dat hy Moselane, die predikant, sal moet gaan spreek daarvoor.

Wie het gesê hy moet die predikant, Moselane, gaan spreek? -- John Mokoena het so gesê.

Beskuldigde nr. 11. En die predikant Moselane, het u (20) hom geken? -- Nee, ek het hom nie geken nie.

HOF : Waar is die kerk? -- Die kerk is geleë te Boipatong. Die gedeelte waar die kerk geleë is in Boipatong is bekend as "Los my Cherry."

Was daar enige besluite geneem oor hoe die vergadering geadverteer moet word en of hy geadverteer moet word? -- Ja, dat pamflette gemaak sal moet word om versprei te word aan die mense sodat mense deur middel daarvan kennis kan neem van hierdie vergadering.

MNR. FICK : Weet u waar die pamflette verkry moes word (30) en wie hulle moes opstel? -- John Mokoena het gesê hy sal dit

bekom. Hy het nie gesê waar en hoe nie.

HOF : Is daar gepraat oor die koste daarvan? -- Geen melding was gemaak van die koste daarvan nie.

MNR. FICK : Na hierdie vergadering van die 15de, was daar weer 'n vergadering gehou voor die massavergadering? -- Ja, nog by John-hulle se woning. Dit was op die 22ste.

Weer Augustus 1984? -- Ja, nog steeds in Augustus.

HOF : Weer 'n komiteevergadering? -- Ja.

MNR. FICK : Was al die komiteelede by hierdie vergadering? -- Ja. (10)

Wat is by hierdie vergadering bespreek van 22 Augustus 1984? -- Toe ons daar kom, het hy ons kennis gestel dat hy reeds toestemming verkry het van predikant Moselane vir die gebruik van die kerk.

Eerstens, wie is die hy wat dit gesê het? -- John Mokoena.

Beskuldigde nr. 11. Het hy gesê wanneer die kerk gehou kan word vir die massavergadering? -- Ja, hy het gesê op 26 Augustus.

1984? -- Ja.

En was daar weer gepraat oor die pamflette? -- Ja, hy (20) het gesê die pamflette sal versprei moet word tussen die mense.

HOF : Was die pamflette al daar? -- Nee, dit is voor dit daar afgelewer was.

MNR. FICK : Was daar enige besluite geneem oor wie op hierdie massavergadering die sprekers gaan wees of was dit nie besluit nie? -- Ja, dit was besluit.

Wat was besluit? -- Die lede van die komitee sou die mense gewees het wat as sprekers sou optree by hierdie vergadering.

HOF : Al die lede? -- Ja. (30)

MNR. FICK : Is daar besluit of bespreek of gepraat waaroor

die lede spesifiek gaan praat of kon elkeen maar sê wat hy wil? -- Daar was nie besluit oor die aspek waaroor elkeen gaan praat nie, maar oor die algemeen was dit 'n bekende feit dat ons almal gaan praat oor hierdie vermindering van huurgelde.

Op die Vrydag voor die vergadering gehou sou word op 26 Augustus 1984, is daar iets by u huis afgelewer. Wat was dit?

HOF : Watter dag was die 26ste?

MNR. FICK : Die Sondag,

HOF : Die Vrydag was dan die 24ste. -- Dit was pamflette gewees waarop geskryf gestaan het hoe laat dit gaan en die (10) mense moet dit bywoon.

MNR. FICK : Wat moet hulle bywoon? -- Hierdie betrokke Anglikaanse Kerk.

ASSESSOR (MNR. KRÜGEL) : Dit is nie duidelik by watter huis dit afgelewer is nie. By u eie huis? -- Elke lid van die komitee het van die pamflette ontvang om dit te versprei, maar ek praat, maar ek praat van dit wat by my huis afgelewer is.

MNR. FICK : Wie het dit by u afgelewer? -- Met my aankoms was die pamflette alreeds daar. Ek weet nie wie dit afgelewer het nie. (20)

Het u dit uitgedeel of laat uitdeel en versprei? -- Ek het dit vir 'n skoolkind gegee om te versprei.

Min of meer hoeveel het u gekry om te versprei? -- Hulle was nie so baie gewees nie. Al het ek nie getel nie, sou dit op die meeste vyftien pamflette gewees het.

26 Augustus 1984 is u toe na die Anglikaanse Kerk in Boipatong na die vergadering? -- Ja.

Het u voor die vergadering daar opgedaag of terwyl dit aan die gang was? --- Met my aankoms daar het hierdie vergadering alreeds begin. (30)

U kom nou daar by die vergadering aan. Waarheen is u?

Het u in die saal gaan sit of waar het u gaan sit? -- Ek het voor gaan sit op 'n stoel.

Daar waar die vergadering gehou was, het die ding 'n verhoog? -- Die gebou binne-in het stoele vir die gehoor en dan is daar 'n tafel heel voor met stoele waar die sprekers hulle plekke gaan neem. Dit is nie 'n verhoog nie.

Daar waar u gaan sit het, het u tussen die gehoor gaan sit of by die tafel met die waar die sprekers gaan sit het? -- Ek het heel voor gaan sit by die tafel met stoele.

By daardie tafel met stoele heel voor, was daar nog (10) ander mense wat daar gesit het toe u daar gaan sit het? -- Ja, daar was ander mense.

Wie het daar gesit toe u daar kom? -- John Mokoena.

Beskuldigde nr. 11. Wie nog? -- Seotso was besig met sy toespraak.

Was daar nog mense daar? -- Aan die linkerkant ook by die tafel was daar 'n vroumens gewees wat daar gesit het. Ek het verneem haar naam is Edith.

Was daar nog iemand? -- En nog 'n ander persoon wat ook nie aan my bekend was nie. Ek het net gehoor hy word genoem(20) Bapi.

Was daar nog enigiemand anders daar voor? -- Daar is nog een wie se naam ek vergeet het.

Die ander een wat u vergeet het, is dit 'n man of 'n vrou? -- Dit was 'n manspersoon.

U sê Seotso was besig om sy toespraak te hou toe u daar aankom? -- Ja.

Waaroor het hy dit gehad? -- Sy toespraak toe ek daar gekom het, het gehandel oor die verhoogde huurgeld, dit wil sê dit wat verhoog word, nie betaal moet word voordat daar (30) 'n gesprek gevoer is of 'n vergadering of 'n byeenkoms bygewoon

was te Houtkop nie.

Deur wie? Het hy gesê? -- Ja. By Houtkop moes daar 'n byeenkoms gewees het met die raadslede.

Was dit die tema van sy toespraak? -- Ja.

En toe hy klaar gepraat het? -- In sy toespraak het hy gepraat van die raadslid Mpondo, oor die skoolkinders wie se uniforms sommer gedurende die jaar verander word.

EOF: Het dit iets met mekaar te doen, raadslid Mpondo en die skooluniforms? -- Ja.

MNR. FICK : Hoe het hy dit bymekaar uitgebring? -- Mpondo (10) was 'n raadslid wat te doene sou gehad het met skole.

Na Seotso gepraat het, wat het toe gebeur? -- Hy het toe gesê hy gaan nou weg na 'n ander plek toe waar hy 'n vergadering moet bywoon.

Het hy gesê waar die vergadering is wat hy nou gaan bywoon? -- Ja.

Waar? -- Bophelong.

Wat het toe gebeur? -- John Mokoena het toe daar opgestaan.

Beskuldigde nr. 11. Wat het gebeur? -- Hy het ook daarvan gepraat dat die mense nie die verhoogde huurgelde betaal (20) nie voor die vergadering wat gehou sal word met die raadslede te Houtkop.

Waaroor het hy nog gepraat? -- Hy het ook maar gepraat in dieselfde trant soos mnr. Seotso.

Het hy enigiets oor die raadslede of 'n raadslid te sê gehad? -- Ja.

Wat het hy te sê gehad? -- Hy het gesê as die raadslede nie wil verstaan nie, sal hulle besighede geboikot moet word.

As die raadslede nie wat verstaan nie? Het hy verduidelik? -- As hulle nie wil verstaan in die sin dat hierdie (30) verhoogde huurgelde verminder moet word nie.

Het hy enigiets gepraat in verband met bedanking van raadslede? -- Ja, hy het toe ook gesê dat hulle moet bedank.

MNR. BIZOS MAAK BESWAAR TEEN LEIDENDE VRAAG.

MNR. FICK : Na Mokoena gepraat het, wie het toe gepraat? -- Ek het toe gepraat.

Waaroor het u gepraat? -- Ek het gesê die mense moenie die verhoogde huurgelde betaal alvorens daar 'n gesprek uitgevoer is met die raadslede te Houtkop nie.

Het iemand na u gepraat? -- Ja, daar was iemand.

Wie was dit? -- Dit is die persoon wie ek gesê het ek (10) het sy naam vergeet. Nou het ek onthou. Dit is Esau.

Weet u wat Esau se van is? -- Ek weet nie wat sy van is nie. Eintlik was hy 'n vreemdeling. Wat my betref, ken ek hom nie eers nie. Ek het net gehoor hulle sê vir hom Esau.

Wat het Esau te sê gehad? -- Hy het gesê in hierdie vergadering van ons wat hy daar bygewoon het, hoor hy geen melding wat gemaak word van 'n "stay-away". By die vergadering waarvan hy kom te Sebokeng word daar gepraat van 'n "stay-away".

Het hy hierdie "stay-away" verduidelik? -- Ja. Hy het gesê die mense is nie veronderstel om werk toe te gaan op (20) 3 September nie.

Is dit net die werkers wat nie moes gaan werk het op 3 September nie, of het hy van ander groepe ook gepraat? -- Hy het gesê dat hulle briewe gerig het aan die mense van die busvervoer dat die busse nie daardie dag moet werk nie, sowel as die huurmotors en die winkels sal toe wees.

Het hy enigiets gesê van wat is die idee hoekom moet daar op 3 September 'n "stay-away" wees? -- Ja, hy het gesê volgens hoe hy dit verstaan het, hierdie dag van 3 September moet daar gemarsjeer word na Houtkop toe, waar die raadslede(30) ontmoet moet word.

Om wat te doen? Het hy gesê? -- Om die kwessie van verhoogde huurgelde met hulle te gaan bespreek.

Wat was die gehoor se houding teenoor hierdie "stay-away" wat Esau van gepraat het? -- Hulle het saam met dit gestem.

In watter opsig het hulle saamgestem? Wat het hulle gesê? -- Hulle het so gestem. (Getuie dui aan)

HOF : Regtervuis in die lug gesteek. -- Dit is die teken van mense wat saamstem met dit wat voorgestel word deur iemand anders.

MNR. FICK : Het hulle iets gesê terwyl hulle die vuis in (10) die lug steek? -- Ja, die woorde "Amandla Awethu" was gebesig met die teken van 'n vuis.

Na Esau gepraat het, het daar nog 'n persoon gepraat? -- Ja, die dame wat saam met hulle daar gesit het, bekend as Edith aan my, het ook daar gepraat.

