

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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SAAKNUMMER: CC 482/55

DELMAS

1986-04-15

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRUGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

63

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 63

Bladsye 3288 - 3363

COURT RESUMES ON 15 APRIL 1986.

ESAU CHAKE MAHLATSI: d.s.s. (Through Interpreter)

FURTHER CROSS-EXAMINATION BY MR BIZOS: Mr Mahlatsi you recall that when I showed you a publication of 3 September 1984 there was reference to it, to a report in the Sunday Mirror of 2 September 1984 which you told His Lordship you had read?
-- That is true.

Yes could you please have a look at this

COURT: What is the number Mr Bizos? Oh is it a new document?

MR BIZOS: It is a new document My Lord. It is from the (10)
Sunday Mirror of 2/9/84, a report by Mr Joshua Raboroko.

COURT: Yes this will be AAQ(29).

MR BIZOS: As Your Lordship pleases. Do you agree that this is the report that you saw? -- Yes this is the report.

Now because it refers to your personally, and to your Council in particular I want to read the report and ask you for your comments on one or two aspects.

COURT: Let us number the paragraphs please.

MR BIZOS: As Your Lordship pleases. There are four in the first column according to my (20)

COURT: Five I have, five in the first column.

MR BIZOS: Oh yes five, "The other business" is the five.

COURT: And the second column runs from 6 to 10.

MR BIZOS: As Your Lordship pleases. 14 in all My Lord.

COURT: Fourteen in all.

MR BIZOS: "Lekoa town councillors, including the Mayor Mr Esau Mahlatsi, have cut themselves into the Vaal liquor business which has a turnover of more than R40 million a year. The 1982/83 financial year beer, spirits and wine sales in the Orange-Vaal Administration Board area amounted(30) to R40,8 million. Sorghum beer brought in a further R14 million."/.....

million." May I pause there and in fairness indicate to you that it is clear, is it not, that the area of the Orange-Vaal Administration Board was greater than that of Lekoa? -- That is correct the Orange-Vaal area was bigger than the Lekoa Town Council area, though it included the Vaal Triangle as a whole.

Yes, and on a rough and ready basis would you say that in population figures the Lekoa Town Council area is more than half of the people living under the jurisdiction of the Orange-Vaal Development Board up to the end of December 1983? -- I (10) do not have the figures but I do not think so, I do not believe that.

Well we will prove the figures to His Lordship. "Council Chairman Mr Esau Mahlatsi has been allocated two liquor stores costing about R2 million and South Africa's soccer supremo, Mr George Thabe, has been given a liquor outlet costing more than R1 million. Mr Thabe is a former Chairman of the Vaal Community Council." Is paragraph 3 substantially correct? -- I would not say so.

Well what is wrong with it? -- Because of the figures, (20) that is the amounts referred to, whether they are correct or not.

What should the figures be according to you? -- As far as I remember the one above referred to as R2 million is less than that. That is the one referring to me. And the second one referring to Mr Thabe is also less than a million, as quoted to be a million here.

Yes. Well you say that the figures of the value are inflated? -- It is less than this, yes.

Yes alright, well we can, I do not think it matters (30) very much at this stage. "Other councillors who have been given/.....

given bottlestores are Mr M.B. Mahlatsi, the Chairman's brother." Well M.B. Mahlatsi is not your brother in the strict sense, he is your cousin? -- Yes there is that evidence already before this Court.

"And Mr P.M. Mahlatsi, another brother", that is another cousin? -- That is another cousin, yes.

"Mr P.H. Mpondo, Mr P. Mokoena, Mr P. Mgcina, Mr E. Mofokeng, the Chairman's brother-in-law." -- Yes he is my brother-in-law.

Yes. "Three other businessmen, Mr E. Maseko, Mr B. Nkuta and Mr H. Tsolo have also been given bottlestores." -- Yes I am listening. (10)

"The bottlestores are being phased out by the Development Board and sold to residents subject to the approval of the Minister of Co-Operation and Development." -- That is true.

Paragraph 7, "The Lekoa Council has accepted that the liquor outlets be given to the community leaders who should get loans from the Development Board or banks." -- All we agreed to was that the liquor outlets be sold. To whom we did not specify. (20)

Yes well we will not start again on the meaning of the resolution that your Council passed but we note your comment Mr Mahlatsi. "The loans are repayable over a period of twenty years." -- Yes that I read about.

"The allocation of bottlestores to councillors has sparked off anger among residents and the local Taverns Association who have maintained that they should have been advertised and preference given to shebeeners." Paragraph 10, "The councillors have also been accused of using the Government's puppet institutions in order to get businesses and not to represent the interests of the residents who elected them." -- I read about/..... (30)

about that one as well.

Well that is comment which you probably would not agree with but the next sentence is a statement of fact. "Most councillors did not have businesses before joining the Council." Would you agree that as a statement of fact that is substantially correct? -- They had businesses, some of them.

No were there a substantial number of councillors who did not have businesses before they became councillors? -- That I will have to check, I do not have the figures now.

Yes. "The Town Council has also been criticised for (10) increasing house rentals by R5,90 for Board owned houses and R5,50 for privately owned homes." Paragraph 12, "The increases came into effect yesterday." What do you say about that? -- That one is not correct.

Yes. Well you now say that it is not correct but do you have any knowledge of the fact that some of your employees were actually collecting the increased rental on 1 September?

COURT: What is the topic we are busy on? Are we busy on the liquor businesses or are we busy on the increase in rent?

MR BIZOS: No but My Lord, with respect, we are busy with (20) both but once he has contradicted a statement of fact it is, I submit, an appropriate time rather than coming back to it to say that you are contradicted by a previous witness on this issue. It is as well to put it now with respect.

COURT: Well no. We know that the increases did not come into effect yesterday. So the statement is correct, is incorrect as set out, factually incorrect. The witness is correct because they were not gazetted.

MR BIZOS: Yes My Lord, but may I change the form of the question. Did some of your employees believe that the rent (30) did in fact, the rent increase did in fact come into operation

on/.....

on 1 September and were they collecting the increased rent from 1 September? -- No that was not brought under my attention. Never? -- Not at all.

"Most of the councillors who were allotted bottlestores have declined to comment on the issue. They said the Chairman was the only person allowed to make press statements." -- According to the resolution of the Council the Mayor is the only person who is empowered to make any statements of announcement.

On behalf of the Council? -- That is correct, on behalf(10) of the Council.

But was there any prohibition on councillors to express themselves as to how they came to get bottlestores? -- In view of the fact that these people applied for these liquor outlets as private people and individuals there was nothing to stop them from making any comments or statement as individuals pertaining to their acquiring the businesses.

Paragraph 13, "Mr Mahlatsi has also refused to comment on the issue and said 'I am not interested in the issue and it is not a matter for the press'." Did you say that? -- (20) What I said was I am not going to make a statement or a comment about something which I am not yet sure of.

Well did you say to them that you had not acquired the bottlestores? -- What I said was I am not aware, I am not sure of what he is talking to me about.

Did you profess ignorance about the information that he had about the bottlestores? -- What I meant to him was that I am not yet informed as to whether I have acquired a bottlestore or not.

And paragraph 14, "Mr Nkuta said that he earlier applied(30) for a bottlestore and was happy that he had been granted one.

He/.....

He was not aware that several councillors had been given bottlestores." -- I have already told His Lordship that I read about this report.

Yes. Who is Mr Nkuta? -- He is one of the businessmen in Sebokeng.

Is he either personally, or through any relative, connected with the Council? -- No I do not know. All I know is that he is a businessman.

Is there no Nkuta at all on the Council? -- Not at all.

Was he ever on the Council? -- No. (10)

Is his wife concerned at all with Council politics? -- I have already told the Court that the wife to Mr Nkuta was a candidate for elections.

Now would you agree that this question of the bottlestores, as a result of this report and other available information to the community, would be a common talking point in Lekoa on that Sunday? -- I would not know that.

Do you agree that much of the social life of the males at any rate, in the Lekoa Town Council area, centres around shebeens? -- In the first place I do not partake in liquor (20) and therefore I do not visit shebeens. As a result I am not aware.

I see. You have no view, no perception as to where many of the males spent their Sunday afternoons and Sunday evenings? -- No.

And would you deny that there was any public disaffection, concern or anger about this issue? -- That did not come to my knowledge.

I now want to turn to something else. Were there no reports of any objections to the increase in rental after (30) the meetings of the 5th?

COURT: You mean on the Council or you mean in the newspapers?

MR BIZOS: No, no reports to the Council.

COURT: To the Council by councillors?

MR BIZOS: To the Council by councillors. -- No.

Was no report received by you from any councillor in relation to any dissatisfaction in connection with the rent increase at any meeting? -- No.

Now did you not find it necessary to take any steps against any persons who attended meetings on 5 August 1984? -- I do not understand the question. (10)

You do not understand. Did you not find it necessary to take any steps against any persons who were present at any meeting of 5 August called by the councillors? -- No.

Not at all? -- Not at all.

Did you not arrange any meeting which you wanted to be kept a secret between yourself and certain councillors on the one hand and certain persons who were summoned to appear before you as a result of what happened at the meeting of 5 August? -- I never summoned anybody or caused a summons to be issued against any person to be at a meeting where some discussions (20) of that kind were to take place, except that what I know is some councillors reported to me about some incidents which happened at the time of their holding the meetings and they requested that I be present because they suggested that those people be summoned to the office.

Did you want that meeting kept a secret? -- No because of the fact that I was just invited to be there I had no power to take any decision as to whether the meeting was to be public or secret.

Would you please have a look at EXHIBIT AAQ(20) and (30) tell us on whose authority the Orange-Vaal Administration Board/.....

Board issued that notice to Mrs Matlong? My Lord it may be of some assistance to Your Lordship that the matter has been dealt with in Volume 53 page 2752.

COURT: Have you got the notice? -- Yes I do have the notice in front of me.

MR BIZOS: On whose authority was that notice issued? -- I personally do not know, it can be that it was on the request of the councillor of that particular area, which is the ward.

Right. Was this the business of the Orange-Vaal Administration Board, judging from what you heard at this meeting?(10) -- It had no bearing to the Orange-Vaal Development Board but what happened is at the time when the Council took over the calling notes which were available by the Orange-Vaal were still being used as calling notes whenever a person was to be called.

Yes. Well as an economy measure it is to be commended but would you agree that the perception of the people that received this sort of notice was that they were still being governed at the local level by the Orange-Vaal Administration Board? -- No I do not know what the next person would interpret this as in receiving this note. What I can mention further is there was never any objection by anybody or a person talking against the use of this kind of a note as a calling note. (20)

Yes. Well can you recall who the councillors were who were present? -- Yes I can.

Who were they? -- Councillor Mokati.

Yes? -- Councillor the late Dlamini. Fukujwe(?).

COURT: Mofokujwe? -- Fukujwe, and Mofokeng. I beg your pardon My Lord, that is the same person, Fukujwe is the first name and the surname is Mofokeng, so Councillor Mofokeng. (30)

Is that Mr Piet Mofokeng, not Mr Piet Mofokeng? -- No not Piet Mofokeng.

Well spell his first name please? -- P-h-o-j-o-j-o-e.

Yes, thank you.

MR BIZOS: Yes who else? -- Councillor Kolisang.

Yes? Try and speed it up, was Councillor Sekobane there? -- I think those are the only people I can still remember.

Yes, and Councillor Sekobane? -- I cannot quite remember whether she was present at this meeting because she had, Sekobane had the tendency of attending some of the meetings (10) and some not.

Right. Were certain officials of the Council there? -- Yes the Township Managers were there.

How many Township Managers were there? -- If I remember well they were two.

Was Mrs Phosisi there? -- If my memory serves me well I think she was there. I cannot recall.

Were the security guards there? -- No.

How many people had been summoned to come to this meeting, notified perhaps is a better word. How many people (20) were notified to come to this meeting? -- I do not know exactly how many people were notified to be at this meeting. But from the talks there I think they were five.

Yes. Well do you remember that Mrs Rebecca Motlong was the first person to be called in? -- Yes that is true, I remember that.

Did you speak to her? -- I was requested to Chair that meeting therefore I was the Chairman of the meeting.

Yes. Did you speak to Mrs Motlong? -- Yes I did.

What did you say to her? -- What I said to her was (30) "You heard what these people said" referring to the people who had/.....

had spoken there.

Well do you mean to say that people spoke in her presence?

-- Yes.

Who spoke? -- Councillor Kolisang and Councillor Mokati.

What did they say? -- They said Mrs Motlong swore at them at this meeting of the 5th.

Did they give any particular reason given by Mrs Motlong at the meeting as to why she behaved in that way? -- No they did not give a reason as to why she behaved in that fashion. All they said is they wanted to know as to why she swore (10) at them.

Well would you say that you put an accusation to her or did you not put an accusation to her? -- As I have already said my first talk to her was "You heard what these people are saying", referring to the people who were speaking there. "Now what do you say to that".

