

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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SAAKNOMMER: CC 482/85

DELMAS

1986-03-25

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

54

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 54

(Bladsye 2766 - 2805)

COURT RESUMES ON 25 MARCH 1986.

PATRICIA PHOSISI: d.s.s. (Through Interpreter)

MR BIZOS: My Lord I omitted to mention yesterday that at about approximately 12h30 accused no. 4 returned to court and he is back here today. The position of accused no. 9 is the same.

FURTHER CROSS-EXAMINATION BY MR BIZOS: Mrs Phosisi the person that we were referring to as young Henry, was he an organiser of the party of the poor before the elections? -- Yes he was.

And was he accepted as a person who could work for (10) your party in order to get people to vote for you? -- That is so.

Oh, so he was considered old enough for that purpose? -- That is so.

Did you also consider him old enough then to have an opinion of his own at the meeting of the 5th, that you and some of your fellow councillors had betrayed his party? -- No he did not make mention of that at this meeting on the 5th.

Did he not raise any objection about the councillors (20) who had agreed to increase the rent at the meeting of the 5th? Sorry let me get the word order right. Did he not make any objection at the meeting of the 5th about the councillors having agreed to the raising of the rent? -- He did not agree with what had been decided on, that is the increment on the rentals.

And did the popular young Henry have a group of people that assisted him to try and get you and the other members of the party elected? -- That is so.

And is that not more or less the same group that was (30) there at the meeting, the people that had worked very hard

for/.. .

for the election to get eight of you elected? -- Those were the people, yes.

So they were people who had really shown a tremendous interest in the civic affairs before the election? -- Yes they did.

And insofar as your evidence-in-chief may have suggested to His Lordship that those people who were raising objections at the meeting of the 5th were irresponsible young people who were not paying rent would that impression have been correct? -- When I said that I meant to say this that we were expect- (10) ing the elderly people to object about the question of the rent. Instead they did not but this group objected to that.

Let us take it from the other end again. What was the age of the other two people of the four that were summoned to appear at the meeting of 16th? -- Mrs Motlongo was middle aged.

Well we have already got that, the other two? -- Those were school going children.

Are you sure? -- Yes because in fact they were not yet independent, they were still dependent on their parents. (20)

COURT: Do you know their names? -- I cannot remember their names.

MR BIZOS: Now please give us some idea of the other two. You say that they were school goers? -- One of them was Mr Mtswereng's children.

Yes? -- Living in the area of Pelindaba.

And the other one? -- I have just forgotten the name of this other boy.

Oh you say that they were two other boys? -- Steven and another one was amongst that group. (30)

COURT: No, no, we are speaking not about the group. We are speaking/.. ...

speaking about the people summoned to appear at the meeting of the 16th. -- We have spoken about Mrs Motlongo, Henry and then I said the other one was a child to Mr Mtswereng, and then there is a fourth one who I cannot remember exactly who it was.

Yes but where did this Steven story come in? -- Steven is one of the people also who were invited on the 16th to attend this meeting, that is 16 August.

And did he come? -- Yes he was there.

MR BIZOS: So let me see, to make it absolutely clear you (10) say that on the 16th a middle aged woman and three youngsters were summoned to come to the councillors? -- Yes only these four.

I am waiting for an instruction in relation to the other two, confirmation of an instruction in relation to the other two My Lord. I have information somewhat different to this witness but I want to confirm it. Now at the meeting of the 5th Mr Mokati's ward had been invited, or Mr Mokati were there and people from his ward were expected to be there? -- He and the people from his ward were present. (20)

We know as a fact that some twenty people from Mr Mokati's ward publicly dissociated themselves from Mr Mokati shortly after the 5th, and they resigned. Do you know about that? -- No I do not know about that.

You never heard about it? -- I cannot remember hearing about that because the confusion started on the 5th.

The confusion started on the 5th? -- Yes at the hall where his people, that is the people from his ward started to show that they are no longer interested in him.

Yes. How many people at the meeting of the 5th showed (30) that they are no longer interested in Mr Mokati? -- I did not count/.....

count them because they were sitting in groups.

How many groups showed their dissatisfaction with Mr Mokati at the meeting of the 5th? -- About three different groups.

And how many more or less in each group? -- About, they differed, the first group I would say they were four and then the next one five and then I think the third one again they were four.

Alright, so there were about a dozen people who expressed their dissatisfaction with Mr Mokati at the meeting. What (10) dissatisfaction did they express?

COURT: Have we not had this before?

MR BIZOS: Not at the meeting My Lord.

COURT: I thought the dissatisfaction was that Mr Mokati had taken bribes and had caused somebody to be put out of her house.

MR BIZOS: No My Lord, the previous witness confined it to one person.

COURT: No from this witness.

MR BIZOS: From one person. (20)

COURT: Well go ahead.

MR BIZOS: The previous witness, I do not recall, but if I may. Now these persons were they satisfied or dissatisfied with the rent issue? -- I cannot tell whether they were satisfied or not because the whole thing started immediately when Mrs Motlongo started addressing this councillor in that public meeting about what happened. Then these people showed their dissatisfaction about him.

Well what I am going to put to you is that at the meeting, at the meeting, the residents, young and old, showed their (30) dissatisfaction about the rent increase. -- I would not say

all/.....

all of them were not satisfied about the rent issue. What I can say is Steven is the person who in fact had some words with Mr Rhodesang, indicating dissatisfaction about the rent issue.

Let us try and cut it short if we can. Do you recall anyone saying "Why do you come to us with an accomplished fact"? -- Yes I remember somebody saying that from the people who were attending the meeting.

Was that right at the beginning of the meeting after Mr Dhlamini had spoken? -- Yes after Dhlamini's explanation(10) to the audience then this came from the audience.

And when this person said "Why do you come to us with an accomplished fact" what was the audience's reaction? -- Immediately that question was asked by one of the audience then the audience as a whole started mumbling, awaiting an answer from Dhlamini to the question put by one of the members of the audience.

Was it a mumbling of satisfaction at the happening of the increase as an accomplished fact or dissatisfaction? -- Their mumbling to me was quite clear that they were not satisfied(20) about the increased rent.

And this was, you know as a politician you must be able to get the feeling of the meeting as a whole, this gasp was the feeling of the meeting as a whole?

COURT: Mumbling.

MR BIZOS: The mumbling. -- I would not say so because I did not have a proper look at the audience in order to be able to say which were the people who were not satisfied and which were those who were just deciding to be docile.

Yes well I am sure that there were, there may have (30) been some who were docile but on the whole it was a mumbling

of discontent? -- Yes in fact they were happy that that question was put by one of the audience. In fact in this mumbling they were approving of this kind of a question because they were sort of not happy about being just informed that the rent is being increased.