Waaroor het sy gepraat? -- Sy het gepraat van die vroumense wat ook moet bydra deur 'n komitee te stig, want hulle lewe ook maar onder baie swaar omstandighede.

Het die vrou Edith gesê wat se komitee gestig moet word? -- Dit kan ek nou nie meer so goed onthou nie. (20)

Op hierdie massavergadering, was daar enige resolusies geneem? -- Ja, dat daar gemarsjeer moet word na Houtkop toe.

Wanneer? -- Op die dag wat gekies was as 3 September.

Is daar enige besluit geneem van waar gemarsjeer moet word? -- Ja, daar was.

Waar was dit? -- Daar is 'n plek bekend as "Square". Daarvanaf sou die mense marsjeer het.

HOF : Is dit 'n "square" in Boipatong? -- Ja.

MNR. FICK : Ek verstaan daar is ook 'n huurmotorstaanplek in Boipatong. Is dit dieselfde plek of 'n ander plek of is (30) dit bymekaar? -- Ja, dit is dieselfde plek.

Ek het lugfoto's hier wat uitgemerk is met 'n sleutel by.
Dit is waarop die verdediging en die Staat ooreengekom het.

HOF : Vervang dit nou die vorige dokument wat ek alreeds het?

MNR. FICK : Nee.

HOF : Ons vorige lugfoto's was AAR(1) en AAR(2). Sal ons dit nie AAR(3) maak nie?

MNR. FICK : Dit is korrek.

HOF : Wat is dit?

MNR. FICK : Dit is 'n lugfoto van Boipatong waarop sekere punte uitgemerk is. (10)

HOF : Dit gaan in by ooreenkoms?

MNR. FICK : Dit is korrek.

HOF : Is dit korrek, mnr. Bizos?

MNR. BIZOS : Dit is korrek.

MNR. FICK : Asook die punte wat uitgemerk is op die sleutel wat aangeheg is by die lugfoto. Was daar besluit hoe laat daar ... (Hof kom tussenbei)

HOF : Net voordat u verder gaan. U het nou wel die dokument ingehandig. Waar moet ons begin kyk? Waar is die plek waarvan gepraat word? (20)

MNR. FICK : Punt 4, dit is die vierkant. Die Staat sal u later verwys na punte 2 en 3 ook. Dit is twee raadslede se wonings. Kan u aandui was daar besluit hoe laat daar bymekaar gekom moet word by hierdie vierkant? — Ja, ek kan net nie onthou presies hoe laat dit sou gewees het nie, maar dit was in die oggend gewees.

Wat se ander resolusies is daar geneem? — Aangaande die 3de?

Dit is korrek, ja? — Dit was net oor die marsjering na Houtkop toe. (30)

Was daar enige resolusies geneem ten aansien van die ... / betaling

betaling van huurgelde? -- Ja. Die resoluksie aangaande die huurgelde was dat die mense nie die verhoogde huurgelde moet betaal nie, tot tyd en wyl 'n gesprek gevoer is te Houtkop.

Was daar enige resoluksies ten aansien van raadslede aangeneem? -- Ja. Die ooreenkoms van die resoluksie was ons sal marsjeer na Houtkop toe en as hulle daar nie wil aanvaar wat ons betoog is nie en iets doen oor die huurgelde, sal hulle besighede geboikot moet word en hulle moet bedank.

Was daar enige resoluksies aanvaar in verband met openbare vervoer die dag, 3 September 1984? -- Ja, die resoluksie (10) was die een wat Esau voorgestel het dat daar geen vervoer gaan wees daardie dag nie.

Was daar enige resoluksies met betrekking tot die skole? -- Ja, dit was dat geen kind skool toe sal gaan daardie dag nie.

Gedurende die verloop van hierdie vergadering van die 26ste Augustus 1984, was daar enige liedere gesing? -- Ja, net voor die sluiting van die vergadering het ons gesing.

Wat het u gesing? -- Nkosi Sikilela was gesing.

Nog iets anders? -- Siyaya Epitoli. (20)

Nog iets? -- Een wat oor Oliver Thambo is.

Ken u sy naam? -- Ek het net saam gesing, uit my eie ken ek dit nie.

HOF : Het u die woorde geken? -- Ek kan ongelukkig nou nie meer die woorde onthou nie, maar ek het saam gesing en gevolg die manier waarop hulle gesing het.

MNR. FICK : Was elke lied een keer gesing of was dit oor en oor gesing? -- Net voor die sluiting van die vergadering was dit elk een keer gesing.

Op hierdie vergadering van 26 Augustus was daar enige (30) verkiesings gewees ook? -- Ja, as gevolg van die feit dat ons

nie almal daar teenwoordig was nie, soos ons vroeër gekies was as lede, was dit vir ons nodig gewees om nog twee ander te kies, dit wil sê in hierdie vergadering.

HOF : Dit is twee lede van die komitee? -- Ja, twee lede.

Wie is gekies? -- 'n Persoon wat aan my net bekend is as Mbai. Ek weet nie wat sy regte naam is nie.

MNR. FICK : En die ander een? -- Piet Mbongo.

Op 2 September 1984 was u by die huis gewees? -- Ja.

Het u enigiets ontvang daar by u huis? -- Ja, pamflette.

Van wie het u dit gekry by u huis? -- Van John Mokoena.(10)

Beskuldigde nr. 11. Wat se pamflette was dit nou? --

Laat ons dit regkry. Watter pamflette praat u nou van? Die 22ste of watter?

Nee, ek praat van 2 September?

HOF : Die dag voor die mars, voor die optog? -- Dit het gehandel oor die mense, dat die mense nie werk toe moet gaan nie en dit het verder die boodskap gehad dat ons mekaar weer sal ontmoet by die plek soos bespreek.

MNR. FICK : Wanneer sou u mekaar ontmoet volgens die pamflet?

-- Die 3de. (20)

Waar? -- By die "square", soos reeds bespreek was dat ons mekaar daar moet ontmoet.

3 September 1984, was u na hierdie vierkant? -- Ja, ek was soontoe.

Hoe laat het u na daardie vierkant toe gegaan in Boipatong? -- Ek het nie spesifiek na die tyd gekyk nie, maar ek skat dit was na 08h00.

Die oggend? -- Ja.

Toe u daar by die vierkant aankom, wat sien u daar? -- Met my aankoms vind ek vir John Mokoena en mnr. Seotso daar (30) by die "square".

John, beskuldigde nr. 11. Het u met beskuldigde nr. 11 gepraat? -- Ja, ek het met hulle daar 'n gesprek gevoer, want dit was ons ooreenkoms dat ons mekaar daar gaan ontmoet.

Was daar al ander mense ook toe u daar aankom? -- Ja, daar was ander mense gewees, maar ek het na hierdie mense toe gegaan, dit wil sê John Mokoena-hulle toe, omrede hulle lede was van ons komitee.

HOF : Was daar baie mense of net 'n paar mense? -- Op daardie stadium was daar net 'n paar mense gewees.

MNR. FICK : Beskuldigde nr. 11, toe u nou daar na hom toe gaan en met hom gaan praat, het hy iets by hom gehad? -- Ja, hy het plakkate by hom gehad. ⁽¹⁰⁾

Eerstens, hoeveel plakkate het hy by hom gehad? -- Twee of drie. Dit was nie baie nie.

Dan tweedens, hierdie plakkate, was hulle op papier, was hulle op karton, was hulle op hout? Waar op was hulle? -- Iets soortgelyk aan 'n almanak. Die materiaal is omtrent die materiaal van hierdie foto voor my. Daar was agter op met die hand geskryf.

HOF : Is dit harde glanspapier? -- Ja. (20)

MNR. FICK : Die plakkate waarvan u praat, het hulle iets aan gehad waaraan hulle gedra kon word? -- Nee, dit was net 'n groot papier gewees. Die grootte daarvan was omtrent dié van 'n almanak. Hy het niks aan hom gehad om mee te dra nie.

HOF : Ons het verskillende almanakke. Ons het groottes en kleintjies. Hoe vergelyk die plakkaat met daardie lugfoto voor u, AAR(3)? -- Ek skat dit ongeveer dieselfde grootte.

MNR. FICK : U sê daar was op geskryf. Wat was op geskryf? Het u gesien? -- Heel bo aan was daar geskryf "People must unite." (30)

Was daar nog iets op geskryf? -- Die ander geskryf daar

was klein gewees. Ek kon dit nie lees nie.

Kan u vir die Hof sê, weet u wie het hierdie plakkate gemaak? -- Ja, John het aan my gesê hy is die persoon wat dit geskryf het.

Beskuldigde nr. 11. Was daar enigiets gesê terwyl u daar gestaan het in verband met plakkate, of wat is die idee van die plakkate, gaan dit gebruik word in die mars of wat? -- Ja, daar was gesê dat hierdie plakkate gebruik moet word tydens die marsjering.

Terwyl u en beskuldigde nr. 11 en Seotso nou daar staan, (10) wat gebeur toe? -- Bedoel u terwyl ek saam met hulle daar gestaan het?

Ja? -- 'n Polisievoertuig het te voorskyn gekom.

Die tyd wat u daar gestaan het en gesels het met Seotso, het die hoeveelheid mense dieselfde gebly of het hulle minder geword of het daar meer mense bygekom? -- Hulle het meer geword.

Kan u enige aanduiding gee hoeveel mense was daar toe gewees toe die polisie daar opdaag? -- Hulle was vreeslik baie. Ek was nie in staat om hulle te tel nie.

Met wat het die polisie daar aangekom?-- Die polisie (20) het met 'n polisievoertuig daar aangekom.

Was dit 'n kar of 'n bakkie? -- Dit was 'n privaat voertuig. 'n Klein privaat voertuig.

HCF : 'n Gewone klein sedan motor? -- Ja, maar 'n mens kon sien dat dit 'n polisievoertuig was, want dit het 'n wapen opgehad.

MNR. FICK : Het die voertuig daar kom stilhou of wat het gebeur? -- Toe die voertuig daar te voorskyn gekom het, het die klomp mense wat daar was die voertuig met klippe bestook.

U sê die voertuig het te voorskyn gekom. Het hy daar op die vierkant gery of het hy in die pad afgekom? -- Die (30) voertuig het met 'n straat afgekom wat aansluit by hierdie

"square" wat ek van praat.

U sê hy word toe met klippe gegooi. Wat maak die polisie toe? -- Die polisie het omgedraai en weggejaag.

En wat maak die klomp wat nou klip gooi? -- Die mense het toe daarna gehardloop na raadslid Mpondo se woning toe.

HCF : Net die mense wat klip gegooi het of al die mense? -- Al die mense het soontoe gehardloop, dit wil sê dié wat klippe gegooi het en dié wat nie klippe na die voertuig gegooi het nie. Ons het ook gevolg.