Now I want to try and cut this short if I can. Do you agree that one of the accusations, whoever they may have been made by at this meeting, was that Mrs Motlong spoke at the meeting, she got the people to be against Mr Kolisang? -- (20) No that was not discussed or mentioned.

And if Mrs Phosisi has given His Lordship a version that it was you who addressed her and not the others, addressed Mrs Motlong, and you told her that their behaviour in the hall on 5 August was very bad and that you were very disappointed in her would that evidence be correct or incorrect? -- No I would not have said that, I would not have said anything about her behaviour at this meeting on the 5th because I was holding my own meeting at Sebokeng, therefore I could not have had a reason to comment about her behaviour in this hall. (30)

I am going to put to you that Mrs Phosisi's version is nearer/.....

nearer to the truth than yours to the effect that it was you who was making the accusations and not the other councillors and that it became obvious from the information that you had in relation to Mrs Phosisi and the other people there present, was that, was a rejection of the increased rental by a substantial portion of the people at the meeting of the 5th? What do you say to that? -- No this meeting that I attended and chaired there this day all I came to know about was the swearing which they were complaining about.

Yes. Do you recall that one of the young men that (10) came there was Mr Harry Mkoane. Volume 53 page 2761 My Lord. -- That is true.

COURT: Was it Nkwane?

MR BIZOS: No Henry and not Harry, Mkoane. The record says Henry but I am informed that it is Harry. But it does not make much difference, Mkoane. Do you recall that the files of the people who had been notified to come to this meeting were on your desk? -- Yes the files were present there.

What files are these? -- House files. Each and every house in the Vaal Triangle has a file. (20)

Yes. Now presumably that is in relation to the rent and the upkeep of the house, or who the tenant is, and who the lodgers are? -- It does not refer to the rentals. I only contains information concerning domicile of the people in that house.

Domicile? -- Yes in fact giving the names and the list of the names of the people occupying that particular house at that address.

What did that have to do with the behaviour of the people at the meeting? -- The file was necessary because in the (30) first place before I started the meeting I had to make sure that/.....

that I am talking to the people, do I have the authority to talk to them, are they living in our area, before any discussed with them.

Yes. Do you know Mr Harry Nkwane's father?

COURT: Is he now Harry, because you always called him young Henry?

MR BIZOS: Henry?

COURT: You called him young Henry, I do not know who he is. Is he now Harry?

MR BIZOS: I will stick to the record My Lord, Henry. (10)

COURT: Well call him young Henry then. You also told us Mr Bizos that he was very popular with the girls. I remember him distinctly.

MR BIZOS: Your Lordship's memory has me at a disadvantage but I will stick to the name, I will stick to the name on the record. I was told from the back that Henry was wrong. This is why I

COURT: Well ask the witness, maybe he knows him as Harry.

MR BIZOS: What name do you know him by. We are talking about the popular young man with the girls. -- He is known to me (20) as Butsu.

Yes well it is the same person. We will call him as the record calls him, Henry Nkwane, did you know his father? -- No.

Did the file show that his father came from Thaba Nchu? -- No I did not check on that.

You did not check on that. Because I am going to put to you that you said to him that if he continued to agitate against the rental issue and that if he does not obey you and the councillors there present his father would be sent (30) back to Thaba Nchu. -- No I never said that. In fact what I remember/.....

remember about him we agreed that he will later come and see me, after some time.

You see I am going to put to you that the presence of the files, which were not necessary for this purpose that the meeting was held, were there in order to try and intimidate people with this sort of threat that you made? -- No I have already told the Court what the reason was why the files were there.

Do you agree that many of the people living in your area are Section 10(1)(d) of the Urban Areas Act residents?(10) That is that they are there not because of birth or over fifteen years residence or married to a person lawfully in the area but because they have permission to live and work in the area? -- I would not know that.

Yes. And do you agree that that permission may be revoked or not renewed at the will of an official? -- What permission is this?

To remain in the urban area and occupy a house in a place like Sebokeng and other places in Lekoa. -- I do not have an idea about this law which deals with that. (20)

Do you know where the officials administering the influx control regulations are housed for the Lekoa area? Where do they have the stamps and endorse people in or out, where do they sit? -- If you are talking about the labour bureau that is at the head office of the Sebokeng offices.

Yes, offices to which you have access and you have to visit as part of your official duties from time to time? -- I do go there at times to go and see how they treat the people.

Yes. Well then your protestations of ignorance as to how this section 10 works hardly rings true I would suggest to (30) you. -- To go and see how people are being treated does not

include/.....

include the knowledge of the law, how it would apply.

Yes. What would you say if you were to answer crisply what the purpose of these people being called in, that is Rebecca Motlong and Henry Nkwane, what would you say the purpose was? If you were to give a one sentence reply what would the purpose be? -- All I came to know was that the people who were complaining about these two were saying that they swore at them.

Was the purpose of the meeting in order to reprimand them and to warn them? -- No I was only requested to chair the (10) meeting, which I did, and what happened there was that I said to them "Look you talk to your people in your ward and come to an agreement with them and run your things smooth there."

Not to reprimand them? -- No I did not reprimand anybody.
Or warn them about it? -- No.

And if that is precisely what Mrs Phosisi told His Lordship was the purpose of the meeting would that evidence be incorrect? -- It may be that as councillors from Sharpeville that is what they had in mind or discussed amongst themselves but in this meeting which was chaired by myself no such was (20) mentioned.

It appears on page 2763 My Lord. Do you agree with the evidence of the Town Clerk that not a single written objection was received in answer to the advertisement that you saw yesterday, that was shown you yesterday? -- That is what he reported in the meeting.

Well you told us that you had been to the magistrate in order to try and stop the meetings that you saw advertised on AAP(16) and (17), if my memory serves me right. It is AN(17) and (30)

COURT: AN(17)(1) and (2) I think.

MR BIZOS:/.....

MR BIZOS: As Your Lordship pleases. -- That is true.

Now could you please tell us when more or less you went to the magistrate? -- I cannot quite remember exactly when was this but if my memory serves me well it was after 12 August 1984.

We'll have a look at the meetings advertised on the two exhibits that have now been placed before you and tell us whether it was before or after those meetings?

COURT: What is the date advertised? -- The meetings were to be held on the 25th, 25 August. The two posters in front (10) of me here are advertising the same meeting, in fact contain the same information.

MR BIZOS: How long before that meeting, how long before the 25th when that meeting was to take place, how long before that did you go to the magistrate? -- About one and a half weeks.

So that would have been about 15 August? -- Yes somewhere there around those dates.

Yes. -- Or just after that.

Yes. Now did you make a written report to the magistrate?
-- No. (20)

Did you visit the magistrate personally? -- That is true.

Alone or with your Town Clerk or anyone else? -- I was in the company of the Town Clerk.

Just the two of you? -- We had to see two magistrates at two different magisterial districts, namely Vanderbijlpark and Vereeniging.

Just the two of you, you and the Town Clerk? -- Yes. When we went to Vanderbijlpark we were two.

And when you went to Vereeniging? -- To Vereeniging, if my memory serves me well, we were three or four. (30)

Who were the, was the Town Clerk with you? -- Yes he was.

Who/.....

Who else? -- The other one I can remember, it was the policeman from Vereeniging, a White police force man.

A White policeman. Yes, from the security police? -- Yes if I remember well he was from the security police.

Yes. And who was the fourth person? -- I cannot quite remember who the fourth person was.

Was he a member, a person connected with the Council or a person

COURT: So far we have three or four?

MR BIZOS: No we have three for Vereeniging. There was a (10) fourth person, was the fourth person connected to your Council or connected to the police? -- What I am certain about is the fourth person was not from the Council, and I did not make further enquiries as to from where this person came from.

When you and the three others went to the magistrate at Vereeniging did you place all the information that you had at your disposal before him in order to persuade him to prohibit meetings taking place in relation to the rental issue and attacking the councillors' integrity and their decision and the manner in which they were running the Council? Did you (20) try and persuade the magistrate to prohibit meetings? -- We gave the magistrate all the information we had about these meetings and in fact we had with us some documents which were advertised in the meeting, those are small documents in size, about the size of the one pasted on EXHIBIT AN(17)(1).

Is that the pink slip of paper? -- Yes, that is the one.

Could I just have a look at that please.

COURT: The size being about six by twenty?

MR BIZOS: As Your Lordship pleases, yes.

COURT: Centimetres.

(30)

MR BIZOS: I think we have a translation of this, advertising..

COURT:/.....

COURT: No, no that is not relevant. We are only speaking of the size, not the contents.

MR BIZOS: Oh, as Your Lordship pleases, yes. Did you have similar handouts to the one stuck on top of AN(17)(1)?

COURT: Will you hand it back to the witness so that he can inspect it properly please? -- It was a document similar to this one, more or less the size for instance was the same and the wording "Asinamale" it contained, except of course the further details contained in this one differ from those which were contained in the one we had when we went to the (10) magistrate.

Did that one that you had advertise an earlier meeting? -- Yes it was with reference to a meeting which was already held.

I see. And were you given an opportunity by the magistrate, all four of you, to state your case as to what information you had about these meetings? -- Yes we were given that opportunity and we did give him, the magistrate, the reasons why.

Yes, and all the information at your disposal? -- Yes (20) all the information at our disposal was given to the magistrate, including what we heard from rumours or information we had from different people.

And did the magistrate decide that on what had been placed before him there were not sufficient reasons to prohibit the further meetings taking place? -- That is true, the magistrate's remark was "It is true that people must be permitted or allowed to hold meetings the way they feel they want to hold their meetings."

And was the ruling of the magistrate in Vanderbijlpark, (30) which you visited, whom you visited together with the Town

Clerk, /.....

Clerk, the same? -- That is true.

And that was also, the Vanderbijlpark magistrate's was also as a result of placing all the information that you had available to you? -- That is true.

Which of the townships falling under the jurisdiction of Lekoa are in the magisterial district of Vanderbijlpark? -- Bophelong, Boiphatong and Sebokeng.

Are the others in the magisterial district of Vereeniging? -- Except Zamdela which is under Sasolburg.

Yes. Did you pay any subsequent visits to the magistrates after this date to ask him to reconsider his position as a result of any further information that may have come to your notice? -- No. (10)

Is that because you had no further information which you thought might persuade the magistrate to change his mind? -- No that was not the reason, the reason why we did not go back was because of what the magistrate had said earlier, that people or the community is permitted to hold meetings the way they want to hold their meetings and therefore we decided not to go back. (20)

What I am asking you is whether you had any further material information, you know you felt that circumstances were no different when you went there the first time to persuade you to go a second time, that the circumstances had not changed?

COURT: He has given you his reason. His reason is that the magistrate had said these meetings are to be allowed.

MR BIZOS: Be allowed. Now you know you have mentioned Zamdela. How many councillors does Zamdela send to your Council? -- There are three members of the Council there in Zamdela. (30)

COURT: How far is Zamdela away from Sebokeng? -- I estimate it/.....

it at about 35 kilometres.

MR BIZOS: Were two of the councillors of the Zamdela township suspended by your Council? -- That is true.

Yes. I am not asking you whether their allegations are correct or not but did they make allegations against your ruling party?

COURT: Do you mean leading to their suspension or in an entirely different context during the elections?

MR BIZOS: No, leading to their suspension, and thereafter.

-- No.

(10)

Well did they make an application to the Supreme Court to set their suspensions aside? -- Yes I remember such an application.

Yes. -- I cannot recall whether it was from the Supreme Court but what I remember is that from their attorney there was such an information.

Yes. Well I do not want to enter into that dispute fully but is it correct that there were no, there was no upheaval in Zamdela on the 3rd? -- No report was received by me about any upheavals from Zamdela pertaining to the 3rd. (20)

Or thereafter? -- We did get some reports about stone throwings and setting alight of some houses after that.

When did that happen? Did that happen on the 3rd? -- No not the 3rd.

If it did happen can you tell His Lordship how long after the 3rd? -- About two to three months after the 3rd.

Yes.

COURT: The 3rd is 3 September 1984.

MR BIZOS: 1984 My Lord. If Your Lordship bears with me.

COURT: This suspension was it set aside? -- It was set aside. (30)

By/.....

By the Court? -- No by the Council.

So the Council recalled the suspension? -- That is true.

Was it a temporary suspension or was it a permanent suspension? -- It was a temporary one.

So it merely terminated it? -- When the Council decided to bring them back it was before the expiry of the period of suspension.

Now when were they reinstated? -- I cannot remember.

Was it before 3 September? -- Yes it was before the 3rd, if my memory serves me well it was before the 3rd. (10)

Long before? -- No I do not think so.

MR BIZOS: In fact

ASSESSOR (MR KRÜGEL): On this particular point Mr Mahlatsi would you look at EXHIBIT AAQ(26) please. On the second page, headed "Annexure C", at page 559. -- We have got that one.