COURT: What percentage of the audience would you say was mumbling? -- Well I am not going to give you according to percentage but I would not say the majority of the audience was mumbling but otherwise if I were to say in percentages I would say about forty percent of the people were mumbling (10) there.

MR BIZOS: But nobody clapped or, sorry, applauded, that the rent was going to be increased? -- No.

You know, and from what we have heard about the local politics of the Vaal Triangle people do not really mumble, they give an opportunity to their lungs to, they shout? -- Well in this case they did not shout, they only mumbled.

Now do you recall whether in answer to this question one or other of the councillors tried to excuse the decision as an accomplished fact by saying it is not us but the municipality. I am using the words advisedly My Lord because I am told that they are used to refer to the authority in that way. Or the Board, or the authority? Do you recall that? -- No I cannot recall that.

Are you able to deny that that was said? -- Because I cannot recall I cannot deny that.

Well do you then remember what Mr Dhlamini's answer was to the question that caused the murmur? -- If I remember well Dhlamini's answer to the question was "We have been waiting for the Ministerial approval to the increment of rent. Once (30) he has given his approval then this increase would be

gazetted/.....

gazetted and after it having been gazetted it is only then that we have the authority to inform the community, that is therefore the reason why we are informing you today about what is to happen in future pertaining to this rental."

Now if that was Mr Dhlamini's answer let me see how you understood it. Was it an accomplished fact or was it not an accomplished fact? What was Mr Dhlamini's answer to you? -- Because of my having been a new member in the Council and the lack of experience as to what is it in fact that is happening pertaining to rentals I am not in a position to comment. (10)

Well you know you are making an admission which is a sad reflection on your public office. Are you saying to His Lordship that you did not know on 5 August at which you were part of the body that was to explain to the people what the position was, that you yourself did not know? -- That is why I said it was left over to the older members of the Council to address the audience in that meeting because of their experiences and we people who did not have much experience were just to be there though it was explained to us of course the purpose why the rentals were to be increased, what was to be met in (20) demand which justified the increases.

Alright. Now do you recall Mr Kodisang . . .

COURT: How do you spell it?

MR BIZOS: I have the spelling My Lord

INTERPRETER: K-o-d-i-s-a-n-g.

MR BIZOS: Yes it is wrongly spelt on page 2541. Do you recall him saying that we councillors must not attempt to avoid responsibility for this increase? Let us tell it straight to the people that we are the people who are responsible for the rent increase. Do you recall him saying that?(30)
-- I remember him saying so, yes.

Right./.....

Right, but that could only have been said if someone had tried to shift responsibility to other authority? Do you agree with that? -- I quite agree that what Mr Kodisang said there was in response to something which had been said prior to his having to address the meeting. If Dhlamini had said something to that effect it may be that I did not hear him but I quite agree that if somebody had said something, putting the blame to others, then Kodisang's response was then justified the way he put it.

Yes, and you remember Mr Kodisang saying what I have (10) put to you? -- Yes I do.

COURT: Did Kodisang say it in open meeting to all the people assembled or did he say it amongst the councillors? -- He said it openly in the meeting.

MR BIZOS: My Lord I am informed by My Learned Friend that Mr Kolisang spells his name K-o-l-i-s-a-n-g but there is, it is pronounced Kodisang because I am told that the l before an i is pronounced as a d. But you see do you recall whether anyone said that the rent, if need be, will go up as R100 a month? -- I do not recall that. (20)

Well are you able to deny it? -- I am not denying it. All I am saying I cannot recall that.

Do you recall Mr Dhlamini using the expression that he now has the power to both tie and untie things?

COURT: He or they? Singular or plural?

MR BIZOS: I see that I used both previously My Lord. I have no specific instruction. I put it on the basis I or we.

COURT: Yes, I am not concerned, I want a clear answer from the witness.

MR BIZOS: As Your Lordship pleases. Do you remember Mr (30) Dhlamini saying that either he as a councillor or the Council

as/.....

as a whole now had the power to tie and untie things? -- Yes that is what he said.

COURT: Did he say "We have the power to tie and untie" or did he say "I have the power to tie and untie"? -- He said the Council has the power to tie and untie.

MR BIZOS: So now we had further confusion added at the meeting. Let us deal with your mind only. You did not know whether it was an accomplished fact or not, is that right? -- That is concerning the rentals, yes.

COURT: What does that answer mean? What exactly did you (10) not know? -- The answer is in fact according to the question which has been put to me whether I knew at the time that this was an accomplished fact or not. I say I knew about it from what I have been told and from what was being said in address to the audience there.

What did you know was an accomplished fact or not an accomplished fact? -- The question of the increase on rentals, why we had to go to the people and address them it is because a final decision had been taken.

Now why are you saying that you did not know that it (20) was an accomplished fact if you now say that a final decision had been taken? -- I am not able to answer that question.

Exactly. Now in future when you do not understand a question clearly you tell counsel you do not understand it clearly. Yes Mr Bizos.

MR BIZOS: Did the people at the meeting, as a result of what they had been told, expect to pay R5,90 more on 1 September? -- That is so.

Were there, at least the forty percent that you say murmured in approval of the question, were they satisfied (30) and did they appear to you that they agreed that they had to

pay/.....

pay R5,90 more on 1 September? -- Because of the explanation which was given to the audience there about what the reasons were for the increment on the rentals I will say the majority of the audience left that meeting being happy about the increases because they knew what was it all about and why was it necessary.

Now the explanation about the Minister's approval and the publication, did that indicate to you or to any other person that it was not final and it still had to be decided by higher authority as to whether they should pay the increased rental(10) on 1 September or not? -- The decision was taken already, that is prior to it having been sent to the Minister to approve. He had to approve on what was decided and what was to be gazetted is what was decided upon. What was said in this meeting to the audience is those of you who feel are not satisfied or are having some problems will have to come forward and put their problems before us so that we can go and sit down and discuss those problems, that is pertaining to the rentals, experiencing difficulties in paying the increased rents. (20)

You see I am going to put to you that the whole meeting gasped as soon as the accomplished fact was announced.

COURT: Now could we just have clarity. Did the whole meeting gasp as soon as it was told they were to pay R5,90 more?

MR BIZOS: More.

COURT: Or did the whole meeting gasp when it was said it was an accomplished fact? Let the witness just have clarity on this.

MR BIZOS: No My Lord, that the whole meeting gasped as soon as the announcement of the rent was made. And that the (30) whole meeting murmured and some even shouted approval to the pertinent/....

pertinent question why do you come to us with an accomplished fact. Do you agree with that? -- No what happened is it was one person at a time, that was during the questioning time, and only one person would stand up and ask questions.