MNR. FICK : Toe die mense nou so hardloop, het hulle in (10) stilte gehardloop of het hulle geskreeu? -- Hulle was besig om te sing.

Wat het hulle gesing? -- Die lied van Siyaya Epitoli, Amandla Awethu.

Die Amandla Awethu, het hulle dit net een keer gebruik of meer as een keer gebruik? -- Baie maal was dit herhaal.

Die vuus wat in die lug gesteeek word, het u dit ook daar gesien? -- Ja. Dit is wat opgelig word met die uiter van die woorde Amandla Awethu.

Die klomp gaan nou daar na Mpondo se huis toe. U is (20) agterna. Wat gebeur daar? -- Die hek van die perseel was gesluit gewees en die omheiningdraad is hoog. Die venster-ruite is toe met klippe gebreek.

Kon die mense op die perseel kom? -- Nee, hulle kon nie. Hulle het net met klippe gegooi van buite die perseel.

En terwyl dit nou aan die gang was, was daar nog steeds gesing en geskreeu of was dit stil gewees? -- Ja, daar was 'n gesingery aan die gang van Siyaya Epitoli en Amandla Awethu.

Hoe lank het hierdie klipgooiery by Mpondo se huis aangegaan? -- Dit was nie baie lank gewees nie, al is ek nie in (30) staat om te skat hoe lank dit was nie.

Was die ruite stukkend van die huis? -- Ja.

En was daar iemand by die huis van Mpondo wat gereageer het op hierdie klipgooiers? -- Nee, daar was niemand in die huis van Mpondo nie.

Toe hulle nou klaar daar klip gegooi het, wat gebeur toe? -- Die ander mense het toe gehardloop na die bottelstoor toe.

HOF : 'n Klomp van die mense? -- Ja, van die klomp wat by Mpondo teenwoordig was.

MNR. FICK : Die bottelstoor, hoe ver is dit van Mpondo se huis af? In dieselfde straat of waar? -- Nee, dit is ver (10) van Mpondo se woning af. Dit is in 'n ander straat geleë baie ver van Mpondo se woning.

HOF : As u praat van 'n bottelstoor, bedoel u daarmee 'n biersaal? -- Dit is alles bymekaar, bottelstoor, biersaal en 'n kroeg. Dit is by dieselfde plek.

MNR. FICK : Is u agterna om te gaan kyk wat maak hulle? -- Ja, ek het hulle agtervolg, maar ek het verbygegaan by hierdie wat na die bottelstoor toe gegaan het, na die klomp wat na raadslid Nzunga se woning toe was.

Reg, ons sal nou daarby uitkom. Die klomp wat na (20) raadslid Nzunga se huis toe gaan, is dit 'n deel van die groep wat na die biersaal toe gegaan het of is dit nou 'n ander groep? -- Die klomp het afgebreek van die klomp wat na die biersaal toe gegaan het.

Hulle het opgedeel en die een groep is toe na raadslid Nzunga se huis toe? -- Ja.

En u is agter hierdie klomp aan? -- Ja.

Op daardie stadium waar was beskuldigde nr. 11? Het u hom nog gesien of weet u nie waar washy nie? -- Hy was in my geselskap op pad na Nzunga. (30)

HOF : Mnr. Fick, kan u net vir my wys waar is Nzunga se huis.

... / MNR. FICK

MNR. FICK : Huis nr. 3. Wat het by raadslid Nzunga se huis gebeur toe u daar aankom? -- Die huis was met klippe bestook en die huis se vensterruite was gebreek. Toe dit plaasgevind het, het iemand begin skiet van binne die huis. Dit wil sê daar was iemand in die huis gewees. Dit was voor die huis aan die brand gesteek was.

Was daar baie skote geskiet of net 'n paar? -- Hy het baie min geskiet. Ek dink dit is twee skote wat hy afgevuur het as ek nie verkeerd is nie.

Het u enigiemand gesien wat getref was? -- Nee, nie- (10) mand was beseer as gevolg van die skietery van die klomp wat daar was nie.

U sê daar is klippe gegooi en geskiet. Dan praat u van aan die brand steek. Wat was aan die brand gesteek? -- 'n Voertuig, 'n Kombi en 'n lorrie sowel as die huis self.

Het u gesien hoe dit aan die brand gesteek is? -- Petrol is gebruik om die huis sowel as die voertuie aan die brand te steek. Dit wil sê die huis was met petrol gegooi of besprinkel en toe aan die brand gesteek. Dieselfde geld vir die voertuie.

Weet u waar hierdie petrol vandaan kom wat u van praat(20) wat oor die huis en voertuie gegooi is? -- Ek weet nie waarvandaan die petrol verkry was nie, maar iemand het dit daar gebring.

Het u gesien toe die voertuie aan die brand gesteek is en die petrol gegooi is? -- Ja, ek het.

Die petrol, waaruit is dit gegooi? Is dit uit 'n kannetjie gegooi of uit 'n bottel of waaruit is dit gegooi? -- Dit was 'n houer in die vorm van 'n kannetjie.

Weet u waar hierdie kannetjie vandaan kom? Is hy daar aangebring, is hy daar op die perseel gekry of kan u nie (30) sê nie? -- (Tolk: Ek het die woord gebruik in die vorm van 'n

... / kannetjie

kannetjie omdat die getuie nie gesê het of dit 'n kannetjie was nie. Dit is juis die rede hoekom ek gesê het dit was 'n houër in die vorm van 'n kannetjie. Dit is 'n beskrywing. Dit is nie wat die getuie gesê het nie.)

Die houër, weet u ... (Hof kom tussenbei)

HOF : Kan ons net vir die getuie vra presies wat dit was. Was dit 'n plastiekblik, emmer, houër of wat was dit? -- Dit is 'n plastiese houër.

Met 'n prop op? -- Dit is 'n plastiese houër in die vorm van 'n tuinemmer. Mense gebruik partykeer doppe om dit toe (10) te maak. Dit het 'n dop waarmee dit toegemaak kan word. Dit is nie die een met 'n klein doppie nie.

Is dit 'n groot plat dop soos 'n emmer se bokant wat alles kan toemaak? -- Ja.

ASSESSOR (MNR. JOUBERT) : Bedoel die getuie 'n emmer of 'n gieter? -- Ek praat van 'n emmer.

MNR. PICK : Die emmer, weet u of hy daar aangebring is op die perseel van êrens af, het u gesien, of was hy op die perseel gevind of weet u nie? -- Ek vermoed dat iemand dit aangebring het, want daar was 'n groot gesukkel gewees voor die mense (20) daarin geslaag het om hierdie huis aan die brand te steek.

Wat se gesukkel was daar om hierdie huis aan die brand te steek? -- Hulle wou al vroeër die huis aan die brand gestek het, maar hulle was nie in staat gewees om dit te doen nie. Dit is hoekom ek sê hulle gesukkel het, tot op die stadium wat die petrol later op die toneel was en toe het hulle eers daarin geslaag om dit aan die brand te steek.

Die persoon wat nou vroeër geskiet het, weet u wat het van hom geword intussen? -- Nee, dit weet ek nie.

Weet u of daar enige ander mense nog in die huis was (30) op daardie stadium of weet u nie? -- Ek was onder die indruk

gewees dat die persoon die enigste persoon was in die huis, al het ek nie die persoon gesien nie. Dit was as gevolg van die skote wat ek gehoor het wat afgevuur was dat ek daardie afleiding gemaak het.

Hoeveel mense was hier by raadslid Nzunga se huis? — Ek sal nie 'n getal kan sê nie. Al wat ek kan sê is, dit was 'n groot klomp.

Terwyl hulle hier na raadslid Nzunga se huis toe gegaan het en terwyl hulle daar besig was om met klippe te gooi en die huis gebrand het, was daar nog gesing en nog geskreeu (10) of wat is die posisie? — By Nzunga se woning was daar nie 'n gesingery gewees nie.

Toe die mense op pad was soontoe, was daar toe ook nie 'n gesingery gewees nie? — Op die stadium wat hulle na Nzunga se huis toe gegaan het, was hulle haastig gewees, want hulle het gehardloop, in die sin dat die polisie op enige stadium te voorskyn kon gekom het daar. Dus was daar nie tyd om te sing nie.

Die raadslid se huis en voertuie brand nou, wat gebeur toe? — Terwyl dit aan die brand was, is hierdie klomp toe (20) vort na die raadslid se winkel toe.

Die winkel, is hy daar in dieselfde omgewing as die huis? — Dit is nie baie ver van die huis nie.

Is u agterna? — Ja, ons het hulle agtervolg.

HCF : Wie is nou ons? — Ek, John Mokoena en Seotso.

MNR. FICK : Beskuldigde nr. 11. Laat ons een ding duidelik kry. Die winkel van die raadslid Nzunga, is dit 'n enkel gebou waar sy winkel is of is dit deel van 'n hele kompleks, saam met ander winkels? — Dit is 'n groot kompleks en die winkel van hom vorm deel van die koopsentrum. (30)

Het die hele groep van Nzunga se huis af gegaan na die

... / winkel

winkel toe of net 'n deel daarvan? -- Ek kan sê die hele klomp is toe vort na die man se winkel toe, want die huis was alreeds aan die brand gewees.

Wat het daar by die winkel gebeur van Nzunga? -- Daardie winkel is gebreek en die goedere is uitgeneem uit die winkel uit. Dit was nie aan die brand gestee nie, want hulle het gesê hierdie winkel is aanmekaar met ander mense se winkels wat nie raadslede is nie.

HOF : Wie is die hulle? -- Die klomp wat die huis aan die brand gestee het, is die hulle waarna ek verwys wat ge- (10) praat het.

MNR. FICK : Is dit mense daar in die groep? -- Ja.

Die winkel is toe geplunder? -- Ja.

K111

HCF : Is net die een winkel in die kompleks geplunder of was ander winkels in die kompleks ook geplunder? -- Net hierdie winkel van die raadslid was geplunder gewees, nie die ander winkels nie.

MNR. FICK : Die plundering, waaruit het dit bestaan? Is die hele winkel leeg gedra of is daar net party goed uitgedra? -- Ek sal nie kan sê of hulle alles gevat het nie, want die (20) polisie het ook daar opgedaag. Dus het hulle nie die kans gehad om dit te doen nie. Op 'n stadium het ons ook toe weggegaan.

Die polisie het opgedaag. Wat het toe gebeur? Het die klomp weggehardloop? -- Ja, al daardie klomp het gevlug, selfs ons, want toe die polisie daar gekom het, het ek beseft dat die polisie van plan was om te baklei.

Waarheen is u toe, toe u daar weggehardloop? -- Ek is huis toe.

En beskuldigde nr. 11 wat saam met u was, waar is hy (30) heen? -- Ek kan sê hy is na hulle huis toe, want hy was ook

weg. Ek het aanvaar hy is na hulle huis toe.