You have a motion, a handwritten motion of no confidence signed by two people. -- Yes that is true.

Both apparently councillors of Zamdela? -- That is true.

Are these the two people who were suspended by the Council? -- That is true. (20)

COURT: Were they suspended after or before this motion? -- Before the motion.

ASSESSOR (MR KRÜGEL): And by the time this motion had been put to the Council on 20 November were they reinstated by then? -- Yes.

MR BIZOS: I may be able to be of some assistance My Lord. Is it not correct that whilst this rent increase dispute was going on the Zamdela councillors were under suspension? -- Yes if my memory serves me well that is the position.

And do you recall that your Council settled the matter (30) that had been brought to court by their attorney in a petition?

-- By?.....

-- By?

In an application, an application was made to the Transvaal Provincial Division to have the suspensions set aside.

-- What I remember is that we took a decision that they be reinstated.

Yes, but was it not as a result of a settlement that you would do that? -- To do what?

To reinstate them? -- What is this settlement about, I do not understand?

No I am asking you whether your Council and these two (10) councillors that had been suspended arrived at a settlement in terms of which they were to be reinstated with retrospective effect in relation to their allowances? -- No there was no discussion at all with them pertaining to that. This was just a decision by the Council.

Do you agree that you reinstated them without the loss of any stipend or allowance from the date of their suspension? -- Yes I agree with that.

And will you please have a look at page 38 of the Minutes of the meeting of 28 August 1984 where this is recorded. (20) My Lord would Your Lordship receive it in the meantime and I will undertake to make copies

COURT: Why do I need it? What, is it recorded that there was a settlement or is it merely recorded that they be reinstated and that they have their old stipends back?

MR BIZOS: My Lord could I just read it, "That Councillors M. Thlali and J. Tshai(?) be reinstated as councillors on the Town Council of Lekoa with immediate effect, that the Town Treasurer be requested to pay the councillors referred to in 1 above all allowances due to them for the period 1 May (30) 1984 to 31 August 1984. That the councillors referred to in

1 above be informed in accordance with 1 and 2 above."

C196 COURT: I do not want it in.

MR BIZOS: As Your Lordship pleases.

COURT: Unless your press me.

MR BIZOS: No, no, I do not want to do that My Lord, with respect. Now it was your view, was it not, that the rent increase could not come into effect unless it was approved of by the Minister? -- Not my view, but that is the law.

Yes. And do you know what arrangements, if any, had been made in order to try and get publication by 1 September? (10)

-- What publication?

The publication of the rent increase. -- The question is not clear, the publication making it known to the public?

COURT: Are you still on the topic of the approval by the Minister or are you on the topic of the gazetting of the increase after the approval of the Minister?

MR BIZOS: Both My Lord.

COURT: Well you cannot have it both. The question is not clear.

MR BIZOS: Did you hope that both the Minister's approval (20) and the publication would take place before 1 September during August? -- Well yes that is what we thought.

Right. Now could I ask you this please, whether you know whether your Council submitted any report to the Minister about the agitation that there was, meetings that there were, speeches that there were, newspaper publicity that there was, in relation to the increase in rentals? -- No no report was made.

Yes. -- Did you not, as the first citizen of Lekoa consider it necessary to draw a report for the benefit of (30) the information of the Minister that although no written representations/.....

representations were made in terms of this advertisement nevertheless there was much human activity which clearly indicates that the substantial body of opinion is against this increase? -- No.

Did you not consider this a relevant fact as to whether the Minister should or should not approve the increase? -- No even in the Council no one ever thought of suggesting that.

COURT: Did you get the impression that there was a general feeling of discontent in the township against the proposed rent increase? -- No I did not. (10)

MR BIZOS: Did you have any reason to believe, or disbelieve the number of reports that appeared in various newspapers showing that some 800 to 1500 people turned up at meetings and supported motions condemning the rent increase? -- I did not in fact have a reason to accept this and say the reports are correct.

Well did you have any reason to doubt their correctness? -- Yes because I held a meeting on the 5th and quite a number of councillors were also holding meetings on that day and it was reported to me that the community wants and they demand (20) what they ask for from the Council and they are insisting.

Yes. I can understand you having these reports from your councillors but did you close your eyes and ears to the other messages that were being presented to you through newspapers, through the fact that you saw meetings being called? -- The councillors are the people who were complaining in fact, saying the reporters are not reporting correct in their reports because their meetings were normal, there was nothing wrong in their meetings.

Did you know that Mr Louw's view was that the Minister's (30) consent was a mere formality and that he could make

arrangements/....

arrangements in the Department to expedite publication so that the increase could become effective on the 1st? -- No.

Right. Did you make a public statement on 9 September 1984 at a press conference with Mr Louw sitting next to you saying that the rent increase would go on despite the unrest that had taken place between the 3rd and the 9th? -- On that I was making a statement about the feeling of the Council as a whole.

So do I understand your evidence to be that you do admit that you made such a public statement on the 9th? (10)
-- Yes I admit having made the statement.

And you go further and say it was not only your personal view but also the view of your Council? -- That is true, that was the feeling of the Council as a whole.

Well we do know that if my memory serves me correctly that a different decision was taken on the 19th? Am I correct about the date? -- It can be that you are correct, I also cannot remember.

COURT: Is it not 18 August?

MR BIZOS: 18th, if Your Lordship pleases, yes. It is (20)
Mr Yacoob's recollection as well.

COURT: August.

MR BIZOS: No not August, September.

COURT: September yes.

MR BIZOS: Well was this a decision which was perhaps inspired by some person other, or body other than the Council in order to change your view of 9 September? -- It was again still the Council's feeling.

I see. Well could I suggest to you that at least up to the 9th when this public statement appear, 9 September 1984, (30)
that you were either misreading the feelings of the people
of/.....

of Lekoa or ignoring them? -- Until then there was no objection received by us. That is I am referring to a written objection.

COURT ADJOURNS FOR TEA. COURT RESUMES.

ESAU CHAKE MAHLATSI: d.s.s. (Through Interpreter)

COURT: Are you going onto a different topic?

MR BIZOS: Yes My Lord.

COURT: On this Zamdela we have heard that Zamdela is 35 kilometres away from Sebokeng? So it is not actually geographically part of the Sebokeng complex? Is Zamdela a (10) township which is open to everybody or is it a township which is only open to people who work at Sasol? -- It is open to anyone.

To which town is it annexed? -- Sasolburg.

If it is correct, as it has been put to you, that there were no riots in Zamdela what explanation do you have for that? -- If I were to comment on that I will say I cannot remember any meeting which was held in Zamdela after the meetings which were held on the 5th.

You mean protest meetings held in Zamdela? -- That is (20) correct, those are the meetings I am talking about.

Yes, thank you.

MR BIZOS: Are you sure about that? -- I say I cannot remember.

Yes. Were people not protesting in Zamdela and contesting the whole behaviour of the Lekoa Town Council? -- That is not what I am saying.

You do not know whether that happened or not? -- That is true.

Yes. And not only are you unable to say whether there were any protest meetings, or how many there were, if there (30) were any? -- I cannot remember about any protest meeting which/...

which was held there.

Yes. Well let us come back, I did not want to introduce this but in April 1984 you were at a meeting there and everybody walked out on you ?

COURT: Yes, we were discussing the 5th of August situation and afterwards, the rent increase.

MR BIZOS: Well My Lord I started as a starting point of the

COURT: Well you may go back as far as you like but that is not what we were discussing. (10)

MR BIZOS: My Lord let me just put what our information is in this regard because the witness, I am going to put to you, is it correct that in April everyone walked out from the meeting that you went to? -- That is correct but this happened this way, while I was there in a meeting the Zamdela councillors told the people, that is the community which was attending the meeting, to leave the meeting as a result of which the people left the meeting.

Yes. -- That was during the time of the introductory meetings. This particular meeting was one of them. (20)

Yes, and what do you say if I put to you that there was, a regular, I use the word deliberately without any loaded connotation, regular agitation against the Lekoa Town Council and the proposed increase in the rentals? What do you say about that? -- During that time no mention was made of the rent increases. Therefore it was not discussed.

Did any councillor hold any meeting in Zamdela on the 5th? -- No I thought you were talking about the introductory meetings. That is when I said no discussion about rent was made there in that meeting. (30)

COURT: Now let us just get clarity. On 5 August no meeting was/.....

was held, I take it because the councillors were still under suspension? -- Yes.

And in April when they walked out on your did that give rise to the suspension? -- That is true.

I see, yes.

MR BIZOS: Did the councillors tell the people to walk out or did the people tell the councillors to follow them out? -- I have already said that the councillors invited the people to walk out with them.

Well would you agree that the people of Zamdela, in (10) addition to their complaints about the rent also complained about the corruption on your Council and they made a petition to secede from your Council? -- In the first place Zamdela people never ever complained about rent. Secondly I know about a letter in which the councillors of Zamdela were saying that the Zamdela community want to be separated from the Lekoa Town Council.

Yes. Well if I were to suggest to you the difference between the councillors of Zamdela and you and the councillors in your party and generally in Lekoa have their finger on (20) the pulse of the people and you did not what would you say? -- What I can say on that is that well it is possible that that is the situation because it is expected from a councillor to know exactly what his people wanted from him and what is it that is expected from him by the community in that area.

Did you -- In his constituency.

May I go onto another topic then. Did you attend one or more meetings on 5 September? I am sorry 5 August. -- I attended my own meeting which I held on that day. (30)

Was that in Zone 14? -- No that was Zone 11.

Yes./.....

Yes. Did you not attend any meeting at Zone 14? -- No.

Are you sure that you did not stop over at the meeting of 5 August at Zone 14? -- No.

Who was the councillor for Zone 14? Or councillor or councillors? -- They are three.

Yes? -- Paul Mahlatsi, Jacob Chakane and Jonas Motseleng.

COURT: The last name is?

MR BIZOS: I have got it as M-a-h-l-a-t-s-i, no that is Mahlatsi I beg your pardon. M-o-t-s-e-l-e-n-g. Motseleng. Was not this meeting at the cinema? -- The introductory (10) meeting was held at the cinema.

Are we talking about the same meeting, 5 August? -- On 5 August I did not attend any other meeting.

Did you ever attend any meeting at the cinema during 1984 where there were difficulties?

COURT: Is that now a cinema in Zone 14?

MR BIZOS: In Zone 14, I will give the name, Eldorado, the Eldorado Cinema. -- I have attended a meeting in Zone 14 at this cinema but there were no difficulties at this meeting I attended. (20)

Was this meeting in connection with the rent increase? -- No.

Well I am going to put

COURT: It is, the witness says it was the introductory meeting.

MR BIZOS: Well I am putting to him that it was a 5th of August meeting.-- I do not know where this meeting was held, that is on the 5th.

Well any meeting that you might have been at, were there any difficulties ever at the Eldorado Cinema? -- No.

Do you know whether there were any resignations of any (30) people connected with the party of the councillors as a result

of/.....

of the meeting on the 5th?

COURT: Are you not going to put to the witness what you mean by difficulties? It may well have been that the hall was overcrowded and some people had to hang through the windows. I do not know.

MR BIZOS: Opposition to the rent increases My Lord. -- I have already said that I only attended our meeting in Zone 11 on the 5th.

Well I am going to put to you that you were present towards the end of the meeting of the 5th at the cinema (10) and it was quite obvious that the people there present were against the rent increases? -- I have already said that I did not attend any other meeting.

I want to deal with the meeting of the 29th?

COURT: Of?

MR BIZOS: August 1984. It would appear that

COURT: Is that the meeting at Bophelong?

MR BIZOS: Bophelong. It would appear that there was dissatisfaction in Bophelong towards the end of August? Do you agree with that? -- It appeared like that, yes. (20)

Yes. Did it come to your notice that people in Bophelong were being asked to pay R50 deposit for electricity and that not even the councillors knew about any decision by the Council to insist on this deposit of R50? Did you know that? -- Yes that became known when we were holding an introductory meeting in Bophelong and that mistake was corrected by the councillors of Bophelong.

When were you holding an introductory meeting at Bophelong? -- I cannot remember the exact date but it is before the 5th, that is 5 August. (30)

The evidence before His Lordship was that councillors
did/.....

did not know about this when complaints were made to them by people who had gone in the beginning of August to pay and they were told that another R50 had to be paid? -- No I do not know about the later one, I only know about the earlier one, that is during the time when we held our introductory meetings which was corrected.

Be that as it may do you agree that the people of Bophelong took the initiative in calling their councillors, their councillors to a meeting, and there appears to be a conflict whether it was on the 27th or on 28th August? -- That is (10) true.

Now was that a request for a large group of councillors to come and speak to them, or their councillors, the Bophelong councillors? -- From what I heard the request was that their own councillors must come and speak to them and address them on this issue.