Do you agree or disagree with what I have put to you?

-- That there was some noise as a result of the announcement of the money?

Yes. -- As I have already said part of the audience yes did make some noise, not the majority though. That is why it was later controlled to keep quiet so that persons or other(10) people who had questions from the audience could put their questions at the questioning time.

Right. So do you agree that there was a rumpus right at the time that the announcement of the increased rent was made?

COURT: Well she said some noise. Is that the same as a rumpus?

MR BIZOS: Well expression of dissatisfaction? -- Yes as I have already said not the majority of the audience did that. But there was such an expression. (20)

Right. Do you say, do you put the percentage in relation to that at forty percent as well? -- It can be that they were forty percent, or making forty percent of the audience.

Is the forty percent something that you made an honest assessment of or is it just because it is short of the majority? -- I believe I am explaining that not the majority of the audience sort of showed dissatisfaction or expressed any dissatisfaction but the minority of the people present there were the people who indicated a dissatisfaction.

COURT: Do you say that out of every five people three were(30) satisfied and two were dissatisfied? -- It is possible like that/.....

that.

MR BIZOS: Well you know the only way that one can really get an impression is if one section shows dissatisfaction and the other side shows satisfaction. But let us see, did anyone applaud the decision to increase the rent? -- No nobody applauded that.

I see ...

COURT: Would you have expected them to be sane had they applauded Mr Bizos?

MR BIZOS: Well that is the way satisfaction is expressed (10)
My Lord.

COURT: Is it? Yes go ahead.

MR BIZOS: And nobody thanked the councillors for increasing the rent in order to put any projects into operation? Is that right? -- There were people after the explanation as to why and under what circumstances and what forces the rent to be increased who were happy about this, they even added certain things and said these were further demands that they would like to have if rentals are being increased, in addition to what we had explained to them. Therefore that meaning an (20)
approval of the increased rent.

I am going to put to you that Mr Mofokeng, who has given evidence in this case, you yourself, have decided to come and tell the Court that this was a meeting which approved the rental when in truth and in fact this was not so. What do you say to that? -- That is true, these people were not attending that meeting with the view of going to approve the increased rents. While being there at this meeting it was explained to them as audience in the meeting that the rent is being increased.

Let me see if I understand that answer. Do you say (30)
that originally the meeting as a whole appeared to be

dissatisfied/.....

dissatisfied with the rent increase but that the councillors persuaded them of the correctness of the decision to increase..

COURT: That is not what she said. She said that the people did not come to the meeting to approve the rent. This means the meeting was not called for approval of the rent, it was an information meeting. While they were there it was explained to them that the rent would be increased and the reasons therefor.

MR BIZOS: Perhaps I should put my question differently. Are you saying that when it was first announced that the rent (10) would be increased, at the meeting, that people were dissatisfied with the increase but they became satisfied after the explanations were given? -- That is so, that was after the questioning time and some explanations were made that the attitude of the people changed and was that of their approval.

I am going to put to you that precisely the opposite happened, for the following reasons: You and your fellow party members had told people that there would be full consultation and there had not been consultation. Do you agree with that? -- Pertaining to rent, yes. We had no consultations what- (20) soever with our parties prior to this question of the rent up until the 5th when we held this meeting where they were to be informed.

Did some of the people at the meeting consider this to be a breach of faith by those responsible? -- I am not in a position to tell the Court as to what the people's attitude was, whether they took this as a breach of faith or not, at the time when this was announced in the meeting. The reasons being prior to my being elected to the Council there was already a talk about the increase of rentals. At the time (30) when I was in the Council these were discussed while being there./....

there. I kept contact with my committee members in the ward, kept them informed and not the people as a whole in that community of my ward.

If what you tell us is, sorry? -- I am therefore not in a position to tell His Lordship as to what the people's attitude was after this meeting.

The plaintiff or complaining question "Why do you come to us with an accomplished fact" and the support for it would tend to indicate that at least some of the people, the forty percent that you have spoken of, felt that there had been (10) a breach of faith? -- It was explained to the people that we are just recently elected into Council and we are inexperienced as far as matters are concerned within the Council and it was again mentioned to them that there was some discussion within a Council, or within that Council, that there be a reduction in rentals, a slight reduction.

Who said that to the people at the meeting of the 5th? -- What I meant is this, Dhlamini in addressing the audience there said as a result of the discussions within the Council the increased rent was to be R5,90, otherwise was it not (20) for the discussions by the Council in trying to discuss that it be reduced, it would have been higher than that, that is the increased rent would have been higher than R5,90.

Who said that you had no experience because you were newly elected? -- That was not said in addressing the meeting. It was said in caucus by the councillors at the time of drawing the programme.

You see I am going to put to you that that was not your evidence a short while ago, and that it was that sort of talk which led to the suggestion that the decision was not yours (30) but that of the Municipality or the Board, or other authorities?

COURT:/.....

COURT: Is that now in the caucus meeting or in the meeting itself?

MR BIZOS: No My Lord, at the meeting, at the meeting.

COURT: Well let us get it clear. Did somebody stand up and say the decision is not yours but that of the Municipality?

MR BIZOS: No, My Lord what I put is this, that persons who spoke at the meeting, from the platform

COURT: Shifted the blame to the Municipality.

MR BIZOS: Shifted the blame to the Municipality. And it was in response to that that Mr Dhlamini, or Mr Kolisang, said (10) it is no good trying to shift the blame we must take responsibility? -- I considered to the question previously that that was said by Kolisang in response to what Dhlamini had said though I did not hear him pertinently saying what is being put to me was being said by Dhlamini.

Right. I just want to put to you briefly that in addition to everything else that you have told us this meeting if anything added to the confusion rather than giving an explanation to the people. And the disapproval of the people increased at the meeting, it did not decrease. Do you agree (20) with that? -- I cannot remember the majority of the audience there being against whatever was being done in that meeting, except for the forty percent I estimated.

Let me give you the reasons why the confusion increased so that you can comment briefly please on each one of them. The first one you have already commented on, that it was an accomplished fact. Secondly the councillors were speaking with more than one voice. Some were trying to shift the blame on the authorities for the increase and others were boasting of their newfound powers. Do you agree with that? -- I (30) agree with that, the way you put it.

COURT:/.....

COURT: What do you agree with? -- What I agree with is that people are justified not to be satisfied about what is being said to them when they are being addressed by two officials in the same rank who are giving two contradictory addresses which are confusing to the people, that in itself can confuse people worse. That is what I agree with.

