

E.H. KEMP

No adverse comment on demeanour.

We do not believe his statement that he coined the phrase "united front" when interviewing Dr Boesak as a type of journalistic shorthand. He is an experienced journalist and would have come across it often.

Z.216

CAPTAIN D.C. KEYTER

A good witness.

DAVID KHAMBULE

Not entirely trustworthy.

1. He stated in chief that on 3 September there were no obstructions on Seiso Street. In cross-examination it appeared that at 11h00 dustbins had been emptied and put across Seiso Street in front of his home.
2. His version is that he heard that at the August 1984 meetings it was decided to request a reduction of the rent to R30 per month. This conflicts with the evidence of other witnesses. He says it was decided on 2 September 1984 in the Anglican Church.
3. He is also a rent boycotter. His reason is that he is waiting to hear from the authorities. This is flimsy.
4. He attempted to mislead the court by giving evidence of a normal bus leaving at 6h30 whereas it had two police escorts and drove past without picking up passengers.

Dr ELLEN KHUZWAYO

A dignified lady, naturally biased towards the "freedom struggle". Her evidence has the following limitations:

1. She is biased in her approach:
 - (a) She tries to explain away exh A.1 page 28 para 4 which resolution reads that very few of the oppressed people have access to primary education.
 - (b) She says of para 3 that the words "courageous struggle waged by students" refers to their coming to terms with authority. In the context this cannot possibly be correct.
 - (c) She is hurt by the fact that the black children are taught who the leaders of the Transkei and Bophuthatswana are. According to her that is irrelevant.
 - (d) And she says Chaka should not be portrayed as ruthless. That is indoctrination.
 - (e) She consciously refuses to compare the situation of blacks in South Africa with the position in neighbouring states.

2. She is singularly uninformed for an expert on education and on women:
 - (a) She does not know the percentage rural children who do not have primary schooling.
 - (b) She has not heard of the Education Charter.
 - (c) She has not heard of the Women's Charter.

3. She has no knowledge of the UDF and its policies.

4. She does not know what communism is! This is unlikely.

5. She is totally opposed to violence.

6. She did not attend FEDSAW meetings or the SOYCO launch or commemorative services (after 1982) or the Soweto Committee of Concern or the Soweto Parents' Committee.

SERGEANT T.R. KOAHO

Not very bright and not articulate. Yet he did not give the impression of being evasive or of testifying on a totally trumped-up story. Had this been the case one would have expected evidence of a more damning nature against some of the accused who spoke at the meeting. On the material facts he is credible.

There are lacunae in his memory and he was often constrained to admit that he did not recall what was put to him but could not deny it.

On demeanour as such he cannot be faulted. The following aspects have to be borne in mind:

1. There is a degree of improbability in a person inciting an audience to murder in a public meeting where the presence of the security police is if not a probability at least a possibility. He was known to accused No 2 as a policeman and he discovered

that accused No 2 was aware of his presence just before he left the meeting. His colleague Letsele was known to accused No 4.

2. He made no contemporaneous notes - but did make a written report on 20 August 1984 to captain Steyn and he made his statement on 24 October 1984.
3. There are certain discrepancies between his evidence and that of the witness ic.9 (see the comments on the latter).
4. He did contradict himself a number of times:
In chief he said the meeting started at 13h30 while in cross-examination it was past 14h00.
Before and after he saw newspaper reports of the meeting.
On whether the exhortation to kill councillors was conditional or unconditional.
On whether accused No 4 or Hlube introduced accused No 1 to the audience.
On whether accused No 1 spoke in Xhosa or in English.
5. His evidence was selective - which is to be expected - as he took note of some aspects of the meeting and did not remember everything. The things he remembered are those he testified on.

6. Sergeant Koaho bore no grudge against the accused. He was readily prepared to make concessions in favour of them. He stated positively it was no UDF, AZAPO or COSAS meeting and that there were no T-shirts. (25/1190).

He said accused No 3 did not himself initiate the Amandla sign, he only responded to accused No 16. (25/1191).