Yes. When did that request come to your notice? -- On the 27th.

And did it come to your notice that the councillors -- That is 27 August. (20)

Yes. Did it come to your notice that the people of Bophelong wanted their councillors, the councillors of Bophelong, to go and speak to them on that day or the following day? How long before the proposed meeting by the people of Bophelong did it come to your notice that they wanted that meeting? -- I came to know that on the 27th.

Do you know when that request had been directed to their own councillors? -- No but from the look of things there it appeared to me as if even the councillors did not know that they were expected to attend a meeting with the community (30) in Bophelong.

How/.....

How many councillors did in fact go to the supposed meeting place in Bophelong on the 27th, how many? -- I do not know in number how many councillors went there.

Well were you one of the councillors that went there? -- I have already said in evidence that on arrival there on the 27th I found the people gathering outside just at the entrance of the township of Bophelong. The information there was that the people dispersed, that is those who were awaiting a meeting. As a result of which then there a decision had already been made that another date be set for this meeting(10) to be held with the community of Bophelong. Which date was to be set by the Bophelong councillors.

How many councillors in all, other than the Bophelong councillors, turned up for the meeting that was to take place on the 27th? -- I am not sure.

Well we know that about twenty people finished up at Father Moselane, accused no. 3's home, after that meeting did not take place. -- I admitted that.

Yes. Now did all those people go directly from the meeting which had been aborted to Father Moselane, all (20) twenty or whatever there were, the number that was? -- I did not say they were twenty, I said they were approximately twenty.

Yes. Why did you go to this meeting if you were not one of the Bophelong councillors? -- Mr Ramagula invited me, because the message by phone was received while we were at Mphlalatsane Hall which came through his daughter phoning through the message.

COURT: And you were at the hall in Council meeting? -- No it was not a Council meeting. If my memory serves me well it was an Executive meeting. (30)

MR BIZOS: Was Councillor and Sergeant Mpondo at that meeting?

-- No./....

-- No. I cannot remember.

Does that mean that you cannot say whether he was there or not? -- If my memory serves me well he was not present.

Would you say to His Lordship that there was an element of showing of strength in relation to a large number of councillors going to this aborted meeting on the 27th or 28th?

COURT: But now was it a large number of councillors? What number does the Executive exist of? -- Seven.

And how many of those people on the Executive were members of Bophelong? -- One. (10)

So actually there were six apart from the councillor that had to go? -- Yes if I remember well they would have been six but I do not believe they all went there.

Yes.

MR BIZOS: When was it decided that councillors who were not Bophelong councillors would go to the meeting of the 29th? -- If I remember well the invitations were made by phone on the 28th.

I am sorry could you just repeat that? -- The invitations were made by phone calls on the 28th. (20)

Who issued the invitations to the councillors to come to the meeting of the 29th? -- I remember for instance mine was oral by Ramagula after it was decided on the 27th where I met them, that a meeting would be held on the 29th when he invited me that I will be bound to be present on the 29th.

Now we know that on the 27th or 28th, at the aborted meeting, that Mr Jokozela was present? -- Do you mean now the one on the 27th or the 28th or the 29th?

No I am not talking about the 29th, I am talking about the aborted meeting, Mr Jokozela was present? -- I do not know. I do not know whether he was at the place or the venue where/..... (30)

where the meeting was to be held but what I know is at the time of my arrival outside the township, at the entrance, he was present.

Yes. He is neither a member of the Executive nor a Bophelong councillor? -- That is true.

Right, I am back now to the 29th. Would it be correct to say that there were at least a dozen councillors inside and outside the meeting of the 29th? -- It can be true.

Were you armed for the meeting of the 29th? -- I was not armed for this particular meeting of the 29th but I always (10) carry my firearm with me all the time.

I see. So you were armed on the 29th? -- Yes I was.

And as far as you knew were the other councillors that were with you armed at the meeting of the 29th? -- No that I do not know, I did not enquire about that.

His Lordship has been told that a number of councillors remained outside and did not come into the meeting. Is this something that just happened or was it pre-arranged that some councillors would remain outside the meeting? -- It was pre-arranged that some councillors will remain outside. (20)

When was it so pre-arranged? -- On arrival at the hall.

Do you recall that in the meeting the meeting started off in an ordinary fashion by Mr Motsoari, M-o-t-s-o-a-r-i, being called upon to open the meeting with a prayer? -- Yes that I remember, that he opened the meeting with a prayer.

And who took over the chair, do you recall, after the prayer? -- Ramagula.

And do you recall that he started off by saying that you wanted the meeting, here we are? -- Although I cannot remember his exact words, nor do I remember him putting it as brief(30) as all that as it is being put to me but what I remember him saying/.....

saying were the words to the effect that we heard that you wanted us, we are now here to come and hear what you wanted us for. Those are the words to the effect of what he was saying.

Yes very well. And do you recall that the first person to respond to this invitation by Mr Ramagula was a woman of about forty years of age and whom we now know to be Mrs Mokgotsi, M-o-k-g-o-t-s-i? -- It is possible that is her name but what I definitely remember is that a woman then responded to that. (10)

My Lord Your Lordship will find, for comparative purposes, Volume 48 page 2370. Now do you recall that she came onto the platform and introduced herself as a single mother? -- I cannot remember her introducing herself as a single mother.

And that things were going difficult for her? Were difficult for her? -- No I cannot remember her saying that.

And that she believed that she was not alone in finding things difficult, that there must be many in the hall finding it difficult? -- No I cannot remember her saying that.

Well can you remember her saying anything? -- I remember (20) her saying the following while she was on the platform, that people must not listen to anything that is being said by the councillors because councillors, the word used is, are criminals.

Is that all you remember her saying? -- Then she was supported by the crowd, that is the audience, by lifting their hands and then causing some noise.

Can you remember, can you not remember her saying anything else? -- I remember another woman coming onto the platform.

No let us stick with this woman, for the time being (30) let us just stick to this woman, whether you remember her saying/.....

saying anything else. -- No I cannot remember her saying any thing else.

Well did she not say that we have been running around trying to find out what is going on with this rent increase? Do you recall that?

COURT: Well let us first get this clear, do you agree or disagree that she called the councillors criminals?

MR BIZOS: My Lord I have no specific instructions.

COURT: Well this is a material allegation.

MR BIZOS: Yes My Lord, I will, this is the first we have (10) heard of it from this witness.

COURT: Well four days ago Mr Bizos.

MR BIZOS: That they were criminals My Lord?

COURT: Yes he said it in his evidence-in-chief. The word was "skelms" in Afrikaans.

MR BIZOS: Well I remember the "skelms" My Lord.

COURT: That is the exact sentence.

MR BIZOS: I remember the "skelms" My Lord but I do not know whether "skelm" is as strong a word as "criminal". But anyway we (20)

COURT: Well are you putting it that it was said that they were "skelms"?

MR BIZOS: My Lord I do not know yet and I am not prepared to put something that I do not have a specific

COURT: Obviously not Mr Bizos but you have quite, have had quite a bit of time to get your facts straightened out. It is no good us cross-examining around and around and not getting to the point which is material. He said he heard only these things being said by her. Now you are putting a lot of things that she did say but you do not dispute what he says she (30) says.

MR BIZOS:/.....

MR BIZOS: Well My Lord if "skelm" means, which I did not understand when it was used, that they are criminals then I may have to take a specific instruction which I do not have because Mrs Mokgotsi is not readily available

COURT: Well what did you think "skelms" meant?

MR BIZOS: My Lord I take a good translation of "skelm" to be "crook".

COURT: Yes.

MR BIZOS: I do not know whether I am wrong in that impression.

COURT: Yes that is right. Does it make much of a difference? (10)

MR BIZOS: Oh yes it does, I would say it does.

COURT: Well go ahead Mr Bizos. If you cannot put it you cannot put it.

MR BIZOS: Yes. Well does the word that was used mean, this mean "skelm" in the sense of crook or dishonest? -- Well I do not know in what context was that used. Because we did not even have time to question her on this particular word she is using as to why is she using it.

Yes. Now do you not recall her saying that she had (20) been going around, she and others had been going around to try and find out what the rent increases were about? -- No.

Do you recall that she said that although Ramagula and his fellow councillors were aware of the confusion in the township they had done nothing about it? -- No I cannot remember that.

Do you recall that she said that when she went to pay her rent an additional R50 was demanded of her? -- I have already told the Court what I remember her saying.

And you remember nothing else? -- No. (30)

Do you recall whether any councillor responded to any of/.....

of her, anything that she said? -- No.

Do you not recall Mr Ramagula saying that if anybody had any difficulties they could come to, they could have come to his house to find out? -- No.

Did we understand your evidence to be that nobody had an opportunity to say anything except the introductory words that you put to Mr Ramagula?

COURT: Nobody on the Council, no councillor?

MR BIZOS: Or other person My Lord.

COURT: Well we have heard that a number of persons said (10) a number of things.

MR BIZOS: Well no, I will clarify it My Lord, I will clarify it. Did any person, whether councillor or from the floor, have an opportunity to speak? I am not talking about making a noise but about having an opportunity to speak.

COURT: You mean a full speech?

MR BIZOS: Not a full speech. Say something relating to the meeting, speak at the meeting, ask a question or give an answer or speak.

COURT: We have already heard that this woman said something.(20) And that is that the people must not listen to anything the council is saying.

MR BIZOS: Any person other than the woman, any other person other than the woman speak at the meeting? -- Yes as I said another woman came up to the platform.

Yes. Yes and what did this woman say? -- If I still remember well what she said there was the councillors are not doing anything for the people, whenever you go to them with a complaint you find them reading newspapers.

Yes? -- Each time a person said something there the (30) next thing was a noise which was in a form I would say

applauding/.....

applauding what was being said by this person.

Did this second woman that you have made reference to speak from the platform? -- That is true.

And for how long did she speak? -- It was not long.

Yes. And do you recall whether two men spoke at the meeting? -- As I have already said in my evidence when I started giving evidence here that at some stage the people were just not under control, they would come just towards the platform to come and say whatever they want to say, until we tried to bring them to order. (10)

Did one or more men speak from the platform? -- No I cannot remember because there was no a confusion there.

Do you recall whether a man by the name of Mhlapo spoke? -- No I cannot remember.

COURT: Is it put from the floor or from the platform?

MR BIZOS: I have no clear instruction.

COURT: Addressing the audience or addressing the councillors?

MR BIZOS: Addressing the audience My Lord.

COURT: Yes. Addressing the audience. -- No I cannot recall that. (20)

MR BIZOS: Do you recall whether one Tuso Marobe spoke? -- No I cannot recall him speaking there.

Did you hear anyone at the meeting make any mention of any meetings that were to be held either on the 2nd or 3rd September? -- No.

How many people were at the meeting of the 29th would you say? -- I have already explained that that community hall was full. Now I do not know how many people occupy that hall when it is full.

Hundreds? -- Hundreds, yes. (30)

And was it clear that for all practical purposes all the people/.....

people present were against something? Or practically all the people present were against something? -- I could see that they are not happy.

Yes. The purpose for which this meeting had been called, we were told by previous witnesses, was that as no meetings had been held in Bophelong on the 5th this was an opportunity to call a meeting on the 29th for the purposes of doing what had been done elsewhere on the 5th? -- No I would not say because this meeting was called as a result of the community which wanted a meeting, and therefore it could not have (10) been expected to be a meeting to be substituting the meeting of the 5th, that is to convey the resolutions of the Council which were supposed to be conveyed on the 5th.

Well do you agree that there were no meetings held on the 5th at Bophelong? -- Yes I came to know about that.

And you came to know about it before the 29th? -- That is true.

And when you got to know it did you immediately recommend that there should be a meeting held as soon as possible so that the people of Bophelong should not be at (20) any disadvantage? -- Yes that is true, that is what I told the Bophelong councillors.

Yes, but if that is so then in your mind at any rate that was the purpose of the meeting? -- No from the reasons advanced by me that the meeting was in fact called by the community of Bophelong it cannot be the meeting substituting that.

Now did anyone explain the reasons for the rent increase at the meeting of the 29th? -- No.

COURT: Why not? -- As I have already explained here that (30) we did not find any opportunity to do that because at first

we/.....

we were listening from the community as to what their grievances were.

MR BIZOS: But if the primary purpose of the meeting was to explain the rental why did Mr Ramagula call for grievances and not explain the reasons for the increase in the rental? -- I have already explained as to how it came about that this meeting was held.

Yes. Well one thing that you certainly knew by the 29th Mr Mahlatsi was that there were hundreds of people in Bophelong who were so angry with the Council that they were not even (10) prepared to listen to you on your version? -- That I came to know in the meeting.

Yes. Had the meeting been advertised as a meeting at which the reasons for the increase in rental would be explained? -- I do not know whether it was in fact announced that way.

Well but as far as you were concerned that was the purpose of the meeting? -- No I have already told the Court how it came about that this meeting was held.