Het u die res van die dag gaan kyk of weer saam met groepe geloop wat betrokke was by voorvalle daar in die woongebied of het u by u huis gebly? -- Ek het later uitgegaan om te sien wat gebeur het. Dit is op daardie stadium dat ek opgemerk het dat daar klippe in die strate was. Daar was ook uitgebrande buitebande van voertuie in die straat gewees. Ek het toe vermoed dat dit bedoel was vir voertuie om die voertuie te versper in die beweging in daardie omgewing.

Watter tyd van die dag was dit gewees wat u nou hierdie(10) padversperrings gesien het? -- Dit was in die namiddag gewees.

Was dit net een pad wat versper was of baie? -- Op daardie stadium die betrokke middag kon ek net die pad gesien het wat in die nabyheid is vanwaar ek woon dat dit so versper was. Na 'n paar dae het ek eers daarvan bewus geword dat die ander strate ook so versper was.

GETUIE STAAN AF.

HCF VERDAAG.

HOF HERVAT.

PETER MOHAPI, nog onder eed (Deur tolk)

ONDERVRAGING DEUR MNR. FICK (vervolg) : 'n Paar dae na 3 (20)

September, na die mars, ons noem dit nou maar die mars ...

(Hof kom tussenbei)

HCF : Sal 'n mens dit 'n mars noem of 'n optog?

MNR. FICK : 'n Optog.

HOF : Maar was hier nou 'n optog, want ek het nog nie gehoor van 'n optog nie, ek het net gehoor van 'n klomp mense wat bymekaar kom op 'n plein en uitmekaar spat en winkels en huise aanval?

MNR. FICK : Ek het nou maar die woord mars gebruik, want deur die vorige getuies is dit geïdentifiseer as die dag van die(30) optog. Ongeveer 'n week daarna, na 3 September 1984, was u

na Johannesburg? -- Ja.

Saam met wie het u gegaan? -- Ek, John Mokoena en Piet Mbongo is Johannesburg toe.

Wie het die reëlings getref dat julle Johannesburg toe moet gaan? -- John Mokoena.

Wat moes u daar gaan maak? -- Ons moes ons name oorgedra het as die lede van die komitee sodat ons bekend moet word aan die UDF.

HCF : Maar waarom moes drie mense dit gaan doen? Kon julle nie maar 'n brief geskryf het nie? -- Ek weet nie, maar dit(10) is as gevolg daarvan dat hy gesê het ons moet gaan.

MNR. FICK : Die hy is beskuldigde nr. 11 wat u van praat? -- Ja, dit is reg.

Waarheen in Johannesburg is u? -- Ons is na die kantore van die prokureur of die advokaat Ismail Ayob.

Het u enigiets onderteken daar? -- Ja. Daar is 'n vorm met ons besonderhede, die name en adresse waar ons woon.

Is dit aan u verduidelik wat is hierdie vorm waarmee u besig is? -- Ja. Hulle het gesê dit is 'n bewys dat ons eintlik onder die UDF val. (20)

Voor hierdie dag wat u daar na Johannesburg toe is, weet u, was daar enige verhouding tussen u, Boipatong Residents Organisation en UDF wat u van weet? -- Nee, ek was nie daarvan bewus nie.

Die organisasie bekend as die Vaal Civic Association, die VCA, het u van hom geweet? -- Ja.

Weet u of is daar vir u enigiets gesê in verband met enige verband tussen Boipatong Residents Organisation en Vaal Civic Association? -- Ja.

Wat weet u van die verband tussen die twee? -- Wat ek (30) weet is, volgens John se verduideliking val Boipatong Committee

direk onder VCA. VCA val onder UDF.

Op watter stadium het beskuldigde nr. 11 dit vir u gesê? Voor 3 September se optog of daarna of hier in Johannesburg of wanneer? -- Op pad Johannesburg toe het hy my gesê.

HCF : Is dit die eerste keer wat u gehoor het dat u komitee 'n tak is van die VCA? -- Nee, dit het ek alreeds van geweet. Wat ek die eerste keer van bewus geword het, is dat ons onder die UDF val.

Het u vanaf die begin, vanaf die stigting van Boipatong Komitee geweet dat daar 'n verband is tussen u komitee en (10) VCA? -- Ja, met die stigting van hierdie komitee het hy dit aan my verduidelik.

Wat het hy gesê is die verband? Is u 'n tak of is daar 'n lossier verband? -- Toe die verkiesing gehou was van die komitee van Boipatong, was dit 'n komitee wat gaan dien met die hulp van die VCA, dit wil sê dit het dieselfde doelstellings gehad as die VCA.

Sou julle nou afvaardigings stuur na VCA toe? -- Al het ek destyds nog nie geweet wie die lede was van die VCA nie, het dit op hierdie stadium tot 'n punt gekom met die voorbe- (20) reidings, dit wil sê ons almal, dat ons komitee tesame met VCA onder die UDF gaan val.

Dit het u geweet wanneer? -- Dit is terwyl ons op pad was na Johannesburg toe.

Ek wil 'n bietjie verder teruggaan. Ek wil net duidelikheid kry oor wat u verstaan het onder die verhouding tussen u komitee Boipatong Residents Association en die VCA. Is dit twee goed wat langs mekaar staan, soos twee broers of val die een onder die ander een soos 'n pa en 'n seun? -- Toe ek dit die eerste keer daar gekry het, het ek verstaan dat Boipatong Residents (30) Committee saam met VCA sal werk. Later het ek verstaan dat

... / beide

beide die organisasies onder die UDF sal val.

MR BIZOS : Before we put any questions, I am going to ask Your Lordship to strike out a certain portion of the evidence. The portion that we are referring to is where in his evidence-in-chief the witness starts off by reporting what decision had been taken at Sharpeville by accused no. 11, up to the time that he said that they were happy about it and decided to do what had - to put into effect.

COURT : Do you mean the report given by accused no. 11 as to what had happened at Sharpeville and? (10)

MR BIZOS : Right up to the decision being taken to implement the decision at Sharpeville insofar as the burning of the councillors' homes is concerned, because no such decision is mentioned in the indictment or in the further particulars and on the reasoning of Your Lordship's judgment when we had a similar problem in relation to the evidence given against Mr Lekota, accused no. 20, we relied on Your Lordship's judgment in that regard. The only thing that is said about the decisions at this meeting is to be found at page 315 of the indictment sub-paragraph (2). It is clear that that is the (20) same meeting that is referred to if Your Lordship looks at the pre-ambule and sub-paragraph (1) and there it is said "AT the meeting it was decided to hold a mass protest meeting, to mobilise, politically incite and/of intimidate the residents to take an active part in opposition to increase housing rent, councillors and lawful structures or authorities."

COURT : Does "in verset aksies" not include active participation in, possibly in attacks on councillors, "in verset aksies teen huishuur, raadslede en wettige gesagstrukture"? -

MR BIZOS : The way we read, what it really means is to (30) take an active part in opposition, to increase rental and -

what is it that they have to do? To hold a mass protest meeting and to politically incite and intimidate residents to take an active part in opposition. Politically. Perhaps I should look at the Afrikaans. I am reading from an English translation, but the meaning in our respectful submission is clear. This is after all the most serious bit of evidence that this witness is giving and nothing in this regard is fore-shadowed either in the further particulars or not and the further particulars, read as a whole, that an inference was going to be drawn. No where is it suggested that there (10) was an actual agreement. We asked in the further particulars whether a specific decision had been taken ... (Court intervenes)

COURT : Where did you ask this?

MR BIZOS : I will give Your Lordship the references. This has taken us by surprise. We have not had time to really develop it, but I do recall the questions as to whether and express agreement was relied upon or whether it was to be inferred and the State disavowed any knowledge of any specific agreement. I would like to indicate that accused no. 11 (20) and many others will deny that there was any such agreement but I do not think with respect that we should be called upon to deal with this specific agreement that a meeting of this nature at this late stage of the proceedings, when the State disavowed the - I am sorry that I am speaking from memory in relation to the question, but I think that My Learned Friend, Mr Yacoob will be able to ... (Court intervenes)

COURT : I can take a short adjournment for you to set your argument together.

MR BIZOS : Perhaps it will be better. I am sorry that (30) I have to ask for court time, but it did take us by some

surprise. May I say that the reason that I did not object in the beginning, I thought if we are going to have similar evidence such as we have had from other witnesses, then I would have to cross-examine on credibility any way, but as this is the only evidence in this regard, we have decided to take the point. It is not in the indictment and we do not have to ...
(Court intervenes)

CCURT : Let me know when you are ready to proceed.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

(10)

PETER MOHAPI, still under oath

MR BIZOS : The allegations relating to this meeting that the witness has spoken of, appear in paragraph 72 as Your Lordship might have noticed on page 56 of the request for further particulars, ad paragraph 72, the very paragraph that we are dealing with. A request is directed to the preamble of the paragraph, which reads as follows :

"Is it alleged that there was a specific plan or decision to promote the active participation of the Black masses in 'onluste, oproer en/of geweldpleging in die Swartwoongebiede in die Vaal Driehoek' through the said campaign? If so, when, where, by whom is such plan or decision alleged to have been formulated. If not, by virtue of what facts and circumstances is it alleged that the said campaign was to be used for the purpose of securing such participation in 'onluste, oproer en/of geweldpleging in die Swartwoongebiede in die Vaal Driehoek' (20)

Now, one would have expected in answer to that question that inter alia at a meeting held on the - shortly before 26 August this decision was taken by the Boipatong Committee. Your Lordship will not find such an allegation any where in the (30)

further particulars, because the question is answered in the usual reference back situation and the answer is to be found on page 97 of the further particulars which refers back to paragraph ... (Court intervenes)

COURT : Just a moment. The question is 33.1. At 97 I also see it.

MR BIZOS : But that is a reference back to paragraph 28 which is on page 81, but Your Lordship will see a further reference back. It refers back to 27. Could I just give Your Lordship the reference, because they do not really help at all. (10)

I will refer Your Lordship to the direct situation. There is a reference back to paragraph 28, which is on page 81 and there Your Lordship will find a reference back to 27.6.1 which is on page 75 and there Your Lordship will find a reference back - there is something more on page 81 and a reference back, but I submit with respect that it does not carry the matter any further, because there is a situation which does not really deal with this. It deals with the organisation on conspiracy. So, Your Lordship will find nothing there.

COURT : Does 28.1.1 not fall under 28? (20)

MR BIZOS : It is not made clear, but it would appear that the fullstop would have been properly - more properly a colon, but there is nothing in the sub-paragraphs that relates to this meeting or this decision any where. Then Your Lordship is referred back to 27.6.1 which Your Lordship will find on page 75.

COURT : It refers back to paragraph 9.

MR BIZOS : That is the original conspiracy or the foundation of the UDF.