He made a number of concessions when his memory was refreshed in cross-examination on the contents of speeches at the meeting.

Z. 223

SERGEANT C.J.P. LABUSCHAGNE

(CRADOCK)

A good witness.

Z.224 .

SERGEANT C.J.P. LABUSCHAGNE

(SOMERSET EAST)

No adverse comment.


Z.225

CAPTAIN F.E. LABUSCHAGNE


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Z.226

LIEUTENANT N.J.J. LABUSCHAGNE



A good witness.



MRS. K.S. LEEBA

An unsatisfactory witness who was wholly discredited on the speech of accused no. 20.

1. Her evidence is about the funeral of Loapi. According to her it was a normal funeral with no freedom songs.

(a) Yet she concedes that there were black power slogans shouted - which she had never heard at a funeral before;

(b) and the programme (exh AAW.12) and the photograph in SASPU National (exh W.64) contradict her. It is wholly improbable that this funeral was not a political funeral. In fact accused no. 20 is brought in from Johannesburg by COSAS to speak at it. He had no business there.

2. She is singularly uninformed. She has no knowledge of COSAS, Thabong Youth League, AZAPO, RMC, NUM, AZASM and Thabong Residents Action Committee - all of which were on the programme of the funeral.
3. She stated that no slogans were shouted at the funeral. In cross-examination she admitted that Amandla had been shouted.
4. She was totally discredited on the contents of accused no. 20's speech. She contradicted herself and accused no. 20.
5. She contradicted herself on the number of hymns sung.

LUCAS LEEBA

A dignified witness whose memory is very unreliable. His evidence cannot be relied on.

1. His evidence was contradictory on the meeting of 5 September 1984:
 - (a) he stated that none of the youths wore UDF and COSAS T-shirts. In cross-examination it appeared he did not know what that was and had not looked at the gallery where they were sitting;
 - (b) he mixed up what Messrs. Dikoko and Mosibi said in chief and in cross-examination;
 - (c) when asked to repeat the sequence of events at the meeting he got mixed up between evidence in chief and in cross-examination.

2. He is singularly uninformed or intentionally obtuse

- he has never heard of COSAS
- or of Thabong Youth Congress
- he does not know if there are or were UDF placards in the township
- he has never heard of the million signature campaign
- he has never heard of a decision that Xhosa children would be refused permission at the school. Yet this was the defence case
- he has never heard of SRC's.

Most of the above had been common cause.

SAMUEL D. LEHOLO

A township loafer with dirty tousled hair who was wholly unreliable.

1. His version of listening in on the conversation between the three or four leaders of Bodibeng and the six leaders of Kananelo is false. In the din caused by the crowd he could not have heard a word from his position.
2. His evidence of the direction the march took differs from the other defence evidence.
3. He also conflicts with Miriam Sebetoane who says nobody entered the school yard. He says she lies.
4. He is the only witness who says the scholars were on their way to meet the Bodibeng school committee.

5. His explanation on why he did not flee from the tear-gas into his friend's house is far-fetched.
6. His version on the position of the coffin on the van differs from the other evidence.
7. Like all defence witnesses his version of the banner differs from the facts in that "heroes" is replaced with "dead". This is no coincidence. This is a concerted evasion of the truth.
8. He differs from accused No 20 on whether there were police in the cemetery when they arrived there.
9. He says accused No 20 translated everything he said from Sotho to English and vice versa. He is the only witness who gives this version.
10. He says accused No 20 explained the magistrate's order to the crowd at the house of the deceased. Accused No 20 himself does not say so.

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F C LEPELE

A wholly unsatisfactory witness whose evidence cannot be relied upon.

1. He saw no smoke at Motjeane's. This conflicts with the accused who say they saw it a long way off.
2. He first stated that he saw nothing unusual on 3 September till he came back home. Later it transpired that he had seen road obstructions on his way back through zone 12.
3. He stated he paid councillor Mofokeng the bribe in December 1983 but later it was end of January 1984.
4. He denied that anyone stood at the door of the hall on 3 September (this conflicts with the defence case).
5. He did not hear Esau's full speech inside the hall.
6. He contradicted himself on whether two or three

persons spoke outside the hall on 3 September and or whether Esau spoke outside. He was primed during the adjournment.