You see I am going to put to you that this was a (20) meeting in which there was in fact some excitement but that it was proceeding, as meetings go, quite well until Mr Ramagula's remarks? You remember that if you wanted to find anything you know where my house is, or words to that effect? -- I have already explained what happened in that meeting, and again I have told the Court that I did not hear Ramagula saying those words.

For how long was the meeting in progress in the absence of the police inside the hall? -- I cannot remember how long it was. It could be about forty-five minutes under (30) correction.

Yes./....

Yes. You see, well can we take it for well over half an hour? -- I would say so, yes.

Yes. And during this half an hour various people spoke? -- I cannot recall that various people spoke there.

Well what was happening for half an hour unless, for over half an hour unless people were speaking? -- I have already told the Court that there was some confusion there, it took time for one to try and get order from these people to draw their attention to listen.

For over half an hour the Chairman of the meeting (10) carried on without the assistance of the police? -- That is true, with those difficulties he proceeded.

Did the police rush into the hall with their guns at the ready at a certain stage? -- No I saw them coming in or entering the hall but they were not ready to shoot.

Well how many policemen did you see coming into the hall? -- Between eight and ten.

Would you describe their firearms for us please? -- I cannot remember how they looked like but if I still recall they were long ones. When entering the hall they entered (20) in the following manner, with their backs facing, they entered the hall back to back.

Back to back holding long firearms? -- Yes they had the firearms with them.

Yes. Do you know the difference between a shotgun and a sub machine gun? -- No I do not know the difference.

Yes well could you give us some more detailed description of the guns that were held by the police coming in back to back? -- It will be difficult for me to give a description of those guns or firearms because all I noticed was they (30) are having with them guns, or firearms.

COURT:/.....

COURT: Did they hold them in a horizontal or vertical position? -- As I now describe, as I demonstrate they had the guns butts under their armpits with the front of the gun facing up, the barrel.

MR BIZOS: Could you please give us, you called them long, could you please give us the size or the length of these firearms? -- About this long.

Yes.

COURT: That is about?

MR BIZOS: Half a metre My Lord? (10)

COURT: Yes half a metre. Is that the total length of the firearm? -- Yes the total length.

MR BIZOS: They certainly would not come up from the ground up to chest level? Of a person of your height? -- No. It is not even my length.

Now would you agree that at the time that the police came into the hall in this manner nobody had been injured? -- No I am not able to tell because we did not check everybody in that hall as to whether they were no injured or not.

Nobody had been threatened with injury? -- No threats (20) at all.

The Chairman did not invite them to come into the meeting? -- That is true.

COURT: Why do you think they came in? -- I really do not know why they came in because as I said in my evidence earlier that I am the one who told them to leave the hall.

MR BIZOS: You could only have told them to leave the hall because you were persuaded that their presence at this meeting was unnecessary? -- That is true, I did not find any reason for their presence in that meeting at that hall, though of (30) course it was tense but still it did not justify the presence

of/.....

of the police.

Would you agree that the entrance of the police into this meeting angered the people present? -- No even prior the police entering the hall there was already a confusion which the witness describes as the people were already heated up.

Well did the entry of the police with the firearms as you have described and coming in back to back, did that calm the people or did it make them more excited? -- When the police entered there was some tranquility for a short while.

But did that tranquility continue or were the people (10) angry at the entrance of the police? -- The tranquility lasted for a very short while. While the police were still there the people, that is the audience, got heated up again and when I said that the police must leave the hall they were even more heated up and then caused even more noise.

Presumably in support of your proposal that the police should leave? -- I do not know, that is what happened. I am just relating what happened there.

After the police went out did other people speak? -- No.

How long after the police left did the meeting cease? (20) -- Immediately when they left through the door the lights in the hall went off.

Do you know who switched the lights off? -- No.

Would you agree that the entrance of the police was a deliberate and precise act, it was not just a couple of policemen deciding to come in, it was a highly organised act from more than one entrance? -- I do not know but I only saw these that came in through this particular door I am talking about, that is that entrance.

Do you agree that there is more than one entrance? (30) -- That is true because at times you find that an exit door is/.....

is being used for entrance.

Tell me Mr Mahlatsi did the police that you invited to go out take kindly to your request or not? -- Yes they took it kindly and left.

Did you not see anything that might have suggested that your request was really something short of interference with their duty but certainly not agreeing with their judgment? -- No, no such behaviour was displayed before me.

Can you recall what, judging by the insignia, what the rank of the police officer who was in charge of this opera- (10) was? -- Well to me they were clad in the same fashion.

What sort of uniform did they have? -- Bluish.

COURT: The normal blue SAP uniform? -- No, no, lighter than this.

Well this is the winter uniform, the summer uniform? -- Yes.

MR BIZOS: Well was it a uniform or was it the fatigues that the police and the army wear in the bush? -- If I remember well it was a uniform.

Have you seen members of the police force in the (20) vicinity of the court with insignia called "Riot Control"?

C197 -- I did see some policemen outside here but I did not read what was on them.

Now are you able to admit or deny that the lights were switched off by the police? -- I have already said I do not know who switched the lights off.

Would you agree that the audience, the packed hall, certainly wanted this meeting? -- From the confusion which was there it was not my judgment.

Well it may be that they disagreed fundamentally with (30) the councillors but was there not much evidence that they really/.....

really wanted to get off their chest what their complaints against the councillors were? -- I have already told the Court that what the two speakers said in this meeting.

Do you know who was responsible for calling the police to this meeting in the first place? -- No.

COURT: Well do you know whether they were called? -- No.

Were the police normally patrolling in the area that night? -- I did not observe that whether they were patrolling or not.

MR BIZOS: Did the switching off of the lights create fear (10) and confusion in the people in the hall? -- I take it that way, yes because I am one of the people who was frightened by that.

And did the people scatter in all directions? -- Yes in leaving the hall you could only see a person who is just not far from you.

You have told us that certain cars were stoned after this meeting? -- That is true, including my own car.

There was no violence or any threat of violence before the meeting had started? -- I cannot recall that there was any violence threats, except of course that there were (20) some youths around there just looking around in the vicinity.

Yes. Do you recall that yesterday I put to you the threats to the churches not to use their halls, do you recall that? -- Yes I recall that you said I said to the clergymen that they must not permit their churches being used.

Yes and do you recall that I put to you that there had been correspondence before that? -- Yes I do.

Do you take responsibility for everything that was done in your area after 1 January, well I am sorry that may be unfair. It is unfair in fact. Do you agree that the ques- (30) tion as to the right to occupy church premises after 1 January was/.....

was the prerogative of your Council? -- No.

Well when did it become your Council's responsibility?
-- It has never been transferred up to now.

COURT: Do you mean the Board remained the landlord? -- Yes we are still busy now transferring the land to be under the control of the Town Council.

MR BIZOS: Who was responsible for allocating sites and taking sites away during 1984, you or the Board? -- If I remember well the allocation started by the Community Council and then it was taken over by the Council at the time when the Council (10) took over.

What I want to put before you is this, a number of letters written to the Chancellor of the Catholic Diocese, that were written to Father E.J. Lennon, and The Father, Roman Catholic Church, Stand 4894, in which Mr Ganz, even during 1984

COURT: Not all Mr Ganz, some were Mr Schutte.

MR BIZOS: Oh yes I am sorry. Mr Ganz in two of them, in one Mr Schutte, raises the objection to the use of church premises and on 5 January 1984 a withdrawal of the right of occupa- (20) tion was threatened by Mr Schutte. When you were having your meetings with the clergymen in August did you know that there was a history of disaffection between the Board and the churches in relation to the use of church premises? -- No.

COURT: Yes these documents go in as EXHIBIT AAQ(30)(a), document AAQ(30)(a) is 13 February 1984, AAQ(30)(b) that is the letter of 5 January 1984 and AAQ(30)(c) that is the letter of 13 September 1983.

MR BIZOS: Was this question of the use of churches not a matter which was raised at the Community Council? -- At (30) the Community Council?

At/.....

At the Community Council. -- No I cannot remember that.

And are you saying to His Lordship that this question of use of church premises had never come to your notice either as a community councillor or as a town councillor or as Mayor? -- I cannot remember hearing that or that coming to my hearing at some stage.

You recall that I asked you whether it had come to your notice that the employees who were in the African Cables employment and their request that they should be excused from paying their rent for the time being was made to your Council, (1) Do you recall that? -- Yes I do.

Well I do not want to hand this heavy document in but I would like you to please have a look at the agenda for the meeting of 18, for 15 May 1984 and please have a look at page 31 and confirm to His Lordship that this correspondence had been put before your Executive Committee and it was put for confirmation of the Executive Committee at the Council? I just want you to confirm this. It might even help you if I show you the agenda where there are actually copies of the letters which you probably must have seen and confirmed as the (20) Mayor. Have a look at the letters. -- I think if I could be given the one with reference to the Executive and not the whole Council. That one can help me.

Yes, please have a look at the agenda where the letters are annexed and just confirm this please, that it was a meeting of the Executive and put on the agenda of the Council meeting for confirmation and it was confirmed? And in order to avoid any misunderstanding that the letters were actually attached both to the Minutes and to the Agenda. -- I am not disputing the fact that these letters were forming part of (30) the agenda but what I am saying is if my memory serves me well

I/.....

I was not present at this meeting, that is in which a decision was taken on this point referred to by this letter. That is the Executive meeting.

Yes but at the Council meeting you are shown to have been present. -- That is true.

Yes. And those letters and that decision came to your notice? -- Yes.

And you did not raise any objection to the recommendation of your Executive Committee? -- No.

Tell me Mr Mahlatsi for how long had you been armed, (10) had you been carrying a gun prior to August 1984? -- If I remember well it was about five months.

Before August? -- Yes.

Were you alone among the councillors who was issued with arms prior to August 1984? -- Well now I am not clear on that. Are you talking about the firearms from the Development Board or are you talking about a private firearm which one gets a licence for?

COURT: Were you talking about your private firearm? -- Yes.

MR BIZOS: How many other councillors were carrying private (20) firearms prior to August? -- No I do not know how many.

Am I to understand you correctly that you were issued with a firearm independent of your private firearm? -- No.

I see. Do you know, and I use the words deliberately, do you know how many councillors of the ruling party, that is your party, were in fact carrying firearms before August 1984? -- No.

Do you know of any councillors belonging to your party who were handed out firearms after the beginning of August 1984? -- I do not know how many although I know that there (30) were councillors who were issued with firearms and again I

am/.....

am not in a position to tell whether they were from my party all of them, or what the position is.

Would you be able to admit or deny the suggestion that members of your party were armed before August 1984?

COURT: Is it clear, does it mean that all members of his party or were armed or that members were armed? Because members of his party were armed, he was armed.

MR BIZOS: No that all members of his party on the Council...

COURT: All members of his party on the Council were armed?

MR BIZOS: Were armed. Does he know anything about that (10) information? -- No.

What does that mean no that they were not armed or that you do not know whether they were armed? -- That means I do not know whether they were armed or not.

Yes. I want to deal with the question of the fire extinguishers. Is it correct that councillors long before August 1984 wanted a group insurance sort of scheme? -- Yes I do remember about such a report.

COURT: Is that a life insurance scheme or a fire insurance scheme? -- If I remember well it was covering everything. (20)

MR BIZOS: Yes, I think the word umbrella was used, for everying, life, property, furniture, T.V. sets, everything?

COURT: With Santam.

MR BIZOS: As Your Lordship pleases. And did not the insurance company during the negotiations want fire extinguishers in your homes before giving this umbrella insurance? -- No.

When were fire extinguishers handed out, do you know? -- If I remember well it was after the meeting of the 29th in Bophelong.

COURT: 29 August? -- Yes. (30)

MR BIZOS: Do you know whether members of the opposition parties/.....

parties were given firearms?

COURT: Firearms or fire extinguishers?

MR BIZOS: Firearms.

COURT: Are we off the fire extinguishers now?

MR BIZOS: My Lord apparently if you are of the governing party you get a firearm and a fire extinguisher, if you are the opposition you only got a fire extinguisher.

COURT: Well that you put to me, you must put it to the witness.

MR BIZOS: This is what I was leading up to My Lord. Did (10) members of the opposition get firearms? -- Firearms were being issued to each and every councillor.

You are sure that every councillor got a firearm? -- I do not know whether every councillor had a firearm but that was the decision.

My Lord I am almost finished, I was hoping to finish before 13h00 but I am reminded by My Learned Friends on the right that I have passed the time.

COURT: If it will help I can sit until you finish.

MR BIZOS: I do not think that it will. (20)

COURT: If it will help to finish today.

MR BIZOS: Oh we will most certainly finish with the witness today.

COURT ADJOURNS UNTIL 14h00.

COURT RESUMES AT 14h00.