COURT : Is that at page 39? (30)

MR BIZOS : That is so, but eventually Your Lordship is

referred to paragraph 27.6.4 which Your Lordship will find on page 75 and it goes on to page 76 and paragraph 27.6.5. If Your Lordship looks at those, Your Lordship will see that the State disavows any express agreement. At the bottom of page 75 Your Lordship will see that :

"Each accused both directly and indirectly by becoming part of the conspiracy and by striving for a common purpose and to destroy the Black local authorities as part of the plan to replace the government of the Republic of South Africa, extra-parliamentarily with the (10) so-called democratic government of the masses and by conducting campaigns against the government's policy and legislation and inciting the masses against and by typifying council members in the system of Black local authorities as unacceptable and traitors of the Black masses encouraged violence and intimidated council members."

The running of this campaign had the effect of intimidating council members and that it encouraged violence. There is no allegation of an agreement at this meeting and then at (20) 27.6.5 Your Lordship will find on page 76, there are again these generalities :

"By means of the propaganda by which the Black masses in the Black residential areas were incited against council members and Black local authorities as set out in paragraph 27.6.1 supra. The Black masses proceeded to violence and property was destroyed. Council members were murdered and council members were forced to resign by means of fear and intimidation."

What is really alleged here is that we are going to rely (30) on what happened afterwards in order to show that the accused

... / were

were guilty of the conspiracies alleged.

"The State further alleges that this violence which was let loose was the direct result and outcome of the conspiracies as alleged in the indictment."

The conspiracies alleged in the indictment, are the conspiracies between the ANC and the Communist Party and the UDF, the ANC and the Communist Party, and the UDF and the VCA and not any conspiracy at Boipatong.

"From the active organisation, mobilisation and conditioning of in particular the Black masses, they were organised (10) for and organisations were established or affiliated through and with the UDF and under the guidance of the UDF.

The State further alleges that the accused, either as members of the Executive Structures of the UDF or as members of the organisations affiliated to the UDF or which actively supported the UDF, in view of the organisation and mobilisation of especially the Black masses around the various campaigns of the UDF in the Republic of South Africa and identified themselves and actively (20) co-operated in at least the Vaal Triangle with the general purpose by means of the organisation and mobilisation of the masses in various organisations under the UDF guidance. To incite the masses and in particular the Black masses to violence and to lead them to render the Republic of South Africa or parts thereof ungoverned."

Insofar as it may be suggested that the incitement - that is not a conspiracy, it is not the agreement, but in any event, it would fall foul of the other particulars elsewhere as to what precisely did each one of the accused do. (30)

COURT : Which are those particulars? One does need a Michelin

guide to these indictments. I am using you as one.

MR BIZOS : I am sorry I mentioned it, but even if there were some question of an incitement, it is not there. There is no specific incitement alleged in relation to Boipatong.

"The State furthermore refers to EXHIBIT C(53) and C(110) where UDF proclaimed the resignation of council members, the destruction of Black local authorities in the regions where violence was unleashed as its successors."

This may or may not be, but it will not have any effect - it cannot be said that it is particulars. (10)

"That the following places the State alleges that inter alia violence, unrest and intimidation broke out after organisation and mobilisation."

That does not help us, because that is at places other than the Vaal Triangle, but further than that, we can find nothing in the indictment which pleads this specific agreement and both on the basis of fairness and on the basis of pleading and on the basis of Your Lordship's judgment that the State should really have given ample warning to the accused in relation to what they have to meet, we submit that the evidence, (20) as it stands, should be struck out.

HCF : Mnr. Fick, waarop maak u staat?

MNR. FICK : U Edele, eerstens, die spesifieke vergadering waaroor die probleme nou opduik, word vermeld in paragraaf 72.2 bladsy 315 - die Hof sal merk uit die versoek om nadere besonderhede, dat daar nie 'n enkele vraag gevra is oor hierdie paragraaf nie. Daar is gevra oor die aanhef van paragraaf 72 en dan ook paragraaf 72.7. Hierdie paragraaf was in die versoek om nadere besonderhede geïgnoreer. Die versoek wat gevra was in paragraaf 72 handel oor die groot - om dit nou so te (30) noem - sameswering. Waar het die ding ontstaan? Kan die

Staat aandui ... (Hof kom tussenbei)

HOF : Watter versoek is dit nou?

MNR. FICK : Paragraaf 72. My Geleerde Vriende noem dit net paragraaf 72. Dit is skynbaar die aanhef van paragraaf 72. Dit is op bladsy 314. Die vraag wat daar gevra word, met respek, soos die Staat dit ook afgelei het, soos uit sy antwoorde uit blyk, soos My Geleerde Vriend hier aangehaal het, handel oor die groot sameswering van die UDF en die ANC, UDF en sy geaffilieerdes. Die Staat wil verder aan die hand doen dat die woord "verset aksies" soos wel in die akte van (10) beskuldiging weergegee word op bladsy 315 sub-paragraaf 2 sluit hierdie optrede in, sluit hierdie getuienis in. Al wat die getuie hier kom sê het, hy sê waar kom hulle aan die idee dat daar opgetree moet word teen die raadslede. Die plan het nie ontstaan op hierdie vergadering nie. Dit is nie 'n besluit wat geneem is op die vergadering dat hulle dit gaan doen nie. Dit is 'n besluit wat êrens in Sharpeville op 'n vergadering wat niemand van weet wie was daar nie, net van gepraat is en hulle het toe besluit hulle sal dit volg. Die besluit is nie op hierdie vergadering geneem nie. (20)

HOF : Laat ons net kyk wat sê u hier in hierdie paragraaf.

"Op die vergadering is daar besluit om 'n massa protesvergadering te hou ten einde (dit wil sê met die doel) om die inwoners te mobiliseer, polities op te sweep en/of te intimideer om aktief deel te neem in verset aksies teen die verhoogde huishuur, raadslede en wettige gesagstrukture."

Dus, die besluit was, ons sal 'n vergadering hou, op welke vergadering ons die inwoners sal mobiliseer, opsweep en intimideer om deel te neem aan verset aksies. (30)

MNR. FICK : Dit is korrek. Dan is die getuienis dat indien

... / hierdie

hierdie mars nie help nie en daar gebeur niks en die raadslede wil niks doen nie, dan sal 'n volgende ding gedoen word, naamlik boikot en as dit nie help nie, sal 'n volgende ding gedoen word en dan sal daar gebrand word. Dit is die Staat se submissie daar is nooit gevra nie, hier is uitdruklik die verset akies beweer. My Geleerde Vriende het maande tyd gehad om hierdie vraag te vra en te sê wat bedoel die Staat. Hulle het die paragraaf voor dit gevra en die paragraaf wat daarna kom gevra maar hierdie het hulle geïgnoreer. Met respek, as My Geleerde Vriende die vrae nie gevra het nie, dan is daar geen plig (10) op die Staat om dit verder te spesifiseer ongevraagd nie. Ek wil die Hof dan vra om hierdie getuienis toe te laat.

MR BIZOS : With the greatest respect, the request was directed to the preamble. The particulars that were supplied by the State in paragraph 72.2 are in support of the allegation in the preamble. The request for particulars covers the whole paragraph, because the allegation, the act alleged is in the preamble and the State says we are going to prove what we have alleged in the preamble by the following facts, and the facts set out, do not contain an agreement to destroy councillors' (20) houses and in no way can sub-paragraph 2 of paragraph 72 be read as covering the evidence given by this witness, because, if I may take the Afrikaans. The meaning is clear, that there was going to be a mass meeting at which political incitement was going to take place, wherever that may be, but I do not know whether that is an offence or not, certainly read together with the preamble it may become an offence. If it is done for the purpose set out in the preamble, it is an offence. It is not an offence if it is not read together with the preamble. To intimidate persons to take part in actions (30) against the higher rental, that may or may not be an offence,

... / but

but this is not something that we are concerned with and reading it on the basis of the eiusdem generis rule or even taken in its plain grammatical meaning, that there was going to be some action against councillors, but certainly not an act, an agreement is an act, an agreement that their houses would be burnt down, either conditionally or otherwise and in our respectful submission it was not necessary to direct any further specific questions if the State says in the preamble this is how we are going to prove it, anything that goes out, beyond 2 and 3 - outside this specific allegation(10) in 2 must be inadmissible. We could not - examples in relation to the other paragraphs can only confuse the issue. So there is no point in giving them, but after all, Your Lordship is concerned that the accused should have been given proper notice of what it is that they have to meet. They have not come on the reading of this prepared to meet evidence to the effect that there was a specific agreement at the meeting at Boipatong on the date in question to burn houses of councillors or to attack councillors' houses. It cannot be read that way. So, that even if no particulars at all (20) had been asked and even if the wide answers of a generalised nature had not been given in the further particulars, it would still not have been admissible, because if the State that did give us this detail, did want to give it or that it did have the information and wanted to give it or if it wanted to lead evidence or if it wants to lead evidence now, it could have clearly set it out in a manner which would have given the accused fair notice, namely you agreed to put this plan into operation on such and such a date and not as a generalised sort of action in support of what is alleged in the preamble(30) which in itself is in generalised form.

COURT : I would like to think about this indictment a bit. Can you continue with your cross-examination on points not dealt with or not dealing with this aspect?

MR BIZOS : Yes, I can.

CCURT : You may proceed. I will attempt to give a judgment on this tomorrow morning.

MNR FICK : Mag ek dalk net iets antwoord op My Geleerde Vriend se betoog?

HCF : Ja, u kan.

MNR. FICK : Op hierdie laaste argument wil die Staat net (10) sê die aanhef gaan oor die sameswering om hierdie kampanje, groot kampanje teen plaaslike besture te gebruik en hierdie bewering, hierdie getuienis wat die Staat hier gelei het, gaan oor 'n klein onderdeel om hierdie groot sameswering te bewys. Oor hierdie onderdeel wat sub-paragraaf 2 betref in die akte van beskuldiging, het My Geleerde Vriend niks gevra nie en op hierdie klein vergaderinkie van 15 Augustus, die besluit is ook nie daar geneem nie. Dit is doodeenvoudig, hulle het gehoor van so 'n besluit en hulle het toe gesê hulle sal dit uitvoer. (20)

... / CROSS-EXAMINATION

CROSS-EXAMINATION BY MR BIZOS: Mr Mohapi are you in detention at the moment? -- Yes.

For how long have you been in detention? -- From 11 December 1984.

And when did you make your statement or statements in relation to this matter? -- It was after some days. I cannot remember how many days but after some days.

Well was there only one statement or did you make a statement thereafter, a further statement? -- I made a statement the one I am referring to now while I am giving evidence, that is the only one.

Yes. You see I do not want to take advantage of you Mr Mohapi because I am informed that your statement was made on 15 January 1985. After months of detention.

COURT: One month.

MR BIZOS: I beg your pardon, after one month of detention. -- Yes.

A month and four days. I am sorry. I heard September My Lord as the date of detention and that is why I, you were actually detained in December? -- Yes 11 December. (20)

I am sorry. I heard September, that is why I said months. It was a month afterwards? -- You mean at the time of making the statement?

Yes. -- I do not quite remember. All I can say it is after some time.