MR BIZOS: And that is what happened at this meeting? Is that not so? -- I quite understand that, that is so.

And to add insult to injury so to speak one of the councillors said "What is the complaint about the rent, our(10) husbands and our sons go to the shebeen and drink their money away". Not so? -- I am still trying to think about what is being put to me. I quite agree with what is being put to me though I do not agree with the way it is being put. Words to that effect were used by one of the councillors, that the councillor did not understand what the grievance is about the increased rent because men and their sons do go to a shebeen where they are being served with liquor, in fact where they spend more than this R5,90 per month in consuming liquor. So therefore he did not see what was the justification in(20) their complaining about the increased rent.

COURT: Can you remember who said so? -- If my memory serves me well that was Mr Sekobane, Councillor Sekobane.

MR BIZOS: But now how did the people who had given up their evening to come and listen to their councillors explain the rent increase, how did they react? Did they feel insulted by this? -- I do not know what the feeling was from the audience because I did not hear anyone responding to that statement by that councillor.

You know I am going to put to you that this remark, (30) that this remark angered the people at the meeting, that it was/.....

was an uncalled for remark which was really an insult to the people who were concerned about civic affairs. After all Mr Sekobane was speaking to the people that had elected him.

COURT: Well the first question is did the people regard it as an insult? -- I would not say so because I did not see any reaction from the audience in response to that remark.

Did you think it was an insulting remark? -- No I did not take it bad really, as insulting.

MR BIZOS: Well may I suggest to you that the evidence is going to be that the people reacted to it as an insult, despite (10) your lack of sensitivity to it, and that the meeting almost broke up at that stage. What do you say to that? -- I cannot remember the meeting breaking up at that stage, it only broke up after the address by Councillor Kolisang.

COURT: Well what is put to you is that there was uproar after this remark by this councillor, is that so or is that not so? Do not tell me you cannot remember. -- That is not so.

MR BIZOS: Well why did you say you do not remember? -- I was trying to explain that it never happened that the meet-(20) ing nearly broke up because of the remark by this councillor.

I am going to put to you that it was not the only occasion on which the meeting almost broke up but that on every occasion, well on a number of occasions when various councillors said various things there was an uproar and there were occasions on which members of the audience actually had to help the Chairman to quieten the people down. -- Yes that is so.

And the worst thing of all of course was when Mr Mokati tried to speak, or spoke? And when Mrs Rebecca Motlongo spoke about a house being taken away. -- That is so. (30)

And you see I am going to put to you that you did not
tell/.....

tell His Lordship the whole truth up to now in relation to that. Mrs Motlong made the allegation of the taking away of the house and Councillor Mokati making personal gain out of it and do you recall how Councillor Mokati reacted to this accusation? -- Yes I do, he felt bad about it as a result of which he answered or replied to that as far as he knows what happened.

But let us deal with the language that he used towards Mrs Motlong. Did he use a rude expression? -- I cannot remember him using a rude expression. (10)

Yes well I am sorry that I have to put it but I think that it may explain some of Mrs Motlong's subsequent behaviour and I have to. Did he say to her right at the beginning, as soon as she got up, or continued that she was throwing shit at him? -- There was noise in that meeting at the time. I cannot remember him saying so. It may be that I did not hear him saying so.

But you know I am going to suggest to His Lordship in argument that you are reluctant to admit things that would tend to go against your fellow councillors and you say you (20) do not remember. Were you on the platform with Councillor Mokati? -- I beg your pardon?

Were you on the platform with Councillor Mokati? -- Yes we were sitting together.

How far away were you from him? -- Next to me.

Next to you? -- No not next to me but there was one person between the two of us.

It is enough for my purposes, thank you. Now how could you possibly have failed to hear anything he might have said? -- Why I could not hear what was being said by him at that (30) stage is because I was not interested in hearing what they were/.....

were saying because him and that woman were making noise.

COURT: Was this a shouting match? -- Yes it was a shouting.

MR BIZOS: Well even more reason why you should have heard it.

-- Well I think it is explained by me that I did not listen attentively to what they were saying, in particular the words used by them in the shouting, because I did not approve of those words.

Which words did you not approve of of Mr Mokati's? --

Which words uttered by Mr Mokati did you not approve of? --

The words I am referring to were those that were uttered by (10) Mokati after the accusation by Mrs Motlong of having evicted someone from the house and got his own person into that house.

Which words? -- The words used by Mr Mokati, the councillor, in response to that were that Mrs Motlong is lying in accusing him of that, in fact that is still being investigated by him, the matter is being dealt with proper and if there is anything this woman, referring to Mrs Motlong, is lying. That is all.

Well then you did hear what Mr Mokati said? -- What I meant is as a result of the later statement I have just told (20) the Court about from Mokati I lost interest in listening to what was being said further, which resulted in my not hearing the vulgar words which were used by Mokati.

What did you disapprove of in Mr Mokati's words, that made you switch off? -- Because of the shouting between the two of them and the fact that none of them was prepared to wait for the other to say whatever the other person wanted to say.

Oh I see so it was their manners that you really disapproved of? -- That is so.

(30)

But what was the reaction of the audience as soon as

Mr Mokati/...

Mr Mokati spoke or shouted at Mrs Motlong, what was the reaction of the audience? -- Some of the audience joined in making noise in helping Mrs Motlong.

How did they join her in making noise in helping her? -- By shouting and saying "Yes that is true, what is being said is correct".

C167 Let us describe the way you describe it, after this shouting match did the Chairman, or rather during this shouting match did the Chairman close the meeting? -- No he did not, he only after having silenced everybody in the meeting (10) threatened to close the meeting.

Well did anybody speak after that? -- There was no other speaker after that, except the Chairman requesting Mr Kolisang, the councillor, to close the meeting by a short prayer.

COURT: And everybody was quiet? -- Yes at that time of the prayer in closing of the meeting everybody was quiet.

MR BIZOS: Was there a scuffle between Mrs Motlong and Councillor Mokati? -- After the closure of the meeting but still in the hall before going out of the hall.

At which there were threats and slaps? -- I did not (20) notice whether there was any slapping but what I can say is there was a scuffle between Mrs Motlong and Councillor Mokati. They were pulling Councillor Mokati around there in that hall, that is Mrs Motlong and the other people who assisted her in the shouting between herself and Councillor Mokati.

Well the way this meeting finished is hardly, or hardly puts you in a position, even on your own version, to tell His Lordship that people at this meeting, except the youngsters, were satisfied with the rent increase? -- According to me this meeting was normal. There was nothing out of order except (30) of course what transpired between Mrs Motlong and Councillor

Mokati/.. ...

Mokati who was being pulled around for their own reasons which they were fighting for, which had nothing to do with the meeting.