7. He says they were addressed outside the hall while already in procession.
8. His explanation about how he could have read the placards is unconvincing.
9. His evidence on the joinder of the group up front with the march itself is extremely vague and probably is largely conjecture and it contained contradictions, for example whether he saw them advance and whether the march stood still or not. Cross-examined thereon he was evasive.
10. His evidence on the group that joined the march conflicts with that of other defence witnesses. He says the group was at least 250 metres long. He says it was not a procession and that there were no placard bearers.
11. Having stated positively in chief that nobody was forced to join the march he stated in cross-examination that he had seen nobody join the march (except the group in

front) and that though the march had grown he could not say whether those joining had been forced or not.

12. According to him nobody joined the march from the middle to the front on the way. This is in conflict with other evidence.
13. He did not pay any instalments on his house or any service charges since September 1984. His reason: he was waiting to hear what the answer was to the request for a reduction of rent. This request he ties to meetings prior to the riots - that does not tally because no meeting prior to the riots demanded a reduction of the existing rent, on the evidence before us.

DANIEL LETHAE

A false witness.

1. It is unlikely that he, who knew accused No 20 from church and from school, would not know he had been on Robben Island.
2. He is very vague about the invitation by Bloem to him to join the UDF.
3. It is improbable that he heard for the first time of COSAS in court.
4. It is improbable that he does not know what "Yes to SRC's" on the banner he saw at the funeral of 18.5.1985 means.
5. It is improbable that he knows nothing of organisations.

6. He states positively that there was no campaign against council elections in 1983. Yet he does not even know if there were elections.
7. He does not know that people were unhappy with councillors. He does not know of meetings against councillors. He does not know of rent increases in 1984. (Yet two councillors resigned).
8. He pleads total ignorance of pressure on councillors, and refusal to pay rent, and of COSAS and AZASO's fight for SRC's and of frequent clashes between police and students and of closure of schools. It would appear that he is deliberately obtuse.
9. He has a singular lack of knowledge of the riots on 11 February 1985 and the after-math of the funeral on 27 February 1985.
10. He denies that there was a hearse and that the coffin was carried aloft on the back of a bakkie. This conflicts with accused No 20's evidence and the defence case as put.

11. His version of the tear smoke at the funeral of 18 February conflicts with that of accused No 20. The latter says only a small group was involved. The witness says the whole crowd. In any event this version is inherently improbable.
12. His evidence that the police did not order the mourners to disperse conflicts with the Star's report exh AAQ.8.
13. In chief he said he did not know accused No 20 had been on Robben Island. The next day it transpired he had been to accused No 20's welcome home party in 1982 on his return from Robben Island.

MATCH LETSELE

A very poor lying witness.

1. His evidence on the incident at the civic hall on 29 August 1984 wholly conflicts with both state and defence versions. His own version thereof was also contradictory:

- first the doors were closed and it was dark
- then the doors were open
- then the doors were half open.

He stated in chief that the meeting had not started yet. He stuck to that in cross-examination. He changed to uncertainty in re-examination and got back to his original version thereafter when questioned by the court.

2. In chief he told of police chasing people on the night of 29 August 1984 at 22h00 in the streets of Bopelong. In cross-examination it appeared he knew of no such thing.
3. In chief he said the police hit children for no reason at all while they were playing in the street on 30 August 1984. In cross-examination it appeared that the police had been playing with the children and that it was a game and make-believe.
4. His version on why they started running away from the police before Twala was shot and on the shooting incident is very improbable. Why would the police attack a shebeen merely because it is noisy?

RICHARD LETSOENYO

This was a good witness. There was a misunderstanding in cross-examination between him and counsel, the one speaking of 10 September 1984 and the other of 15 July 1984. It does not detract from his evidence. His evidence was satisfactory.

SALMINA LETSOENYO

She was rather subdued in the witness-box. Her evidence had a number of contradictions and retractions. She cannot be described as a good witness.