Yes alright, we will leave that for the time being. Between 3 September and December when you were arrested were you in the Vaal Triangle? -- Yes I was.

At home? -- Yes I was at home.

You did not go into hiding? -- No I did not. (30)

And even though some of the people involved with the VCA

in/.....

in the Vaal Triangle had been arrested did you yourself feel quite safe to sleep at home and not to go into hiding? -- I had a fright. I was in fact frightened for some time but it just never occurred to me to go into hiding.

Did you feel that you had done anything wrong, that you had committed any illegal act, any crime, as a result of becoming involved in this anti-rent campaign? -- Yes it occurred to me that I am guilty of a crime or any offence. The reason being that some of the people with whom I was involved in the committee had to disappear or run away and some were arrested. (1) That to me created the feeling that I am also guilty of an offence of some kind.

Yes. But did you feel that you yourself had committed any offence? -- Yes.

What offence did you feel that you had committed?-- Because of my having taken a part in making people aware and bring them together to unite and fight the increased rents and make people accept the point that we were to march in order to go and talk to the people in authority about the question of the rent.

Is that what you think your offence has been? -- Yes. (20)

And is that what you came to believe whilst you have been in detention? -- Yes.

You yourself did not commit any unlawful act other than what you now believe after this detention might have been an unlawful act? -- No I do not know of any other offence except this that occurred in my mind which I have just mentioned.

Calling the people to unite to fight against the increased rent? Now what is your standard of education Mr Mohapi -- Standard eight.

And what work were you doing? -- I have done quite a (30) number of kind of works.

Well/....

Well the job that you last, in August 1984 what was that job? -- I was a machinist with the firm Parker Knoll.

What were you earning? -- Furniture department.

What were you earning? -- At that time I was still a learner, an apprentice, therefore I was earning R111.

Rands per week? -- Yes.

Have you got a large family? -- Yes.

How large? -- I am staying with my mother, my father has died already, and my sisters, my wife and my four children.

And your four children. And you told His Lordship that (10) you were in arrear with your rent? -- Yes.

Can you recall by how much Mr Mohapi? -- Just for a month.

Just for a month. How much was it? -- R67.

Was that for the month of June or July that you were in arrear? -- It was for July.

And by about the middle of August you say that your house was locked up? -- Yes.

Who locked it up? -- On my return from work I found that the house was locked. It was on reports made to me by the people who were there at the time of the locking that the (20) municipal policemen are the people who locked the house.

How does your house lock?

COURT: Does that matter, how his house locks?

MR BIZOS: Yes, no My Lord

COURT: Where are we going to Mr Bizos?

MR BIZOS: No let me change it My Lord. Did these people have the keys to your house? -- No they used their own locks from the office, they were not mine.

Are you sure that a court official does not come there after a court order where you have been given notice that (30) you are in arrear with your rent? Was it just the police that/.....

that did this?

MNR FICK: Edele die Staat maak beswaar teen hierdie vraag. Ek weet nie wat My Geleerde Vriend probeer bereik daarmee nie. Wat het dit met die geskulpunt voor die Hof te make. Dit is totaal irrelevant.

COURT: How is this relevant Mr Bizos?

MR BIZOS: My Lord it is relevant on this basis that the State, the State's case is that this was an organisational conspiracy which was hatched elsewhere and that these acts were done in pursuance of that conspiracy. Our instructions are that (10) this witness was not alone in having his house locked, that there was a system at the municipal offices of having locks and waiting for people to go to work and lock up their houses as a mode of collection, which is illegal, which is a serious grievance which people had there. That that was really the motive for much of the organisation and much of what happened afterwards and we would go further and give Your Lordship an assurance that there will be evidence that some of the violence was actually directed at the very people who went around and waited for elderly people to leave the house to the shops (20) or something to come and put a quick lock onto the house. That this was a general practice, a grievance which gave a tremendous amount of feeling against the council and its officials and that it may at least explain some of the wrath that was unleashed against officials, council property, on the 3rd and thereafter.

COURT: What was the last question?

MR BIZOS: The last question, did court officials come along in order to do it or was it an unlawful act?

COURT: He does not know whether it is legal or illegal and (30) he does not know whether the court officials were there

because/.....

because he was not there.

MR BIZOS. Well could I change the question My Lord. Did you have any notice or any summons from any court in order to keep you out of your house? -- No I was not notified.

What were your feelings when you came home and found yourself and members of your family locked out of your own house? -- I did not feel well, or it was not accepted by me in that fashion.

COURT: What does the Local Authorities Act provide, or any of these other Acts, I do not know, about non-payment of (10) rent?

MR BIZOS: My Lord up to a number of years ago it was a matter for the criminal courts to deal with but I understand that that was done away with about five or six years ago.

COURT: But is there no provision in the Act for a sort of a summary execution?

MR BIZOS: None that we know of My Lord.

COURT: Well go ahead.

MR BIZOS: It would be a clear spoliation in our submission. Was this locking up of houses something that only happened (20) to you in Boiphatong or did you know of a number or many of your neighbours to whom this happened? -- After the locking of my hown house I then started making enquiries as to why my house was being locked, only to discover that I am told I am not the only one there are other people as well who were also locked out of their houses.

Now tell me do you know anything about the Communist Party of South Africa? Do you know anything about it? -- No I do not know a thing about that.

Do you know anything, and if so how much, about the (30) African National Congress? -- I do not know anything from my

own/.....

own experience about the African National Congress except of course that I do read about it when there are articles about it in the newspapers.

Yes. And you told us that until you came to Johannesburg after 3 September 1984 that you had not heard anything about the UDF?

COURT: Did he say that or did he say that that was the first time he heard about a connection between his committee and the UDF?

MR BIZOS: As Your Lordship pleases. Well did you know anything about the UDF before you became involved in this committee -- No I did not know anything.

Yes. Tell me your taking part on this committee was it as a result of your own anger at finding your own house locked and your family locked out or because you made agreements with these organisations that you know nothing about?

COURT: Or for some other reason if there is a reason? -- There were reasons which caused me to join this organisation.

MR BIZOS: Yes, what were they? -- The rent was high, it was a heavy burden on me and I came to know that I was not the (20) only one to whom this rent is high.

Any other reasons? -- Another reason was already the rent I was paying was a burden to me in the sense that it was high for me to cope with and I was informed that there was an increment which is coming, that is the increased rent.

Was that to come into force on 1 September? -- Yes.

How much was it going to be in your case, the increase? -- They were going to add another R5 on top of the R67 which I was already paying. In other words that would total to seventy, couple of Rand. (30)

COURT: That is per month not per week? -- Yes.

MR BIZOS: /.....

MR BIZOS: Then you told us that you met accused no. 11, Mr Mokoena? -- Yes.

And was this first meeting that you attended only concerned with the question of the increased rental that was going to become effective on 1 September? -- When I met with Mokoena it was about the increase on rent and again about where he had been on this question.

Yes. Had you taken any part in any political organisation Mr Mohapi before this, had you had any organisational experience at all before this? -- No not prior to this. (10)

Now do you recall whether at that time there was a lot of newspaper publicity and a lot of talk as to what was happening in Sharpeville, what was happening in Sebokeng and elsewhere in connection with this rent? -- Yes.

And had you known that there were meetings being held in other areas in connection with this rent? -- No I only came to know about the meetings which were being held when I met with John Mokoena.

I see. Did you receive any pamphlets or heard any discussion about any of the meetings that had already taken place in other neighbouring townships? -- I was not aware of meetings which were being held concerning this question of rent, prior to the time when I met with him when he told me about that.

Did you know any of the other people besides Mr Mokoena, accused no. 11, that were elected to the committee? I do not want to repeat the names, you remember that you gave us a number of names, Balfour and Sehotso and Motang, did you know any of the other people before you met them at this meeting? -- I only came to know them after having met with Mr John Mokoena. Otherwise prior to that I did not know them. (30)

Yes, and at the meeting where you were actually, where
you/....

you actually formed a committee where, except for Mr Mokoena were you a stranger to the other persons? -- To me they were all strangers, not knowing whether they knew me from their side.

Yes. They were not neighbours or you did not even know them by sight? -- That is true.

Yes. And how many people would you say were present at the meeting of 15 August 1984, that is the first meeting, how many people would you say were present? -- Including myself we were five in all. (10)

So if I remember your evidence correctly the committee consisted of five people? -- Yes we were only five.

Yes. So there was no question of an election or anything like that? -- It was not a question of electing, it was a question of just giving one another positions.

Yes. So it was just, and was this going to be a permanent thing or just a temporary thing in order to get things going? -- I took it that it was something which was going to be terminated later, immediately after we win the rental question because in fact this existed because of the question of the (20) rent. Then thereafter this was going to dissolve.

I do not know how our interpreter is going to deal with it by could we call it as an ad hoc committee.

COURT: Let us call it a temporary committee.

MR BIZOS: Temporary committee. -- Yes.

Which had not called for any mandate from the people living in Boiphatong? -- Yes.

And which was really to start the protest, if you like, against the increased rent? -- Yes that is the position.

And do you recall whether the feeling amongst the five (30) people that met together on 15 August was that you would call

a/.....

a meeting of the residents for the 26 August 1984 and it would there be decided what the residents wanted to do? -- Yes I do.

And because it was a temporary committee it would hardly map out its actions for the distant future? -- Our problem in this committee was we did not know whether we are going to defeat the people or they are going to defeat us in this question of rent.

Well it is a problem that all of us have to live with in all walks of life.

COURT: You need not answer that question. (10)

MR BIZOS: But the question was that you were really concerned, your primary concern was to get some sort of a mandate from the population of Boiphatong, from the people of Boiphatong? -- That is exactly what it was, the aim was that they give us that mandate to go and talk on their behalf with the councillors.

For all you knew that the meeting that you called for the 26th might have said you have no right to speak on our behalf? -- Well on that I cannot comment because I do not know whether they were going to accept it or not. At the time I did not (20) know what their attitude would be.

And you did not know what other people might possibly be elected or appointed or co-opted onto any committee that the residents may have wanted? -- Well I did not know about that.

Yes.

COURT: Did you propose that elections be held for a full committee, at that meeting? -- No.

MR BIZOS: Well we will come to that meeting in due course and we will remind you what happened. You did not know on the 15th when the meeting was being held how many people would turn (30) up or whether there would be any support for any of your ideas?/.....

ideas? -- We did not know how many people were going to attend the meeting but because one did not have to leave out, the reason being the rent, then the difficulties the people are experiencing on rent we accepted that people were going to be there.

Did you, could you tell us how long the meeting of the 15th lasted? -- I would say it took a minimum period. It was not too long or was it a short meeting, it was just in between.

Just more or less? -- I do not know really what to say but I would not say it was more than an hour. (10

Not more than an hour. Yes. Can you remember what time it was more or less? -- I am not quite sure of the time but I would say between 19h30 and 20h00.