Well at the time when attempts were made to shift responsibility during this meeting do you recall whether any speakers from the floor said that they were going to make enquiries from the officials because they were not getting the information they wanted from the councillors? Is there any special reason for the delay in starting to give us an answer?

COURT: It is not such a delay, give her a chance Mr Bizos.

-- As I have already told the Court that I am not sure (10) whether I heard this being said by any of the councillors, that is shifting the blame to the other people or the authorities above the Council. As such I am not in a position to remember if there was such a talk from the audience or someone saying that we will have to go and find out from whoever is in authority above you concerning this rental question, in view of the fact that you are not in a position to explain that to us.

MR BIZOS: This latter part you cannot deny that it was said by people at the meeting? -- I cannot deny that (20)

COURT: Is it put that one man said it or is it put that a number of people said it, and can you put to the witness who said it then we can have clarity on what the position is?

MR BIZOS: I only have a generalised instruction My Lord.

COURT: Yes, I will take the tea adjournment now.

COURT ADJOURNS FOR TEA. COURT RESUMES.

PATRICIA PHOSISI: d.s.s. (Through Interpreter)

FURTHER CROSS-EXAMINATION BY MR BIZOS: Did members of the audience, during the meeting of 5 August, exclaim that they were not going to pay the rent? -- No they did not. (30)

I am going to put to you that both during the meeting
and/.....

and immediately after the meeting various people exclaimed that they would not pay the rent.

ASSESSOR (MR KRÜGEL): Is that now rent as a whole or the increase?

MR BIZOS: Well those were the exclamations, we cannot
-- I did not hear that while the meeting was on or even after the meeting was out, I did not hear that.

And that those exclamations were made particularly at the time when there was confusion as to who was taking responsibility for this increase. -- I did not hear that. (10)

Well are you able to deny that these exclamations were made during and after the meeting? -- I deny that because I did not hear that being said.

I see. Now I want to go to the meeting that you have spoken of, and you called it an executive meeting, of, I am sorry during July 1984. What was the position of Mr Samson Mofokeng in July 1984 in relation to you?

COURT: How do you mean?

MR BIZOS: His political position My Lord.

COURT: Do you mean was he in the same party? (20)

MR BIZOS: In the same, well I am not sure whether she was still in that party or not and this is why I am putting it in a vague way to give her an opportunity to comment on it.

COURT: Yes, if you put it more vaguely still she may find it difficult to comment but let us give it a go.

MR BIZOS: What was Mr Mofokeng politically in relation to you during July? -- He was the Chairman of my Executive

COURT: Could I just get clarity. Do you know of only one Mofokeng? -- I know the Mofokeng who was a member of my executive. (30)

Are there more than one Mofokeng on the Council? -- There are/.....

are two Mofokengs in the Council.

What are their names? -- Sali Mofokeng and Simon Mofokeng.

Sali and? -- Sali and

Sali and Simon. -- I am sorry My Lord, Sani.

S-a-n-i? -- That is correct.

MR BIZOS: S-o-n-i, Soni.

COURT: Soni?

MNR FICK: Edele ek mag graag help, ek sien in die verklarings is hy S-a-n-i.

COURT: Sani. So it is Sani Mofokeng and Simon Mofokeng? --(10)
That is correct.

And we are speaking of Sani Mofokeng.

MR BIZOS: Samson, we are speaking of Samson Mofokeng who is not a councillor.

COURT: Oh I thought we were speaking of councillors. Sorry.

MR BIZOS: No, we cannot speak about S. Mofokeng in this case, obviously we will have to use the full names because all three of them are S. Mofokeng. -- When I talk about the Mofokeng who is my Chairman of the Executive I am talking about Samson Mofokeng. He is not one of the two I have just (20) mentioned, namely Sani and Simon.

COURT: Thank you.

MR BIZOS: Did you in July consider yourself still a member of his party? Or consider yourself a member of the same party as him? -- Yes quite so.

How many members of the Executive Committee were there?
-- Ten.

Quite right, yes. And did Mr Samson Mofokeng preside at that meeting? -- That is so.

And do you recall, I do not want to repeat it, for the(30) sake of brevity do you recall that you came and said that
the/.....

the rent is going to be increased for the reasons more or less the same as those that you gave in your evidence in chief. Do you recall that? -- That is so.

Now do you agree that the Executive was very angry with the report that you brought? -- The Executive was not angry.

Well I am going to put it to you that Mr Mofokeng is going to tell, Mr Samson Mofokeng is going to tell His Lordship that the whole Executive was very angry and that if what he says is true you were not frank with your Executive.

COURT: That is two aspects. Have you got any comments on (10) the statement that Samson Mofokeng will tell the Court that they were all very angry? -- I do not believe that he will say that because none of them was angry.

MR EIZOS: I am going to put to you that the Executive told you of their anger and disagreement and at that meeting you said the following: That you were the only councillor that voted against the rent increase. -- No I did not say that

Well I am going to put to you that that is what Mr Mofokeng will tell His Lordship. And that there was anger at this meeting that the fact that there were talks about an increase (20) had not been brought to them, the Executive, before the decision had been taken? -- It is true it was my first time to meet with them on this question of rent this day in question in the Executive.

But did they not ask you, the Executive, why did you come to us with the decision already taken? -- No they did not ask that.

Well I am going to put to you that they did ask you that but that when you told them that you were the only one who voted against the rent increase that they asked you to (30) go back to the councillors that were elected on the same ticket/. ...

ticket as you and try and persuade them to take steps to undo the harm that had been done. -- What happened is after attending this very first meeting where the question of rent was discussed with my Executive I then attended a meeting with the councillors in Sharpeville where this question of rent was discussed amongst us, being councillors in Sharpeville. After having discussed that with the other councillors in Sharpeville I had to go back to my Executive for the second time to go and inform them as to what was the discussion about in the meeting of the councillors in Sharpeville. (10)

During the second meeting with my Executive we came to a conclusion that if there was any grievance they feel is justified pertaining to this issue of rentals then they will have to draw a petition which will have to be forwarded to the Town Clerk of this Council.

Let us try and come to terms with the question. At the meeting at which you met your Executive personally, you, the first time about the rent, did your Executive tell you to go to the other councillors for any purpose? -- No I was not sent to go and see other councillors. (20)

I am going to put to you that that is what precisely was directed to you by your Executive. What do you say to that? -- No that is not so, it was just at my own that I decided to go back to the other councillors.

