

IN DIE HOOGGEREGSEOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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DELMAS

1986-08-04 en 05

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

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

120

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 120 (IN CAMERA GETUIE NR. 22)

(Bladsye 5 970 - 6 032)

MNR. FICK : Die volgende getuie sal oor dieselfde gebied getuig, maar ook oor die sameswering. Die Staat doen aansoek dat hierdie getuie in camera getuig.

HOF : Hoekom?

MNR. FICK : Hy was verbonde aan die ANC gewees.

HOF : Ons gaan nou 'n aansoek kry om 'n getuie in camera te laat lei. Die aansoek moet in camera aangehoor word. Die Hof sit nou in camera.

MNR. FICK : Ek sal vra dat die getuie sy naam skryf en vir die Hof ophandig. Dit is getuie nr. 22. Die Hof sal merk as (10) die man inkom, dit is een van die redes waarom hy in camera wil getuig. Hy was al aangeval persoonlik. Hy het brandwonde aan hom.

HOF : Mnr. Bizos, as dit 'n ANC lid is, geld dieselfde.

MR BIZOS : I cannot consent, but in view of Your Lordship's rulings, it would appear that that falls within the general - although our information is different, but that may transpire during the course of the examination.

HOF : Skryf u naam af, asseblief.

IN CAMERA GETUIE NR. 22, v.o.e. (Deur tolk) (20)

MR BIZOS : I do not know whether Your Lordship - it is within Your Lordship's discretion - will allow the witness to wear dark glasses in court.

COURT : I can ask him that. Why are you wearing dark glasses?
-- For no special reason.

Will you take them off then, please.

ONDERVRAGING DEUR MNR. FICK : U is gedurende 1975 gewerf om aan te sluit by die ANC. Is dit korrek? -- Ja.

Waar is u gewerf? -- Alexandra.

Het u in die buiteland enige opleiding ondergaan, hetsy(30) polities of militêr, by die ANC? -- Ja, ek het.

... / Waar

Waar het u opleiding ondergaan? — Alexandra. Dit is waar ek my opleiding gekry het.

Ek dink u het my verkeerd verstaan. U was nie in die buiteland vir opleiding nie? — Wat gebeur het is, na ek my opleiding hier in die Republiek ontvang het, het ek eers die land verlaat.

HOF : Watter tipe opleiding het u dan hier ondergaan? — Die gebruik van Scorpion en handgranate.

MNR. FICK : As u praat van die Scorpion, praat u van 'n masjien-geweer? — Ja. (10)

En die handgranate, kan u vir die Hof sê wat se handgranate u opleiding in ontvang het? — Die een in die vorm van 'n appel wat 'n persoon gooi.

Het u enige ander opleiding ondergaan in wapens in Alexandra? — Nee, dit is al opleiding wat ek ontvang het.

HOF : Het u opleiding ontvang in 1975? — 1976.

MNR. FICK : Het u enige dokumente van die ANC ontvang in die opleiding? Is dit aan u verskaf vir u eie opleiding? — Daar is leesstof, byvoorbeeld boeke wat ons lees.

Wat se boeke is vir u gegee? — Die Sechaba, Down en (20) verskillende soorte pamflette.

Na u hierdie opleiding ontvang het in die Scorpion masjien-geweer en handgranate en van die publikasies gelees het, het u enige taak gehad om te verrig namens die ANC? — Ja, daar was 'n taak aan ons gegee.

HOF : Wat was die taak? — Mobilisering en politisering van mense deur vir die mense te sê aangaande die ANC.

MNR. FICK : Hieroor wil ek jou 'n paar goed vra. Eerstens, is daar vir u gesê watter mense u moet mobiliseer? Mense van 'n sekere gebied of moet u mense in die algemeen mobiliseer? (30) — Mobilisering — daar was nie spesifieke mense wat ons moes

... / gemobiliseer

gemobiliseer het nie. Ons kon enige persoon mobiliseer het wat ons in die straat miskien raakgeloop het en vertrouwe het in die persoon. Dan moet ons met die persoon praat en vir die persoon sê van die "struggle" en die persoon mobiliseer in die sin dat die persoon bewus gemaak word van die "struggle".