Yes. Do you recall whether or not there was a meeting on 22 August, that is a week later?

COURT: Is that now a mass meeting or a committee meeting?

MR BIZOS: No a committee meeting.

COURT: Committee meeting. Yes? -- It was not in fact a meeting actually in the true sense of a meeting. John had said he was going to inform us about the venue, whether he (20) was in a position to acquire the services of the church.

MR BIZOS: Yes. Well did the five or six of you gather? -- Yes we did.

And was there a meeting, a short meeting? -- Yes.

And was it clear that the main purpose of the meeting of the 26th was going to be the protest against the R5,90 increase in the rent? -- Yes.

C112 Let me turn to the meeting of the 26th. Was it to start at approximately 13h30? -- Time fixed for that meeting to start was 13h00. (1

And do you recall who the scheduled speakers were going to/....

to be? -- Well according to the meeting there we, the members of the committee, were supposed to be the speakers in that meeting.

Were there not supposed to be outside speakers as well?
-- We would not know whether somebody would be interested to have a say or address that meeting but if anybody decided to do so we would have given that person a chance of doing that.

Do you recall whether Miss Edith Lethlake spoke, a woman from Sebokeng? -- Yes she did.

And Miss Veronica Mbongo from Bophelong? -- What is (10)
the name?

Veronic Mbongo. -- I cannot remember about Veronica, I do not know her.

Are you not in a position to say whether she spoke or not at the meeting of the 26th? -- No I do not remember anything about her.

Do you remember Mrs Edith Raditsela? I am sorry Dorcas, not Edith. Do you remember her?

COURT: Now is it put that she spoke?

MR BIZOS: She spoke. -- No I cannot remember her speaking, (20)
I do not even know her.

Well, and was Mr Ernest Sotsu to speak?

COURT: Did he speak or was he to speak?

MR BIZOS: No I am putting to him My Lord ...

COURT: No, no, are you putting was he to speak or did he speak?

MR BIZOS: He spoke My Lord.

COURT: He did in fact speak.

MR BIZOS: He was to speak and spoke.

COURT: And spoke. Yes? -- On my arrival there the meeting (30)
was already on and Sotsu was on the floor.

MR BIZOS: /.....

MR BIZOS: Do you know by how much you were late? -- No I cannot remember how much I was late because I was from the church service which I had attended and therefore, I know for a fact that I was late but how much late I was I cannot tell.

My Lord I have been corrected and I want to take the opportunity of correcting it, that my instruction was not only in relation to the first name of Mrs Raditsela, she was not there. She did not speak. My written instructions were wrong about Dorcas Raditsela, it was obviously a confusion with Edith. (10)

COURT: Just put it to the witness so that he knows.

MR BIZOS: You were correct that Mrs Raditsela was not, did not speak. Now do you recall that it was agreed that the Chairman of the meeting would be Mr Mokoena, accused no. 11? -- On my arrival there I was not aware that Balfour is not there because he is the man who was supposed to have been the chairman and I found Mr Mokoena chairing the meeting.

Yes, because although Mr Balfour was a temporary chairman of the temporary committee do you recall whether he turned up at all at this meeting? -- No he was not present at this mass meeting. (20)

COURT: Mr Mokoena, is that one of the accused or somebody else?

MR BIZOS: No, 11 My Lord, accused no. 11.

COURT: Accused no. 11, you are referring to him?

MR BIZOS: Yes. The person who took over as chairman because Balfour did not turn up. Would you say that what was discussed at this meeting was in accordance with what had been discussed earlier at your temporary committee meetings? -- We had agreed on certain things which were to be discussed at this mass meeting, that is in our committee meeting. Now we did not know/..... (30)

know what the other people, that is the outsiders, were coming to say. Whatever was said by the outsiders was not know to us.

COURT ADJOURNS UNTIL 14h00.

C113 COURT RESUMES AT 14h00.

PETER MOHAPI: d.s.s. (Through Interpreter)

FURTHER CROSS-EXAMINATION BY MR BIZOS: I want to take you back, and I am sorry that I have to go back, I want to take you back to the meeting of 22 August. You remember that one where you said it was hardly a meeting because it was just (10) for a report back about the availability of the church? -- Yes.

Was it just a meeting to, about ways and means in which the meeting would be, of the 26th, would be conducted and was there no policy decision made or policy discussion? -- No it was just about the report as to where the venue was for the meeting.

Yes. And what was to be discussed at the meeting was that the meeting which was held on 15 August? What was going to happen at the meeting of the 26th was already discussed on the 15th? -- Yes. All that was remaining was the venue, (20) as to where this meeting was to be held.

And the report that was made by Mr Mokoena, accused no. 11, that was made at the meeting of the 15th and no further report was made on the 22nd, about what was happening in Sharpeville? -- That is so.

Yes. Now I want to read to you, or to put to you very briefly what had been decided at the meeting of the 15th that would be the matters raised at the meeting of the 26th?

COURT: Let us refer to that meeting as a committee meeting and the other one as a mass meeting. (30)

MR BIZOS: Right My Lord, I will adopt that, thank you. Now

was/.....

was it decided at the committee meeting that at the mass meeting the following matters would be discussed: the proposed increase of R5,90; the problems of schooling of the children. Sorry do you agree with the first one? -- Yes.

Then the problems that arose in relation to the schooling of approximately 20 pupils at the Lebohang High School who were excluded on the grounds of age? -- Yes.

Just while we are on that is this a deeply felt grievance by parents whose children sometimes have to go out to work for a year or two during difficult circumstances and then (10) who want to go back to school? -- No that I cannot remember.

Do you remember that there was to be on the agenda the question of the schooling?

COURT: Is that a third point? Because you dealt with the 20 pupils just now?

MR BIZOS: Yes. Was his answer that that was to be on the agenda?

COURT: Yes the answer was yes.

MR BIZOS: I am sorry I did not remember that. Then I do not have to take it any further. And do you recall that also (20) at the committee meeting you decided that many people were complaining about a dumping site that was started just outside your township? -- No that one I cannot remember.

You cannot remember it. Well is there in fact a dumping site or was there a dumping site outside? -- Yes there is a place I know as a dumping area just outside the township.

COURT: A new recent one or an old one? -- It is an old one.

MR BIZOS: Yes, but was it a source of dissatisfaction nevertheless even though it was an old one? -- No that I do not know. I even never heard somebody mentioning that. (30)

I see. And do you recall that the other item was that
it/.....

it should be open to the meeting so that other people would talk about their grievances? -- That is right.

And at the committee meeting the decision was to call the people together on the 26th about what really affected their daily lives? -- Yes.

And is it correct that you were indicated the Vice-Chairman of this temporary committee? -- Yes.

And was there any discussion at the committee meeting or at any other time whether this was going to be a committee on its own, I will use the expression "a civic" - I will explain(10) it later My Lord - "a civic on its own" or whether it was going to be an "area committee". Let me try and explain it

COURT: Do you want those words interpreted or not? Do you want the words used, "Civic" and "Area committee"?

MR BIZOS: Area committee, I think it would be best if we take it in English. Was there any thought as to whether this was going to be Boiphatong's own Civic, or whether it was going to be an area committee of some other organisation? -- When this committee was set up it was started as a Boiphatong Residents Association which would work hand in hand with a (20) Civic Association.

Yes but would it be, what was your understanding, would it be an independent organisation working hand in hand with the Civic Association or a subsidiary organisation to any other Civic Association?-- At that time I did not know whether this was in fact a branch of a certain organisation or not, in fact all I knew was that this association is working together with a Civic Association, which Civic Association I did not know.

And these questions as to whether it was going to be a Civic Association or an independent organisation of its own, (30) or an area committee, was that in any way decided before 3

September/.....

September or not? -- At the beginning of this association it was said that it has only to do with the rent and assist in respect of the rent hikes and this was going to work hand in hand with the Civic Association which Civic association I did not know as to where this originates from.

Yes. So was your understanding that you were not a subsidiary body or an area committee of a Civic Association?

-- No not at that time.

Not at that time.

COURT: What is your understanding of a civic association? (10)

-- I do understand when a person is talking about a civic association but I am not well informed as to what kind of an organisation is a civic association.

Do you know what it does? -- No I do not know. In fact I did not even come to know much about it.

MR BIZOS: Now I am going to ask you about the discussion at the committee meeting but only up to a certain extent. Do you recall precisely what was said at this committee meeting or is it such a long time ago that you do not really remember what was precisely said? -- About the meeting of this (20) committee all I remember is what I have made mention of in this court.

But you see what I want to ask you is this, you say that Mr Mokoena, accused no. 11, came to you and told you what the resolutions were at Sharpeville? You recall that? -- Yes I do .

And he reported to you what the resolutions were at Sharpeville? He reported to you what the resolutions were? -- Yes he did tell me.

And the other members of the committee? -- I believe (30) so, yes.

Well/....

Well you were all there together? -- That is not what I am saying. What I am saying is when I met with him at a corner of a street it is where he told me about the meeting in Sharpeville and what was happening there. That he related to me in the street at a corner.

Well are you saying that he did not report to the committee what the resolutions at Sharpeville were, he only told you privately on the corner of a street? -- I got this from him as I have already told His Lordship how I came to know about this, how he related it to me. Whether the other people (10) knew about it prior to my coming to know about it I do not know or whether they came to know about it afterwards I cannot tell.

But one thing you are sure about is that there was no report to the committee of five persons as to what the resolutions of Sharpeville were?

INTERPRETER: My Lord what the witness is saying is not clear to me. May I just ascertain exactly what he is trying to say? -- What I am saying is he only related to me about the resolutions which were taken in a meeting at Sharpeville as a person and not at a meeting of the committee. And from (20) what he had related to me and because of his failure to relate that in the presence of the others or the lack of knowledge I have about his having related this to the others I inferred that he, accused no. 11, did not want our committee to follow the procedure which was decided upon on resolutions by the people of Sharpeville.

I see. So not only do you tell His Lordship that it was never discussed at the committee but you also formed a very good conclusion in your own mind as to why it was not discussed in the committee? -- Yes that is what I am saying. (30)

I see. But now you know that the State, this is the
prosecution, /.....

prosecution, have given us what the resolutions of the first meeting at Sharpeville were, that is the meeting that took place on 12 August, the first meeting. Tell me in relation to the 15th, when you had the committee meeting, how long before did you have the private discussion with accused no. 12 on the corner? I beg your pardon accused no. 11. -- Is that prior to the meeting of the 15th?

Yes. -- Very few days, it will not be more than five days.

Not more than five. Was it, did you meet him before the weekend or after the weekend? Was it before a weekend or (10) after a weekend that you met him? -- I do not quite remember as to when it was when I met him. I have a feeling it must have been some time over the weekend but that is under correction because I remember it is after I had sent one of the children at home to go and pay the rent that I met him.

Yes. Was it the day on which you went to get your wages after your employment had been terminated? -- After I had sent a child to go and pay it is then that I met accused no. 11.