What was worrying you? Why did you take the initiative to meet the other councillors from Sharpeville? -- It is because I wanted to meet the other councillors in Sharpeville and inform them that I have been with my Executive in a meeting where this question of rental was discussed with them as a result of which I felt I must come back to you so that (30) we discuss this thing further, that is meaning myself as a councillor/.....

councillor and the other councillors.

Yes but you see what I am suggesting to you is that your subsequent actions after this first meeting with your Executive is consistent with you having been directed to do so because there were complaints about the rental, and dissatisfaction. -- The whole thing is this my Executive was not dissatisfied at all about the report that I brought. In fact they were very happy to hear from me about this report that I had brought back to the Executive, that is the increased rent I informed them about. What made them more happy in (10) fact was that as I decided to bind myself with the Executive and the community in my ward that whatever is happening in the Council will have to be made known to them like I did, they were happy to see that I am doing what they expected me to do as their representative in the Council, so that I informed them about what is being suggested in the Council and then later that would be told to the community to know about what is happening.

At the meeting of the councillors after your Executive meeting was dissatisfaction with the proposed increase dis- (20) cussed? -- I did explain to them that I was in a meeting with my Executive about the question of the rentals. In the discussions there, that is the discussion amongst us the Councillors, I even suggested that we meet with our executives, that is each and every councillor meets with his Executive and discuss this issue with them and the question of drawing up a petition was also discussed there and then we came to a conclusion that that be the message to be taken back to different executive committees.

But a petition would only have been discussed if one (30) or other of the councillors at this meeting reported

dissatisfaction?/....

dissatisfaction? -- We came to discuss the question of these documents which were to be drawn because of our having discussed that if ever there is any grievance in your ward let those people then draw a petition which will have to be drawn by the Executive Committee.

I see. Oh so really it was done in anticipation of any possible dissatisfaction? -- That is exactly why we had to discuss it.

Yes. I want to ask you a number of questions in relation to your reasons and your motivation for voting for this (10) increase. I want to appeal to you to try and confine your answer to the question. In your presence at the Council was there ever any talk of the raising of a loan? I appeal to you to say yes or no? -- That is so.

Was there any talk of finding other ways of finding, finding other ways of collecting the money for the projects that were urgent? Yes or no if you can. -- Yes.

What other ways were discussed to try and find the money instead of raising the rent? -- It was to go and apply for a loan in order to start the projects according to the request (20) of the community.

Yes. Other than the loan was there any other way? -- No not that I know of.

Was there any suggestion by any member of the Council that in view of the high rate of unemployment and the bad economic climate that there should be no increase at all? Was there any such suggestion of the Council? -- Yes there was.

Yes. Who made that proposal?

COURT: Let us just distinguish between proposals and suggestions. Your first question was a suggestion. A (30) proposal is a formal thing. Do you want to know about a

formal/.....

formal proposal or a suggestion?

MR BIZOS: No I meant formal proposal My Lord.

COURT: Well let us stick to suggestions first because it may never have come to a proposal.

MR BIZOS: Yes I did not distinguish the two as I should have. Did anybody make that suggestion? -- Councillor Chakane, the late.

Was that proposal, sorry I am corrected suggestion. Was that suggestion agreed to or not? -- That suggestion was accepted in that meeting. (10)

COURT: Are you saying that there was a suggestion that there would be no increase of rent at all and that suggestion was accepted in the meeting? -- His suggestion was not that there should not be any rental increases. What he suggested was if there was any increase on rentals it must not be a high increase, it must be kept as low as possible, at least one Rand.

MR BIZOS: Alright. Now ...

COURT: At most or at least? -- At least.

MR BIZOS: Anyway we will leave it at that. Now tell me do you recall that in August you told us you saw a pamphlet (20) advertising a meeting to be held at the Anglican Church in Sharpeville? -- Yes.

And that you expressed a desire to go to this meeting? -- That is so.

And do you recall that Mr Samson Mofokeng told you that you as an elected representative just cannot go to a meeting unless you are formally invited in writing? -- That is so.

And that you accepted his advice and you did not go? -- That is so, I did not.

And that he agreed to go? -- Yes he agreed. (30)

And did he report to you that he had been? -- Yes he reported/. ...

reported back to me.

Did he report back to you that strong opposition was expressed by the people at that meeting against the increase in the rental? -- Yes he did.

Did you either alone or together with your fellow councillors at any time during August take any step to assess the strength of the feeling of the people in Lekoa against the increased rent? -- We did not do anything.

Did you yourself in addition to getting personal reports about these meetings that were being held during August 1984 (10) read reports of these meetings in the newspapers? -- I cannot remember reading about that in a paper or newspaper.

I see. Did you know that there was going to be a stayaway on Monday 3 September? -- I heard that from rumours.

Rumours? -- Yes.

Did you or any one of your fellow councillors try to find out why this stayaway was rumoured to take place on Monday the 3rd? -- We did not discuss that.

Did you know that there was going to be a march on 3 September to the offices of the Lekoa Town Council and the (20) Administration Board on the morning of 3 September? -- I only heard about that.

You only heard about it. Well did you discuss it either formally or informally with your fellow councillors? To find out why the march was going to take place? -- No we did not talk about that.

Did you see any of your fellow councillors either at a formal meeting or any informal meeting say from 27 August to 3 September? -- No I did not attend any meeting.

Formal or informal? -- No not at all.

(30)

Although you heard the rumours did you expect the march to/....

to take place on the morning of the 3rd? -- I had accepted it that it is possible that this march can take place because of the rumours in the township in talks that the community was going to go to the offices in Sharpeville and to Houtkop.

To protest the increase of the rent? -- That is so.

And did you yourself realise before the 3rd that there was a substantial body of people living in the Lekoa area strongly opposed to the increase in the rental? -- I only came to know that exactly on the 3rd, that in fact most of the people were against the idea of increasing rentals. (10)

And did you realise that your assessment of the feeling of the people was incorrect?

COURT: Previous assessment?

MR BIZOS: The previous assessment.

COURT: Before the 3rd?

MR BIZOS: Before the 3rd, the previous assessment? -- That is true, I only came to realise that on the 3rd that the people were sort of deciding to be docile about what their feelings are until the time when I saw them in this march on the 3rd. (20)

Oh I see, are you telling His Lordship that everything was beautifully quiet during August? -- Yes I would say everything was normal and quiet until the time when the question of rent was introduced to the community.

Well it was introduced on 5 August. -- That is so.

Anyway, tell me do you agree that these divisions, that these divisions in your community in Sharpeville where there were three or four parties fighting elections, that thereafter the close association between certain members of your party and Mr Mahlatsi (30)

COURT: Did we not deal with this yesterday?

MR BIZOS:/.....