What is however undisputed is that she did report the threat to her father, that the report was made to the police and that a prosecution followed. It is clear that she regarded the threat as serious. It remains unexplained why the prosecution case rested on a previous threat to her husband and not on this threat.

FRANCIS LONDON

An extremely poor and very untruthful witness.

1. He first said that they regarded the councillors as their enemies in 1982. Then he said they had no difference with the community council. They just had no confidence. Later he denied that the statement in exh AM.20 was correct.
2. His version of the sending of a delegation to the national launch of the UDF in Cape Town to determine whether there would be any benefit in affiliating and the affiliation thereafter was proved totally false. HUCA affiliated to the UDF Transvaal long before the launch. Exh AM.20.
3. He says he never heard of the damage to Dikole's house on 15 October 1984. It must have been held a secret if it happened. This is highly improbable.

4. He contradicted himself on whether he attended the 16 June 1985 commemoration service.
5. He first stated he had attended all committee meetings. When in difficulty in cross-examination he stated he had not.
6. He denied that any UDF speakers spoke at HUCA meetings in Huhudi. Only one HUYO meeting had such speakers. This conflicts with his prior evidence that Chikane and Albertina Sisulu had been invited to the night vigil on 14 October 1984 - when he left the court under the impression that they had turned up. He later stated only one HUCA meeting had a UDF speaker and that was Mrs. Albertina Sisulu. He placed this meeting first at the end of 1983 beginning of 1984 and later in the winter of 1984. In cross-examination he later stated that at the night vigil Mrs. Sisulu and F. Chikane did not turn up.
7. His version of the councillor Matloko incident on 16 June 1985 has this peculiar feature that the attacking children are either on the outskirts or come from behind a sub-station. Not the attitude of an angry mob angered because one of their number has been run over. Rather vagabonds who do not want to be recognised in the dark.

8. He denies that Matloko had driven into a crowd coming out of the hall as had been put.
9. He denies that shops and a butchery were attacked that day, 16 June 1985. That had been the defence case.
10. He falsely denied knowledge of exh AM.20 to escape awkward questions in cross-examination and was then conclusively contradicted by the attendance register (exh 26) on HUCA's relationship with the Transvaal UDF.
11. His denial of knowledge of the close association of Galeng, Krutse and Jomo Khasu with the UDF northern Cape is false.
12. He falsely denied knowledge of the facts stated in exh AM.20. These are material activities of HUCA. He stated para 3.7 is incorrect.
13. His version that HUYO was independent is dented by exh AM.20. He falsely denied it had been HUCA's aim to found a youth organisation.
14. In cross-examination he denied that councillors were called puppets at meetings. This is hard to believe in the light of his prior evidence that they were called puppets from 1982.

15. He denied councillor Dikole had proposed a delegation to accompany the councillors to Kimberley. This had been the defence case as put.
16. His evidence in chief and in cross-examination was contradictory on the number of houses of councillors attacked with hand-grenades. He was also intentionally vague on arson and damage to councillors' property.
17. His version that no UDF, Black Sash, SOYCO or other outside speakers spoke at HUCA's launch is contradicted by exh W.23, as is his version that HUYO did not then exist.
18. Towards the end of his cross-examination he became extremely vague and sought refuge in the phrase "I cannot remember". It was clearly evasive action.

Z.247

CAPTAIN P.J.C. LOOTS

A good sound witness.

N.P. LOUW

There is no criticism on the demeanour of this witness though he has a tendency to stray a bit from the point discussed.

There is a question-mark above his testimony about his role in the resolution of the town council about the sale of the liquor outlets to certain councillors.

At first he gave as reason for not warning the seven councillors involved that they should recuse themselves, that he did not have the names as the matter was raised by the mayor under "urgent matters". Thereafter it transpired that the names were annexed to the agenda and that he had previously warned those councillors who were also members of the executive committee to do so. It appears therefore that he was not frank with the court on this aspect.

DELMAS TREASON TRIAL 1985-1989

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