Yes. Well be that as it may what I want to inform (20) you about, Your Lordship will find this at page 325 of the indictment, that according to the State there were three resolutions passed at the first meeting prior to the 15th when there was the committee meeting. -- That was on the 15th?

COURT: No, no, just a moment. What counsel is putting to you is that according to the State at Sharpeville at a meeting there were three resolutions passed before your committee meeting of the 15th.

MR BIZOS: The three resolutions were the following: that the resignation of councillors was demanded; the residents were (30) called upon not to pay the increased rent, no. 2; and that

the/.....

the next meeting would be on the 19th. Now if we assume that the State correctly gave us what the resolutions were on the 12th, and you can take an assurance from me that there were no meetings at Sharpeville prior to the 12th, if accused no. 11, Mr Mokoena, told you for instance that there was a resolution that the shops should be boycotted or anything else was to happen to the councillors apparently this did not happen at Sharpeville ever before the 15th?

MNR FICK: Edele met respek, op daardie spesifieke vergadering waarna My Geleerde Vriend verwys maar ons weet nie of dit (10) dieselfde vergadering is waaroor hierdie man praat. Dit is 'n misleidende vraag.

MR BIZOS: The evidence will be that it was the only meeting My Lord, My Learned Friend can argue it with respect.

COURT: Yes but does it take it very much further? Is this not argument? Because what you are putting to the witness is that no. 11 could never have told him that because it did not happen.

MR BIZOS: It did not happen My Lord, yes. You see I am going to put to you that neither secretly on the corner nor at (20) the meeting was there any talk about boycotting the businesses or anything wordse? I have to reserve, I have to keep myself back.

COURT: You have chosen to do so Mr Bizos, you do not have to.

MR BIZOS: I do not know if Your Lordship wants to get out a decision. I think we had better leave it that way. You see he could not have told you about the boycott or anything worse happening to the councillors if in fact at the only meeting at which resolutions were taken at Sharpeville it is not even, it is not said even by the State that such resolu-(30) tions were taken. -- I do not understand what is being put to

me/.....

me as to what to say about it because what I am telling here is what John told me according to him he got that from a meeting in Sharpeville and he did not say that he was still going to find out or he was still going to attend a meeting where these things were going to be discussed.

Do you want to make any other comment? -- No nothing more.

Yes. You see and also I am going to put to you that in your evidence-in-chief you said that these things were said to the committee? Do you recall that? -- It was (10) mentioned in a meeting but this was the mass meeting which was held on the 26th. I do not know whether in my evidence-in-chief I did make mention of this that at this mass meeting John had a book with him from which he referred while he was mentioning the resolutions referred to.

Yes we are not talking about the mass meeting. Do you recall that in your evidence-in-chief this morning you told His Lordship that the resolutions of Sharpeville were reported to the temporary committee by accused no. 11, Mr Mokoena? Do you recall that? -- I remember him relating this to me where (20) we met in a street.

That is not the answer to my question Mr Mohapi. Do you want me to repeat it? -- You can repeat the question.

Do you recall that this morning you told His Lordship that what you called the Sharpeville resolutions were spoken of by Mr Mokoena, accused no. 11, at the committee meeting? -- No I do not agree with you.

Well we have the benefit of having written down your words. I am going to leave that there for a moment because I want to deal with something else before the adjournment. (30)
On 21 September you and accused no. 11, Mr Mokoena, were assaulted/.....

assaulted, were you not?

COURT: Which year?

MR BIZOS: 1984 My Lord.

COURT: 21 September 1984?

MR BIZOS: 1984. -- Yes we were though I did not make mention of that this morning.

I do not blame you for not making mention of it. But I am going to ask you to now make mention of it without any fear or favour so to speak, because it relates to something else that was said. Who were the two of you assaulted by? (10)
-- On the 21st, while being at a taxi rank, I was arrested or I was taken into custody by Councillor Mpondo in the company of three, if I am not mistaken, security policemen.

Mr Mpondo himself is not only a councillor but also a security policeman? -- Yes.

Yes. And what happened to you? -- All they did was they stopped a motor car in front of me, flung the doors open, pointed guns at me, assaulted me and I was put into this motor car.

How did they assault you? -- What happened is councillor (20) Mpondo hit me a blow with his clenched fist and then pushed me into the car. I got into the car. While being in the car I was throttled by him.

Yes, and what else happened to you? -- Another person who was in my company at the time, that is when this happened, asked them as to what was the reason why are they doing that to me, why are they hitting me like that.

COURT: Was that accused no. 11? -- No My Lord, it was a person by the name of Mohlupedi Simon Motaung. Because when I got into this car I found accused no. 11 already inside the car. (30)
He had been already assaulted by them.

MR BIZOS: /.....

MR BIZOS: How did you see that? -- He was swollen in his face and the eyes and handcuffed behind his back.

What happened then? -- When this friend of mine, the companion in whose company I was at the time of my apprehension by Mpondo, enquired in reply to that Mpondo said "You don't have to ask a lot of questions because these people - referring to myself and John Mokoena - have set my house alight". When this man said to them "I do not know about this man's involvement in burning your house" - that is referring to Mpondo - then Mpondo and his companions then started (10) assaulting Motaung with sjamboks. Then thereafter we pulled off in that car. We were driven to his residence, that is Mpondo's residence where he said he was going to show me how his house was burnt by the fire caused at the time.

Yes? -- We went to his residence where we were made to alight this vehicle, taken into the house to go and see how much damage was caused to this house by the fire. While he was showing me, taking me around to see the damage in the house, they were busy assaulting me with the sjamboks. From his residence he proceeded with us to John Mokoena's residence (20) They took both of us into the house at Mokoena's residence, they started searching the house. What they were searching for I do not know. In the same street from John's residence we went to my residence. They took us into the house and started searching the house. Nothing was found though I do not know again as to what is it that they were looking for.

Yes. I do not want to interrupt you but as a result of that assault did you go to an attorney? -- Yes after we were released on bail.

To Mr Ismail Ayob? -- Yes.

(30)

And was that the purpose why you went to Mr Ismail Ayob?

-- Yes/.....

-- Yes that was the purpose.

COURT: Is that the only time you went to Mr Ismail Ayob? --
No. Prior to my arrest, as I have already told the Court
that John Mokoena took us to Ismail Ayob we did go there.

MR BIZOS: Yes, and let me remind you why, you are quite
right there were two visits and let me remind you about the
first one. That anyone who served on the committee in the
Vaal Triangle feared detention? -- Although I do not know that
they were really fearing the detention but I do believe that
they had some fear. (10)

Yes and I want to put to you that you did go together with
accused no. 11, Mr Mokoena, to Mr Ayob's office where you did
sign a form authorising his firm to make enquiries about you,
about the place of your detention and to write to the Attorney
General that if you were charged that the Attorney General
should inform him about it. Do you recall that? -- In my
evidence I said we were taken there because we were supposed
to be under UDF. Now what is being put to me by the defence
I cannot dispute.

But you see this letter, this authority is necessary (20)
to enquire from the police and from other officials about
people that might be detained. You cannot deny that that is
the form that you signed? -- I do not disagree with what is
being put to me by the defence, why because even after our
arrest we were granted bail and which bail was paid by Ismail
Ayob.

Yes. But I merely thought I would bring to His Lord-
ship's attention that Mr Ismail Ayob's office does not sign
up people for UDF membership, that is all. -- I do not deny
that though I do not know about that. (30)

COURT: Do you know what you signed? -- Yes, what I know is
according/.....

according to the explanation by John Mokoena when he said our going there would mean that we will have to be under UDF. More than that I am not clear as to what was happening because all what happened there was they wanted my personal particulars, for instance my name and my residential address was the questions on that form which I furnished and then I had to sign the form.

MR BIZOS: Now these police, security policemen, that assaulted you did you go to Mr Ayob's office to make a statement for it to be transmitted? -- Yes we did, in the company of John (10) Mokoena, that is after our release on bail.

What was the charge? -- They had said the charge is arson. He was alleging that we set his house alight.

And was that charge withdrawn against you? -- It did not proceed because it was remanded until 29 November 1984. I appeared there alone, that is after John Mokoena was already arrested.

And was the case against you withdrawn? -- Yes.

And for how long did you remain free after that? -- It was not long really. From the 29th and then I was arrested (20) on the 11th.

COURT: On 11 December? -- Yes.

MR BIZOS: Now these, how many security policemen were there that assaulted you and accused you of burning the councillor's, the security policeman's house? -- If my memory serves me well I think they were four because it was Councillor Mpondo plus three others.

Where were they stationed? -- Because of their having taken us to Vereeniging I can say with safety that they are stationed in Vereeniging. (30)

When did you last see any of them? -- I last saw them the day/.....

day when they arrested me.

COURT: That is on 11 December? -- No.

MR BIZOS: 21 September. -- No, on 11 December I was fetched by Whites.

COURT: Well then the day you were arrested is that on 21 September 1984? -- Yes.

MR BIZOS: Where have you been detained since December 1984? -- Vereeniging. From Vereeniging I was taken to Brits.

How long did you spend in Vereeniging under detention?

-- I think I spent only one night at Vereeniging. The (10) following day then I was taken to Brits.

You were never taken back to Vereeniging? -- I did go to Vereeniging at some stage.

INTERPRETER: It is not clear whether the witness is conveying that he had been taken there in order to get a visit from his family members or he had been taken there to be asked whether he needs some people to pay him a visit. That was the only time that I had gone there.

COURT: For how long were you back in Vereeniging? -- Some few hours, then I was taken back. (20)

MR BIZOS: Yes. Who took your statement? -- A Warrant Officer from Krugersdorp took my statement.

What is his name? -- I think his surname is Bezuidenhout, Warrant Officer Bezuidenhout.

Yes. Did he use a Black interpreter? -- No there was no interpreter.

Did he speak English or Afrikaans directly to you? -- We were using Afrikaans and when we come to a word which I do not understand then we would use English.

You knew him to be a security policeman? -- I did not (30) know him prior to that. I was seeing him for the first time.

Did/.....

Did he not introduce himself to you as a security policeman? -- He did because at the day of my arrest, when I was being taken to Brits, he is the person who transported me to Brits.

Yes. Now I want to try and cut this short if we can. You knew as a result of what happened to you on 21 September that at least some members of the security police believed that you and accused no. 11 were responsible for the burning of Mr Mpondo's house?

COURT: Mr Bizos is this not a proper time to take the (10)
adjournment now.

MR BIZOS: As Your Lordship pleases.

COURT: This will take a long time.

COURT ADJOURNS UNTIL 5 MARCH 1986.

DELMAS TREASON TRIAL 1985-1989

PUBLISHER:

Publisher:- Historical Papers, The University of the Witwatersrand

Location:- Johannesburg

©2009

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

DOCUMENT DETAILS:

Document ID:- AK2117-I1-6-39

Document Title:- Vol 39 p 1787-1849. Witness: Mohapi