MR BIZOS: Yes I am just going to, I am just doing it as the introductory part My Lord, and the accusations of corruption gave rise to very strong feelings in your community? -- In answer to that question I will say the community in my ward did not indicate to me that they were dissatisfied about anything, nor were they sort of indicating to me that I was now an enemy to them. Until this day of the confusions.

COURT: The day of the confusion being 3 September or 5 August? -- 3 September.

What is the situation in your ward at present? -- Things (10) are normal there.

MR BIZOS: Now I am going to put to you that this community in Sharpeville was shocked by the rent increase and completely alienated from the councillors and felt particularly grieved by the councillors who pretended that they would look after the interests of the poor and then changed sides. What do you say to that? -- I do not think that is in fact in respect of the whole community in Sharpeville because even at the time of the voting while I was standing there as a candidate not everybody was voting for me to be elected. There were people (20) who just did not want me to be elected and therefore my answer to the question is that does not apply to everybody.

I want to return to the meeting of 16 August and I am going to put to you that the other two persons that were called there were one Wilhelmina Ntsoereng.

COURT: Philomina?

MR BIZOS: Wilhemina.

COURT: How do you spell Wilhemina?

MR BIZOS: W-i-l-h-e-m-i-n-a, N-t-s-o-e-r-e-n-g. A young woman in her mid-twenties, do you agree with that? -- That is so. (30)

COURT: Was called at that meeting of 16 August where the councillors/.....

councillors called the people in? -- Yes that is so.

But you told me that there was an old woman Rebecca and three boys, youngsters? -- I think His Lordship missed what he said. I said Mrs Motlong is one of the people who were summoned to appear there and then one Mtwereeng, whom I did not remember what the name is and two boys were summoned to that meeting.

And is this Wilhemina Ntsoering the one Mtswereng you referred to? -- Yes I meant Wilhemina.

MR BIZOS: Well I am going to put to you that I asked you (10) specifically whether they were two young men and you said yes two, over and above Henry.

COURT: Well the one was Steven and the one was Henry.

MR BIZOS: I do not think she mentioned the name.

COURT: Yes we got Steven, Henry, Ntsoereng and Rebecca.

MR BIZOS: Yes. Well My Lord I am going to have to put to her further that the fourth person was a young woman called Gladys.

COURT: What do you say to that? -- Who is that now, does that mean Gladys Ntsoereng? (20)

MR BIZOS: Not Gladys, there was a middle aged woman, Mrs Motlong, let us make it clear. There was a middle aged woman Mrs Motlong, there was Henry....

COURT: Let us give his surname as well. -- Henry?

MR BIZOS: Nkwane, there was Wilhemina Ntsoereng and one Gladys.

COURT: Have you got her surname?

MR BIZOS: No My Lord. I will try and find out her surname. -- I may be confused now. The other three I am sure of, that is the woman and the other two. Now I cannot remember (30) exactly now whether there was this woman referred to as Gladys

or/.....

or another male person.

What was the wrongdoing of these other two, whether boys or girls or young women or young men, what was their offence?

-- You mean the two boys?

COURT: Yes what you call boys and what Mr Bizos calls a girl and a boy. Or is that wrong Mr Bizos?

MR BIZOS: That is wrong.

COURT: What Mr Bizos calls two girls.

MR BIZOS: Wilhemina and Gladys to make it clear. What was there wrongdoing? -- Ntsoereng, that is Wilhemina was also (10) reprimanded about the words she had used at this meeting on the 5th.

What words had Wilhemina used at the meeting? -- While Dhlamini was addressing the meeting there it is alleged that this woman, this Ntsoering, said to Dhlamini that Dhlamini was going to be killed or she was going to take part in the killing. In fact she threatened Dhlamini with death.

At the meeting of the 5th? -- Yes in that meeting where the question of rent was being discussed.

Oh. Did you hear that? -- Yes I heard that in the (20) meeting.

On the 5th? -- 5 August.

I see. Why did you not tell us about that before? -- It is because I was not asked about that.

You were asked what happened at the meeting. I am sure the Prosecutor and the police would never have lost an opportunity to ask you about it. You were asked what happened at the meeting. -- I was asked yes.

Yes, and you did not mention it? -- No I did not mention that to them. (30)

This is the first time you have ever mentioned it to anyone?/....

anyone? -- Yes that is the first time.

Because I am going to put to you that that is not what she was accused of at the meeting of the 16th. That councillor Kolisang spoke to her, do you recall that? -- Kolisang spoke to Steven Henry Nkwane.

I am going to put to you that he spoke to Wilhemina.

COURT: Just a moment before you answer that, is Henry Nkwane the same person as Steven? -- I am talking about Henry Nkwane.

I thought you mentioned Steven just now? -- Well it was just a slip of the tongue when I mentioned Steven. (10)

Yes go ahead.

MR BIZOS: And I am going to put to you that Wilhemina was told by Councillor Kolisang that he knew her father for a long time.

COURT: Now do we have to hear the whole story because I take it that took quarter of an hour. What was the accusation Mr Bizos?

MR BIZOS: The accusation was that she had complaints against the councillors.

COURT: That she complained about councillors? (20)

MR BIZOS: That she complained about councillors, and complained about the rent increase at the meeting of the 5th? -- What I know is she was talking to Dhlamini, in fact she even pointed a finger at him.

And she was warned that she must not do this again.

-- Yes that is what was said to her.

I have a name, surname for Gladys, it is Myeza. Now do you recall whether a Gladys Myeza was called to the meeting? -- At the time of my arrival at this meeting they had been already in the meeting so they were not called in my presence, that is Myeza and Nkwane. (30)

COURT:/.....

COURT: Do you see Myeza and Kwane sitting outside? -- Yes I did.

And did Myeza look like a woman or like a man? -- She looks like a woman.

Yes go ahead Mr Bizos.

MR BIZOS: I am going to put to you that you are wrong in your answer before His Lordship asked you the questions because the first person to be called in was Mrs Rebecca Motlong. Now tell me in the language in which you are giving your evidence and which our Interpreter is translating is there a distinction (10) between a street and a lane?

INTERPRETER: I find myself in a predicament here, I will have to put across in the language I understand it to the witness in order to tell the witness what the answer is going to be.

MR BIZOS: I think we can live with that, we can live with that.

COURT: Yes but you have not come to steeg yet, because that was the evidence-in-chief, that is where it all started.

MR BIZOS: That is so.

COURT: We can also live with that Mr Bizos. (20)

MR BIZOS: It is also referred to as a passage at some times. There is a difference between a lane, a passage, and a street is there not? -- Yes that is so.

And would you describe the place to which the marchers turned to the left once they had passed the Mokoena house a street or a lane? -- It is a street, smaller in size.