ESAU CHAKE MAHLATSI: d.s.s. (Through Interpreter)

FURTHER CROSS-EXAMINATION BY MR BIZOS: Mr Mahlatsi I would like you to please have a look at list of the special committees of your Council and tell His Lordship whether these persons are correctly reflected as the persons on the special committees. This is in 1984.

COURT: This will be AAQ(31).

MR BIZOS: As Your Lordship pleases. Do you agree? -- Yes I do agree. (10)

Do you agree that everyone who is, whose name appears on AAQ(31) was in August 1984 a member of your party? -- No.

Who do you say was not a member of your party? -- Under the Executive N.D. Mpondo was not.

Yes? -- P. Mokoena.

Did he not change sides by that time?

COURT: Before we start on a sidetrack Mr Bizos let us first get the list of names. It is Mpondo, Mokoena? -- A.R. Sekopane under 3, Publicity and Education.

MR BIZOS: Sekopane under Publicity and Education? -- Yes. (20)

Yes? -- N.M. Mokati under the same.

Yes? -- Rabudela.

Yes? Anyone else? -- No no one else.

Right. Now for the sake of doing it more quickly than it would otherwise have been done would you agree that changeovers took place in February 1984 from two other parties to yours and was this widely reported in The Star of 28/2/84? We want to hurry it, just glance at the report, see if you saw it at the time and tell His Lordship whether it is correct.

COURT: Now just a moment, is the answer yes or no? The (30) question is you agree that changeovers took place in February

1984 from other parties to yours, that is the first part of the question. The second part of the question is was it widely reported in the press? -- I remember one who changed from his original party to my party.

Who is that? -- He paid his subscription fee. P.S. Mofokeng.

MR BIZOS: Yes. We are not talking so much about the actual signing of a party form but actually crossing the floor and supporting your party in the Council. -- Well there is quite a lot of people who are not opposing what I am saying in (10) most cases.

And do the names of those people appear in The Star report of 28/2/84? -- I just wanted some clarity on this. Is it alleged that the people whose names are appearing on this cutting of The Star are the people who were not opposing me or is it alleged that these are the people who are supposed to have crossed the floor?

Yes the people, as the report says, are you familiar with this report? -- I want to have a proper look at it and read it proper. (20)

Yes please have a look at it and please tell us whether you agree with the contents. -- If you could just give me some few minutes to read it.

COURT: Yes, take your time. The exhibit will be AAQ(32).

MR BIZOS: As Your Lordship pleases. -- I have read it.

Never mind about the comment about your political opponents in the report but insofar as it gives names of people who support you from February 1984 onwards is the content correct? -- Well in the first place I would not know what you mean by support. (30)

Voting for the proposals emanating from members of your party?/.....

party.

COURT: Well I think you must take it a bit further. Where their previous respective parties voted against the proposals.

MR BIZOS: Yes, they have left their, they do not vote with their fellow councillors in the parties that they belonged to previously. -- I can only remember of some few instances where it was bound to use votes on a decision.

I am going to put to you that what is contained in that report in relation to abandoning parties and coming to you is correct. -- No that is not correct. It is not correct (10) because of the following reason, that after having been elected as the Mayor of the Council in Lekoa I informed all the councillors saying to them even though we were elected through different parties into the Council when we were voted as members of the Council while being in the Council we must speak in the same voice.

Well that -- In other words what I was explaining to them was that there must not be anybody who is now doing things according to the party of his own, we must forget about our parties now and serve as a Council with a unity. (20)

Yes. Now is it correct that those persons whose names appear on AAQ(32) and supported you took your advice in the matter and are working in unity with you?

COURT: The reference is to Mr Piet Mokoena, Mr Nathan Mokati, Mr Simon Mofokeng and Mr Joseph Rabudela, and then also to Mr Ananias Sekobane and Mr Jacob Dlamini. -- I would not say whether they took my word to work with me because what I said was there ought to be unity in the Council and working together.

MR BIZOS: Yes. Could you please, throughout the period (30) that you have been Mayor, since the beginning of 1984, tell

His/.....

His Lordship of one motion which was adopted as a resolution by your Council which was not moved by one of the persons whose names appear on AAQ(31). Did you understand the question? -- No I did not understand this question.

Yes, I will repeat it. Could you please tell His Lordship whether, since the beginning of 1984, there was ever any motion moved which was passed as a resolution by the Council moved and seconded by a person or persons whose names do not appear on AAQ(31)? -- Because of the fact that I cannot remember the motions which were passed or moved in the (10) Council from 1984 up to now I am therefore not in the position to tell His Lordship which are those.

If I were to put to you as a fact that not a single motion of any persons whose names do not appear on AAQ(31) has ever been passed despite numerous attempts would you be in a position to admit it or deny it? -- I will not be in a position to dispute that or admit that until such a time I investigate it.

Yes, well I am going to put to you that your chairmanship of this Council is to the following effect, that anyone(20) who opposes your will is either ruled as irrelevant or not recognised or ignored? -- No there is no truth in that.

That motions you insist always, irrespective of the fact that they may arise out of things which emerge from the discussion are always ruled out of order because seven days notice has not been given? -- No.

Others are ruled out of order even when notice has been given either because there are spelling mistakes or there is some other form of defect according to your absolute discretion? -- No if that is with reference to the motion which (30) was handed here before the Court that is not the feeling.

Well/.....

Well that is just one example I am going to suggest to you but let us proceed. Do you agree that membership of these committees on AAQ(31) confer financial advantages to persons who are appointed on these committees?

COURT: Do you mean directly or indirectly?

MR BIZOS: Directly My Lord.

COURT: This means that you get a fee for sitting on the committee?

MR BIZOS: Yes My Lord. I will put the detail. You get R139 more per month for every committee that you sit on? (10)

-- No. Except in the case of the Executive Committee.

And the other committees? -- No nothing.

You are sure about that? -- Yes I am.

And for being a Chairman of the other committees? --
Nothing.

Now do you recall that there was going to be an election in, early in 1983 which was postponed because of the amendment of the Act? -- I cannot recall whether there was supposed to have been any elections.

Yes well do not, I have been corrected that it was not(20) to be in early 1983 but late 1982 when it was postponed indefinitely because the law was going to be changed. -- I cannot recall any discussion about elections.

Yes, I am going to put to you that you were expecting an election during 1982 and that you and your cousin Paul Mahlatsi started canvassing for that election? Do you remember that you approached

COURT: What is the answer? -- I cannot recall that.

MR BIZOS: You do not recall it, at all? -- No.

Do you remember that you and your cousin called, among(30) others, accused no. 5, that is Mr Malindi, and accused no. 12, also/.....

also Mr Malindi, would they just stand up please. -- Yes we did have a talk with them, both of them, but it was not in connection with the elections.

Yes. Was it during 1982? -- I cannot quite remember that but it could be 1982.

Was Mr Paul Mahlatsi there? -- At the time of talking to them he was present yes.

And Mr Mohlahlo, M-o-h-l-a-h-l-o? -- Yes I remember him being present.

Yes. Was the subject of the discussion that you and (10) your cousin Paul Mahlatsi wanted to obtain the support of the young people in the community in an election situation that you were going to face against a Mr Majela? -- No.

No. Well I want to cut this short because I am going to put to you that you promised the student organisation that they belonged to considerable financial support from Mahlatsi Holdings if they threw their weight behind you? -- No.

COURT: What did you discuss with them? -- We were talking to them in connection with their organisation, namely COSAS, they belonged to COSAS. (20)

MR BIZOS: Yes, and did you not want COSAS support? -- No.

Did Paul Mahlatsi write out a cheque for R280? -- No I do not know that.

Do you not recall that he gave it to Tienie Maropode(?) in order to pay his fees?

COURT: What fees, school fees?

MR BIZOS: Computer school My Lord. -- I remember him telling me about that.

Yes. And do you not recall the promise that there was much more where that came from if the organisation would (30) throw its weight behind you? -- No.

COURT:/.....

COURT: Now what did you discuss about COSAS? -- What we discussed with them, one of the things was it will not help us or we will not reach anywhere by using violence to achieve what we are aiming at.

MR BIZOS: What violence was there in 1982, because I am going to suggest to you that you are introducing this falsely. What violence was there in 1982? -- I was not talking about 1982 only, I was just talking in general as far as I know how this COSAS goes about doing its things or what the procedure is in COSAS. (10)

That was not in His Lordship's question. This meeting was at the offices of the Chamber of Commerce in 1982 was it not?

MNR JACOBS: Edele, met alle respek die Hof het hom gevra wat het hulle met COSAS gesprek en hy het dit gesê. Dit is nie te sê dat dit nie die Hof se vraag was nie. Fy het die Hof se vraag beantwoord wat hy gesê het wat hulle gesprek het met COSAS.

COURT: Well now let us get a complete answer. My question was what did you discuss about COSAS. You started off by (20) saying that it will not help us to use violence to achieve what we are aiming at. In what sense was that mentioned? -- It is because I used to hear these people talking about liberation and struggle, it was used in that context. My advice to them was in view of that instead of using violence we, the people from the Chamber of Commerce, decided on this. This in fact was my own opinion that we the people in the Chamber of Commerce will have to talk to the community in order to support their business or business people. In other words that meant from my opinion to say that let us use our moneys where the Black(30) people are.

MR BIZOS:/.....

MR BIZOS: Yes. Well let me remind you of it because that part of your evidence is correct, that you and Mr Paul Mahlatsi tried to persuade them to adopt as a policy that people should not go and buy from the White shops and that you would build a bakery and an abattoir so that the Black people could only buy from Black people in the sense of solidarity? -- No.

Well what were you saying a little while ago, how is that different to what you were telling us a little while ago, that we must use our money for our own good? -- The difference is we were not talking about a particular person, we were (10) talking about businessmen in general.

Do you recall speaking to them about the demerits of Mr Majela? -- No.

Do you recall telling them that Mr Majela votes for budgets and rent increases without understanding what he is doing? -- No.

Were you and Mr Paul Mahlatsi suggesting that there should possibly be a boycott of White shops for your benefit and as you were Blacks that would help the Black's liberation? -- No it was not put as strong as the way you are putting (20) it now in terms of the boycott.

Not as strong, not as strong. It was merely suggested that COSAS should perhaps adopt a campaign towards that end? -- No it was not that they were to go out on that campaign. We were just advising them.

Advising them to do what? -- That stones are not a good thing really.

There were no stones being thrown in 1982. Because I am going to suggest to you Mr Mahlatsi that you are starting this business of a talk of stones and violent when you in fact (30) were trying to use COSAS as one of your instruments in 1982

for/.....

for your personal benefit.

COURT: There are now two things that are mentioned, the first is there were no stones thrown in 1982. What do you say to that? -- No there were no stones that I remember being thrown in 1982.

MR BIZOS: Yes, but the building of abbottoirs and bakeries was on the agenda in 1982? -- No not in our discussion with them.

Yes, but now why do you want to talk about stones in 1982 when you tell His Lordship that they did not put it as (10) strongly as I did, that you did not put it as strongly as I did? Will you please tell me what your intention was in calling these young people in? -- If you were listening proper to my statement to that I said the general stone throwing I was referring to. I did not say that they in particular were throwing stones.

Alright can we get away from the stones. What was, if you were to answer the question directly what was the purpose of your calling in the COSAS representatives in the area? -- I have already explained that. (20)

Yes. Just in one sentence what was the purpose? -- It was to move them away from the ideas they had taking into account what was happening in this country.

What ideas were you, did you hope to move them to? -- To the idea of peace.

Yes. Well peace through doing business? -- Not through doing business.

Yes well then what was the relevance of the bakery and the abbottoirs and the White shops and the Black shops, what was the relevance of ... (30)

COURT: But has he admitted that there was a bakery and abbattoirs?/.....

abbattoirs?

MNR JACOBS: Hy het nooit erken nie Edele, hy het nog altyd ontken dat hy gepraat het oor 'n bakery en abbottoirs.

MR BIZOS: Well I will confine the question. What was the purpose of discussing White owned business and Black owned businesses and where people should buy? -- I have already said that this was discussed because we were discussing the economy.

Oh I see. And are you telling His Lordship that you called them in in order to have a theoretical discussion (10) on the economy? -- I have already told the Court that what part did I play on that.

Do you recall that the Malindi brothers, and the other young people that had come there, do you recall that they told you that they considered the Council as a body which did not enjoy the confidence of the community? -- No.

How did they respond to your suggestion? -- There was no comment by them.

Unusual for active young people to remain absolutely quiet? -- That is true, it is unusual. (20)

It is unusual. Because I am going to tell you that when they told you that you said you knew of the financial hardships that they were suffering under, both as individuals and as an organisation? You recall that? -- No.

And that they should go away and think about the proposition that you and your cousin made to them? You recall that? -- No I do not.