Smaller than a tarred road but still a street? -- Yes that is so.

COURT: Is a street a passage for motor vehicles? -- That is so. (30)

And a lane? -- It is only for pedestrians.

MR BIZOS: /.....

MR BIZOS: Now tell me do you recall the questions that the Prosecutor asked you when he started dealing with what you saw on 3 September 1984? -- Yes I do.

Do you recall him asking you whether you know the passage that leads off the intersection of the tarred road coming up from Evaton? -- Yes I do.

And you said that you knew that passage? -- Yes that is what I said.

Was that true? -- It was true yes.

Was that the passage that you are referring to that (10) motor cars cannot go through but only pedestrians can go through? -- The manner in which the questions were asked from me by the Prosecutor I did not make out whether he was talking about a street or whether he wanted to know from me whether I know the difference between a street and a lane.

I see. Now tell me whilst you saw the people marching on the tarred road towards the Mokoena house that you were in when the front part of the march reached the corner where they turned to the left how far back, how far back in relation to the bus sheds or anything else that you want to tell us (20) about did the marchers stretch? -- I was not able to see after one has seen the shelters, in other words my view was obscured by the shelters.

Well at any rate people in the march were as far as you were able to see from the Mokoena residence? -- I could just see the people in the march from where I was standing as far as the bus terminus or shelter.

I see. And would you please tell us at what pace were they marching? -- They were fast though not running.

And did they continue at the same pace after they (30) turned left and continued out of your sight?

COURT:/.....

COURT: Well how would she know what the pace was after they were out of her sight.

MR BIZOS: I am sorry My Lord, I will change that. Did they continue at the same pace as they were taking the corner to the left? -- That is so.

They did not change their pace in any way? -- No I did not notice that.

Now you see just now your evidence now takes a sinister aspect because in your evidence-in-chief you told us that as the people neared this lane or passage some of them started(10) trotting. I remember it well My Lord, I had to look it up in the dictionary, look up the Afrikaans in the dictionary. -- I did not say they started running, I said they were moving at the same pace at which they came.

No you were asked specifically and then you said that they were marching and then "toe het hulle begin draf" I think, if my memory serves me correctly.

COURT: Gedraf nie vinnig nie.

MR BIZOS: Yes, it is a trot according to the dictionary. It is a good guide. You see because madam what I am going to put(20) to you that that was a very sinister bit of evidence, in support of the State's case that people from the march started running towards Caesar Motjeane's house. Can you explain the contradiction so that we can dispel this suggestion of conscious fabrication to prejudice the accused? -- What I meant is the people came marching at the same pace, not necessarily meaning that at some stage they started trotting. They were marching at the same pace until they went past the house.

You see because I am going to put to you that this evidence about trotting and the evidence of carrying cans and evi- (30) dence going up a lane was deliberate fabrication on your part.

COURT:/.....

COURT: And bottles?

MR BIZOS: Bottles and

COURT: Bottles also?

MR BIZOS: Yes My Lord.

COURT: Yes, but you put it only cans.

MR BIZOS: I am sorry, the whole, bottles, cans, plastics and everything. -- I am not fabricating. All I can say God is the only person who knows.

COURT: We are attempting to find out.

MR BIZOS: My Lord I have no further questions but mindful (10) of Your Lordship's preference for original documents, it has now become available.

COURT: AAQ(20)?

MR BIZOS: That is so My Lord.

COURT: Yes you can have this one back then.

MR BIZOS: Thank you My Lord.

HERONDERVRAGING DEUR MNR FICK: Geen vrae nie.

NO FURTHER QUESTIONS.

MNR FICK: Edele die Staat het op hierdie stadium 'n probleem. (20) Ons het gereël vir Staatsgetuies. Hulle het nie opgedaag nie. Ek het by die polisie vasgestel daar is weer optogte in daardie gebied, daar is klip gooiery, daar is brand, die mense het net nie hier opgedaag nie. Ons het gereël inderhaas vir ander persone en mnr Jacobs en mnr Hanekom is besig om te konsulteer, ek weet nie hoe ver is hulle of hulle gaan klaar kry betyds nie. Mag ek vra vir 'n verdaging om uit te vind.

HOF VERDAAG. HOF HERVAT.

MNR FICK: Edele die Staat vra formeel dat die saak uitgestel word tot môre oggend. Hier is getuies, mnr Jacobs is besig (30) om te konsulteer, daar is probleme vanweë die feit dat die

mense/.....

mense inderhaas gekom het, het hulle 'n klomp dokumente nie saam gebring nie waarmee die konsultasies nie meer kan voortgaan nie. Ek vra dat die Hof verdaag.

HOF: Is daar 'n redelike vooruitsig dat ons môre kan voortgaan? What is your attitude Mr Bizos?

MR BIZOS: My Lord I have been instructed to inform Your Lordship that there are people in court from Sharpeville who assure us that they had no difficulty at all in getting here. Furthermore I am instructed that Mr Mahlatsi and a number of other persons in his company have been here on previous days, (10) they were here this morning, six or seven of them. We are instructed that they are still here and that is what I have been asked to place before Your Lordship. If Mr Mahlatsi has been here, he is here and there is an intention to call him then in our respectful submission we ask Your Lordship at least not to take as a reason the reason stated by My Learned Friend before the adjournment because it has emotional overtones which may add colour to this case which may not be justified. If they are not ready to lead Mr Mahlatsi or the other witnesses that are here let them say so and Your Lord- (20) ship I am sure will exercise a discretion in their favour.

HOF: Wel mnr Fick is daar regtig geen getuie waarmee ons kan aangaan nie?

MNR FICK: Edele ek het nie met hierdie mense gekonsulteer nie. Die getuies waarmee ek gekonsulteer het sou vandag hier gewees het, dit is mnr Ramagula ...

HOF: Ja, nee maar dit is nou uself. Maar wat van die ander mense. Hulle het dan die hele oggend gehad om te konsulteer?

MNR FICK: Edele dit is so maar

HOF: Dit is tog nie so ingewikkeld nie? (30)

MNR FICK: Maar dit gaan oor dokumente Edele van die Stadsraad waar/.....

waar gekonsulteer moet word oor begrotings. Ek praat nou van wat ek hoor van die ander party.

HOF: Wel ek gaan nou verdaag vir vyf minute en ek wil die advokate wat die konsultasies doen en uself en mnr Bizos in my kamers sien.

HOF VERDAAG. HOF HERVAT.

MNR FICK: Edele die Staat vra dat die saak tot môre uitgestel word.

COURT ADJOURNS UNTIL 26 MARCH 1986.

DELMAS TREASON TRIAL 1985-1989

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