Well was it not contemplated that this discussion about the economy should continue perhaps in the future? -- Well according to my evidence it was a matter concerning us. (30)

The question was was it on your version the end of it

or/.....

or did you hope that this dialogue about the economy would continue in the future? -- I left it at that. I will tell you I cannot remember being present at this meeting until it was closed. In other words what I mean is I left while they were still busy.

Do you agree that if COSAS or any other organisation started a boycott of White shops in that area the greatest benefit would fall on the Mahlatsi family that has such wide business interests in that area? -- No.

No what? -- No not only the Mahlatsi people would (10)
benefit from that.

Yes, but nobody has got greater business interests than the Mahlatsis? -- There are people with bigger business concerns.

Thank you My Lord, I have no further questions.

PERONDERVRAGING DEUR MNR. JACOBS : Mnr. Mahlatsi, u was gevra gewees omtrent h ontmoeting met Moselane, beskuldigde nr. 3 en jy het getuig dit was aan hom gestel daar hy plaas mense se lewens op die spel. Kan jy net vir ons uitbrei hierop, presies wat is gesê, hoe is die mense se lewens op die spel (20) geplaas? -- Die persoon wat hom daar gesprek het, het die volgende gebesig, dat dit blyk as gevolg van die gebeure waarin hy betrokke is dat mense se lewens in gevaar gestel word en later van tyd blyk dit dat daar in die Vaal Driehoek h oorlog dalk kan begin. In daardie sin was dit gebruik dat hy die mense se lewens in gevaar gestel het.

Na watter gebeure was verwys gewees wat daar in die Vaal plaasvind waarmee beskuldigde nr. 3 hom besig hou? -- In die eerste plek met verwysing na die verklaring of die verslag wat in die koerant was. (30)

Watter verslag is dit? Ek weet nie na watter verslag

... / verwys

verwys u nie? -- Dit is die verslag waarvan ek wou gepraat het, maar toe was dit hier in die hof gesê dat dit alreeds ingehandig was.

Sê maar vir ons die feite van die verslag, asseblief? -- Die verslag is die een wat sê die verhoging van huurgelde is bedoel vir die Raadslede om hulle eie projekte daarmee te laat vorder of aan te pak.

Is daar nog iets gesê en na ander gebeure verwys? -- Daar is nie 'n ander een waarvan ek kan onthou nie.

HOF : U het gesê eerstens was dit met verwysing na 'n verslag(10) in die koerante. Is daar nog iets verder wat u wou sê as rede dat die mense se lewens in gevaar gestel word en later kan daar 'n oorlog in die Vaal Driehoek begin? -- Ja, op daardie stadium was dit al bekend gewees dat die Maandag 'n "stay away" gaan wees in daardie omgewing.

Wat was u houding oor 'n "stay away"? -- My houding was dat mense werk toe moet gaan.

MAR. JACOBS : Kan jy vir ons sê wat was beskuldigde nr. 3 se reaksie gewees toe hulle hierdie beskuldiging aan hom toegedig het dat hy mense se lewens op die spel plaas? -- Ek (20) kan nie onthou dat hy daarop geantwoord het nie.

'n Verdere punt, u is verwys na AAQ(29) wat hier ingehandig is. Die name wat daar genoem word van die raadslede, is dit heeltemal korrek, het elkeen van hierdie raadslede 'n drank-lokaal of 'n bottelstoor gekry of was party toegeken aan maatskappye waarvan hulle aandeelhouers was? -- Daar is lede van die publiek wat dit gekry het, nie net die raadslede nie.

En van die raadslede, het hulle dit almal persoonlik gekry of het van hulle dit ook gekry in die hoedanigheid waar hulle lede van 'n maatskappy is? -- Elkeen het aansoek ge- (30) doen as 'n persoon op sy eie.

Is dit nou die raadslede? -- Ja, tesame met die lede van die publiek.

Het hulle aansoek gedoen almal in hulle persoonlike hoedanigheid of het hulle aansoek gedoen as 'n lid van 'n maatskappy wat dan die eintlike eienaar sou wees? -- Die mense het aansoek gedoen op hulle eie as privaat mense, dit wil sê die raadslede, maar later van tyd, indien hulle goedgekeur was, was daar 'n plan gewees dat later 'n maatskappy gestig gaan word deur die lede as privaat persone, dat hulle bymekaar kom om daardie maatskappy te stig. (10)

HOF : Was dit een van die voorwaardes van die toekenning dat net privaat persone kon aansoek doen? -- Ek is nie so goed op hoogte daaromtrent nie. Al wat ek weet is, elke persoon het aansoek gedoen op sy eie as 'n persoon.

MNR. JACOBS : Ek wil hê jy moet miskien net kyk na AAQ(11). Dit is blykbaar wat die Raad uitgegee het van die toekennings en die tenderaars wat suksesvol was. Ek dink dit was hierso gestel gewees dat tot daar by Sharpeville is die wat in die gebied van die Vaal Driehoek toegeken was?

HOF : Ek dink dit gaan tot by Vuka. Twee verder. (20)

MNR. JACOBS : Twee verder tot by Vuka. -- Ja, dit is korrek.

Is die tenderaars hierso almal privaat of is dit in 'n maatskappynaam? -- Hulle het aansoek gedoen op hulle eie name as persone, privaat persone, maar in hakies gesit die naam van die maatskappy wat later gestig sou word en waarin hy, die persoon, 'n deel gaan hê.

Jy het ook vir die Hof vertel hierso dat jy het, op vrae van My Geleerde Vriend, voor die twee landdroste te Vanderbijlpark en Vereeniging verskyn saam met sekere persone om vergaderings te stop? -- Ja. (30)

Jy het ook gesê jy het sekere inligting waaroor jy beskik

het voor die landdros geplaas, of voor die landdroste geplaas. Kan jy vir ons sê wat se inligting het jy voor hulle geplaas?

MR BIZOS : My Lord, with respect, is this really admissible?

COURT : You asked him whether all the information that he had he placed before the magistrate. Now it becomes relevant, because you are going to argue, I presume, that on the facts placed before the magistrate, which were all the facts that were available, there was no case for any concern about these meetings. It is very relevant to know what the facts were that were placed before the magistrate. Obviously the (10) purpose of the cross-examination was related to you as the fact that the magistrate did not prohibit the meetings.

MR BIZOS : It may be, but ... (Court intervenes)

COURT : If I have to be influenced later in my decision because a magistrate made a certain finding, I would like to know on what basis he made the finding. The question is allowed.

MNR. JACOBS : Kan jy vir die Hof sê, kom ons vat die twee landdroste apart, by Vanderbijlpark, wat se inligting het jy daar voor die landdros geplaas? -- Ek het alreeds gepraat van hierdie pamflet wat 'n vergadering bekend gemaak het. Die (20) tweede punt was, as gevolg van die vergaderings wat gehou word, dit lyk asof daar probleme later gaan wees.

Hoe het jy vir die landdros gesê dit lyk of wat se probleme daar gaan wees? -- Nee, ek het dit nie aan hom verduidelik nie.

Gaan voort? -- Dit is al wat ek kan onthou wat ek aan die landdros gesê het.

Jy het ook gesê jy het "rumours" gehoor wat jy oorgedra het, die inligting waaroor jy beskik as gevolg van gerugte wat jy ontvang het. Wat se inligting het jy oorgedra? (30)

MR BIZOS : I do not recall the witness saying that, My Lord.

... / MNR. JACOBS

MNR. JACOBS : Hy het dit gesê.

CCURT : He did speak of rumours.

MNR. JACOBS : Wat se gerugte of "rumours", om die woord weer te gebruik, het jy gehoor wat jy oorgedra het aan die landdros? -- Die "rumours" waarvan ek gepraat het, ek het dit amper vergeet, was aangaande die raadslede se lewens wat in gevaar was, in die sin dat dit volgens die "rumours" was dat die raadslede aangeval sal word.

Is daar nog verdere "rumours" wat jy oorgedra het, behalwe dat raadslede aangeval sal word? -- Nee, nie wat ek van kan (10) onthou nie.

Voor die landdros op Vereeniging, kan jy vir ons sê wat jy aan hom oorgedra het? -- Ek het min of meer dieselfde ook daar aan die landdros vertel.

Ook van die pamflet? -- Ja.

Die vergaderings, het jy dit gemeld, wat daar gehou word? -- Ja.

Wat het jy vir die landdros op Vereeniging gesê van die vergaderings wat daar gehou word? Wat se betekenis het dit? -- Ek het gesê dit lyk asof hierdie vergaderings gehou word⁽²⁰⁾ en 'n sekere beïnvloeding bring.

Van wie? -- Van die persone wat die vergaderings hou.

En hoe beïnvloed word? -- In die sin dat die beïnvloeding beteken dat die mense teen die raadslede moet wees.

En die derde punt, die aanval op raadslede, wat het jy vir die raadslede daaromtrent gesê? -- Ek het toe verder gesê as gevolg daarvan is daar gepraat daarvan dat raadslede aangeval sal word.

Hoe aangeval sal word? -- Al was ek nie spesifiek gesê hoe hulle aangeval sal word nie, het ons aanvaar dat dit is⁽³⁰⁾ wat eintlik bedoel word dat hulle aangeval word, in die sin

dat hulle gedood sal moet word.

Het jy dit so aan die landdros genoem dat die raadslede - dat daar planne beraam word om hulle te dood?

MR BIZOS : Did the witness say that there were plans or that there were merely rumours?

COURT : That there were rumours and on the basis of the rumours they accepted that the councillors were to be killed.

MR BIZOS : My Learned Friend is leading the witness, more than he ought to in re-examination.

HOF : Dit is so, mnr. Jacobs. (10)

MNR. JACOBS : Ek sal dit dan daar laat. Die laaste punt wat ek net opgeklaar wil hê, jy het gesê dat daar by die vergadering van 29 Augustus 1984, die polisie op 'n stadium daar ingekom het en dat jy die polisie versoek het om uit te gaan? -- Ja, dit is korrek.

Voordat die polisie ingekom het, wat was die - jy het ook gepraat van 'n geraas in die saal. Ek wil hê jy moet vir ons meer beskryf die geraas waarvan jy vir ons hier vertel het voordat die polisie ingekom het? -- 'n Mens kon nie uitmaak wat daar gebeur nie. Daar was baie mense wat gelyktydig hardop(20) gepraat het. Ek kon dus nie hoor wie sê wat nie.

Was dit net gepraat gewees of was daar ander geraas ook? -- Dit was 'n gewone geraas gewees, maar in daardie geraas, op 'n stadium het ek een stem duidelik gehoor, meer duidelik bo die ander geraas wat gesê het dat hulle gedood word. Die stem het van ons gepraat. As ek reg onthou, het ek dit ook in my getuie-in-hoof genoem.

HOF : Ja, hy het gesê dit was heel uit die agterste hoek van die saal. Dit is nie nodig om hoofgetuienis te herhaal nie, mnr. Jacobs. (30)

MNR. JACOBS : Kan jy net vir ons sê, toe jy die polisie

versoek het om uit te gaan, het hulle - wat was hulle reaksie?

HCF : Is dit nou die polisie se reaksie of die gehoor se reaksie?

MR. JACOBS : Die polisie se reaksie. Met ander woorde, moes jy hulle meer as een keer vra om te gaan of het hulle dadelik uitgegaan of wat was die posisie? -- Ek het dit net een maal gesê en hulle het die saal verlaat.

... / ASSESSOR

ASSESSOR (MR KRÜGEL): Mr Mahlatsi I want you to have a look please at AAQ(29).

COURT: That is the report in the Sunday Mirror.

ASSESSOR (MR KRÜGEL): The report in the Sunday Mirror. Now you will recall that the evidence was that at some stage the central government decided that the liquor outlets which had been operated by the Administration Boards was to be sold by the Development Board to the public to privatise these businesses? -- Yes I remember talking about that in this context that in our questioning Mr Ganz as to why these (10) liquor outlets are to be sold to the public he said in reply that it was a decision by the authority that it be done that way and not be transferred to the Council.

Yes. Now this report in the Sunday Mirror does say at paragraph 6, and I quote: "The bottlestores are being phased out by the Development Board and sold to residents subject to the approval of the Minister of Co-Operation and Development." Do you agree with that? -- I agree with that paragraph because the Development Board was supposed to acquire permission from the government to sell these liquor outlets. (20)

And you say that councillors did tender for these outlets? -- They are councillors, they are known to be councillors, yes. But they applied their in their private capacities as individuals.

And you have, we have also gone through the evidence which shows that these councillors who were successful, and other members of the public who were successful were to pay 7,6 million Rand to the Board for these licences? -- It is true but I do not know how to put it but as I said up to now pertaining to the amount to be paid in purchasing these (30) outlets it was not yet decided with the Board as to what is to/.....

to be done.

Or when it is to be taken over? -- Yes, for instance awaiting a report to tell us as to how much was to go to the Development Board and how much was to be paid over to the Council.

Now Mr Mahlatsi will you please just glance through paragraphs 3, 4, 5, 7 and 14 where you will find the statement, repeated five times, that the liquor outlets costing so much have been given to a councillor. -- Yes I see that.

The word "given" is not quite correct. It tends to (10) create the impression that this has been a gift, been given. It was really a sale? -- That is true.

And did the councillors themselves have anything to do with the allocation of these tenders? -- No.

So the statement right at the top that Mr Esau Mahlatsi and other councillors have cut themselves into the Vaal liquor business which has a turnover of more than 40 million Rand a year, is that correct? -- No that is not correct.

Is the total purchase price of 7,6 million Rand mentioned anywhere in this statement? -- No I do not see it anywhere (20) here.

Yes, thank you Mr Mahlatsi.

COURT: This Sunday Mirror to which we have been referring was it widely read in the Vaal Triangle? -- It was widely read, yes in the Vaal.

Who published it, do you know? -- I am not too sure but if I were to think proper I think it is being published from the same sources with The Sowetan.

Any questions flowing from those put by the Court?

MR BIZOS: I just want to draw attention to one thing (30) please My Lord. On AAQ(29) Mr Mahlatsi the document says that/.....

that there were to be loans from the Development Board or banks, in paragraph 7, and that the loans would have to be paid over a period of twenty years? Is that correct? -- Well that is not true, I do not know where this person got that from.

Well they were not, I am suggesting to you that if they had a look at your Minutes they would have found it there? -- Well it may be that they found it from the Minutes.

Yes, and gifts are not paid for even over twenty years, if they have got to be paid for they are not gifts? -- A gift is a gift yes. No one can expect a person to pay (10) for a gift.

COURT: Mr Jacobs any questions flowing from those put by the Court?

MNR JACOBS: Geen vrae nie.

NO FURTHER QUESTIONS.

GEREARD JOHANNES VILJOEN, v.o.e.

ONDERVRAGING DEUR MNR. JACOBS : U is 'n brigadier in die Suid-Afrikaanse Polisie en tans verbonde aan die Opleidingskollege van die Polisie? -- Korrek.

Gedurende 1984, Augustus/September was u verbonde aan (20) die anti-onluseenheid van die polisie gestasioneer te Krugersdorp? -- Dit is korrek.

Gedurende Augustus 1984 het die polisie kennis gedra van die probleme in die Vaal? -- Korrek. Daar was inligting ter hand van die polisie dat probleme in die Vaal Driehoek mag ontstaan weens beweerde huurverhogings wat in werking sou tree.

Op 2 November 1984 was u in ... (Hof kom tussenbei)

HCF : 2 November?

MNR. JACOBS : Ag, 2 September 1984, was u by u eenheid by Krugersdorp toe u 'n berig ontvang het? -- Korrek. (30)

Op daardie stadium was daar ander lede van die polisie reeds aan diens in die Swartwoongebiede? -- Die lede van Ver-eeniging distrik was in daardie gebiede aan diens.

Nadat u 'n berig ontvang het, wat het u gedoen? -- Ek het die lede van Roodepoort en Krugersdorp distrikte mobiliseer, waarna ons na die Vaal Driehoek vertrek het.

Wie was in beheer of in bevel? -- Ek was in bevel van die taakmag.

Hoe groot was hierdie taakmag? -- Die totale eenheid het bestaan uit 116 Blankelede, 97 Nie-Blankelede, waaronder 13(10) Blanke-offisiere en 2 Nie-Blanke-offisiere.

Waarheen het u toe gegaan? -- Ek het om 23h30 te Sebokeng arriveer.

Is dit daarso by die polisiestasie? -- By die polisiestasie.

Is dit met die hele taakmag? -- Korrek. Daar het lede na my ook daar aangekom, maar ons het min of meer op dieselfde tyd daar arriveer.

Wat het u toe gedoen? -- Ek het die lede mobiliseer en uitgeplaas na die verskillende Swartgebiede. Daar is vier gebiede in ... (Mnr. Jacobs kom tussenbei) (20)

In watter vier gebiede het u lede geplaas? -- Dit is Sebokeng, Sharpeville, Boipatong en Bophelong.

Ja? -- Die opdrag was dat hulle met patrollies in daardie gebiede sou voortgaan.

En wanneer het hulle inbeweeg in die gebiede? -- Hulle is seker 24h00 daardie nag in die gebiede in.

Dit is nou 24h00 van die nag tussen die 2de en die 3de? -- Korrek.

September 1984. Het u self ook inbeweeg in die gebied in op daardie stadium? -- Korrek. Ek het kort na aankoms te Sebokeng uitbeweeg na Bophelong, as gevolg van 'n Swartman wat

net na my aankoms met 'n skietwond deur privaat persone na die plaaslike lykshuis te Sebokeng gebring is.

As bevelvoerder, in watter gebied het u self beweeg? -- Ek het die gebied Sebokeng hoofsaaklik hanteer. Ek het bevel gevoer daar.

En die ander gebiede, Sharpeville, Boipatong en Bophelong? -- Te Sharpeville was majoor Louw as bevelvoerder gestel, te Boipatong kaptein De Beer en te Bophelong luitenant Du Plessis.

In die gebied waar u nou self geopereer het, dit is Sebokeng, kan u vir ons sê was daar in die strate op en af (10) gepatrolleer of hoe was die patrollie gedoen? -- Korrek, algemene patrollies in die strate van die gebied.

Hoeveel eenhede het in daardie gebied saam met u beweeg of onder u beheer in die Sebokeng gebied? -- Daar het ander voertuie onder my bevel in die gebied beweeg.

U waarneming terwyl u daar gepatrolleer het daardie tyd van die nag, wat was u waarneming? -- Dit was alles rustig deur die loop van die nag.

Gaan voort? -- Dit was alles rustig tot ongeveer 06h00 op die 3de. (20)

3 September 1984? -- 3 September 1984. Sedert 06h00 was daar voorvalle van klipgooiery na busse in Sebokeng. Daar was ook voorvalle waar na polisievoertuie met klippe gegooi is.

Wie het die klippe gegooi en waar was die persone? -- Te Sebokeng hoofsaaklik vanaf busstoppe waar Swartmense versamel het, ek aanvaar om busse te haal, was daar vanuit die skare wat daar by die busstoppe gewag het, klippe na busse gegooi en ook na die polisie gegooi.

Wat het u gedoen? -- Daar was op daardie stadium te Sebokeng geen massa skarevorming nie. Strate waarlangs ek in (30) die gebied beweeg het, was tot op daardie stadium skoon, met

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ander woorde, dit was nie versper deur klippe ensovoorts nie. Om ongeveer 06h05 daardie oggend het ek per radio van my lede te Sharpeville berig ontvang dat hewige aanvalle op busse sowel as polisievoertuie deur skares Swartmense geloods word. 'n Versoek is aan my gerig dat ek moes reël dat die busse uit die gebied onttrek word. Ek het egter opdrag gegee dat gepoog moet word om busse te beskerm met die oog daarop dat werknemers wat wou gaan werk die geleentheid moes hê om so te doen. Om 06h20 die oggend het ek verder berig per radio ontvang dat die aanvalle op busse in hewigheid toegeneem het en dat (10) die polisiebeamptes wat daar aan diens was se lewens in gevaar verkeer. Ek het daarna opdrag gegee dat majoor Louw met die lede onder sy bevel moes oorbeweeg na Sebokeng en dat ek self te Sharpeville beheer sou neem met die lede wat tot op daardie stadium onder my bevel gedien het. Ek het daarop dadelik met die lede onder my beheer na Sharpeville vertrek.

Net voor ons aangaan, wat was die toestand in Sebokeng tot op hierdie stadium wat u uitbeweeg het daar? Wat het u daar ondervind? -- Tot op daardie stadium was daar die aanvalle op die voertuie en busse, maar van geringe aard. Daar was (20) geen ernstige voorvalle nie. Die paaie was nog nie blokeer nie.

Ja? -- Met aankoms te Sharpeville het ek die gebied met Seeisostraat, die hoofweg, binnegegaan. Hierdie straat was blokeer met - daar was enige voorwerp daar. Daar was motorwrakke, klippe, asdromme, stopstraattekens met die sementgedeelte daar onder waarop dit gevestig was. Hierdie straat was feitlik onbegaanbaar, alhoewel ek met 'n vierwiel aangedrewe voertuig daar inbeweeg het.

EQF : U het daar aangekom om hoe laat? -- Dit was kort na (30) 06h20. Ek glo nie dit het my langer as vyf minute geneem nie.

... / Ek

Ek het ook opgemerk dat systrate op dieselfde wyse blokeer was.

MAR. JACOBS : Kan u net vir ons beskryf hoe was hulle blokeer gewees? -- Ook deur middel van die plasing van klippe, asdromme, blikke en al die tipe goed.

Was dit somer net rond en bont op die pad gegooi of was dit op 'n spesiale manier geblokeer? -- Soms rond en bont, soms in 'n ry gepak sodat jy nie maklik toegang sou kry nie.

As dit nou in 'n ry gepak is, is dit in die lengte van die straat of in die dwarste of hoe? -- In die dwarste van die (10) straat.

En as ons nou Seeisostraat neem, was dit net op die ingang of op verskillende plekke of hoe was dit gewees? -- Seeisostraat was feitlik totaal versper. Ek moes dikwels van die straat af wyk en die sypaadjie gebruik om vordering te kon maak.

En die systrate wat u opgemerk het wat versprei was, was dit op dieselfde manier versper, met voorwerpe en wyse? -- Ja, enige denkbare voorwerp was aangewend. Ek het besluit dat ek die situasie in Seeisostraat self sou hanteer. (20)

Is Seeisostraat soort van die hoofstraat van Sharpeville? -- Ja. Ek het lede onder my beheer opdrag gegee om gedeeltes links en regs van Seeisostraat te patrolleer. Daar was groepe Swartmense van alle geslagte oral in Seeisostraat waarneembaar.

As u sê groepe, hoe groot groepe bedoel u? Wat bedoel u met groepe? -- Ek skat enigiets tussen honderd, tweehonderd. Dit kon soms dertig, vyftig gewees het. Daar was nie bepaalde hoeveelhede nie. Toe ek die eerste groep nader, kon ek hoor dat hulle skreeu en raas. Die Swartmagteken met die vuus (30) in die lug was oral waarneembaar.

HOF : Getuie demonstreer deur sy regtervuus op te lig.

MNR. JACOBS : Behalwe nou net om die vuus op te lig, wat het daar nog gebeur? -- Toe ek nader beweeg en kon hoor, het ek die volgende slagspreuke gehoor. Een groep sou byvoorbeeld Amandla skreeu, waarop die ander sou antwoord met Awethu. Ander het geskreeu Oliver, waarop die ander sou skreeu Thambo en dan die woord Thambo herhaaldelik herhaal. Toe ons binne klipgooitrefafstand was, is daar onmiddellik met klippe na ons voertuig gegooi. Die voertuig was dan ook deur klippe getref.

HOF : Wat was die aard van die voertuig? -- Dit was 'n (10)
vierwiel aangedrewe Chevrolet een ton voertuig.

Is dit 'n bakkie of 'n vragmotor? -- 'n Bakkie. Ek kan meld ons was slegs twee persone in die voertuig.

Was dit 'n polisievoertuig, so geel gekleur of iets van die aard? -- Nee, dit was 'n wit polisievoertuig met die polisie blou lig op.

U sê u was net twee mense. Ja? -- Ons het dadelik tot teenaksie oorgegaan en die aanval op ons afgeweer deur die aanwending van traanrook sowel as rubberpatrone. Nadat ek 'n entjie in Seeisostraat beweeg het, het ek afgekom op 'n polisie- (20)
voertuig onder die bevel van ene adjudant-offisier Vossler. Die ruite van hierdie voertuig was reeds uit. Ek het ook verskillende klip of merke of dan duike op die voertuig waargeneem. Ek het hierdie lede aangesê om uit die gebied uit te beweeg en daar buite te wag vir verdere opdragte, aangesien ek hulle nie met daardie voertuig wat geen beskerming gebied het langer kon toelaat om in die gebied rond te beweeg nie.

MNR. JACOBS : Het hulle toe uitbeweeg? -- Hulle het uitbeweeg.

HOF : Was dit ook 'n gewone polisiebakkie? -- Dit was ook 'n polisiebakkie, 'n ligter tipe, tweewiel aangedrewe bakkie. (30)
Hierdie bakkie was wel geel, die polisiekleur.

MNR. JACOBS : Toe u nou inbeweeg het in Sharpeville in met Seeisostraat, was daar nog busse op daardie stadium wat in daardie straat beweeg het of nie? -- Geen busse meer nie. Ek het om 06h20 toe ek uit Sebokeng beweeg het gelas dat die busdiens onttrek word.

GETUIE STAAN AF.

HOF VERDAAG TOT 16 APRIL 1986.

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