HOF : Is aan jou 'n gebied toegewys waar jy moes werk of moes jy in die hele Republiek werk? -- Die hele Suid-Afrika, byvoorbeeld waar ek gekuier het. Sê nou maar ek kom op 'n plek, dan kon ek sommer daar begin werk het.

MNR. FICK : Is aan u verduideliking of opleiding gegee (10) hoe u die mense moet mobiliseer? Watter metodes? -- Ek volg nie die vraag nie.

Het die ANC of enige persoon van die ANC aan u opleiding gegee of verduidelik hoe u te werk moet gaan om die mense te mobiliseer? -- Wat gebeur het, is byvoorbeeld ek is self alreeds gepolitiseer deur die mense, ek het dit aanvaar en vir my om ander mense te mobiliseer, moet ek vir die mense gaan sê en bewus maak van sekere dinge. Byvoorbeeld, as ek 'n persoon nader, sê ek "Kyk, ons sukkel omrede dit en dit en dit gedoen word." Dit sal dan die persoon mobiliseer. (20)

HOF : Jy bedoel jy praat oor griewe? -- Ja.

MNR. FICK : Wat se griewe het u met die mense oor gepraat? -- Die betaling van die fabriek waar ons gewerk het, was een van die griewe wat ek van gepraat het teenoor die mense.

HOF : Jy meen te min? -- Ja. Die behuising. Daar is nie huise vir ons nie. Ons het nie 'n verteenwoordiger in die parlement nie. Die bewerkstelling onder hierdie huidige goewerment van die nasionaliste, byvoorbeeld die manier waarop ons onderdruk is. Dit is van die goed wat ek aan die mense verduidelik het.

MNR. FICK : Hoe het u aan die mense verduidelik hoe is u (30) onderdruk? -- Ek het aan die mense gesê in hierdie huidige

operasie waaronder ons val in hierdie onderdrukking, was byvoorbeeld as 'n mens besigheid soek in 'n dorpsgebied, 'n Swartpersoon is nie toegelaat om enige besigheid te eien in 'n dorpsgebied nie en tweedens, ons kan nie by enige plek gaan werk waar 'n persoon wel gaan werk nie, omrede die bewysboeke dit belemmer het.

Het u in die proses enige mense gewerf vir die ANC of gemobiliseer of andersins? — Ja, baie van hulle. Ek sal net nie almal se name kan onthou nie, want dit het geduur vir 'n land tyd. (10)

HOF : Is dit nou gewerf vir die ANC of gemobiliseer? Dit is nie dieselfde ding nie. — Daar is van hulle wat ek net gemobiliseer het. Daar is van hulle wat ek gemobiliseer het en oorreed het om by die ANC aan te sluit.

MGR. FICK : Was die mense wat u so gemobiliseer het of gewerf het om by die ANC aan te sluit van Alexandra? — Orals waar ek was, byvoorbeeld Alexandra, Pretoria, Hammanskraal. By verskillende plekke waar ek was.

Dan wil ek met u gaan na 16 Junie 1984 gedurende die middag was daar 'n herdenkingsdiens in die Metodiste Kerk in Tweede(20) laan, Alexandra. Is dit korrek? — Ja.

Was u ook daar? — Ja, ek was.

Kan u aandui aan die Hof wie het hierdie herdenkingsdiens aangebied? — Ernest Ndlovu en Paul Mashatile.

As u sê hulle het die herdenkingsdiens aangebied, was hulle die voorsitters of mede-voorsitters van die ding of het hulle net daar opgetree of hoekom sê jy hulle het dit aangebied? — Hulle was die voorsitters van die herdenkingsdiens. Hulle het by die tafel gesit.

HOF : Was dit 'n organisasie wat die herdenkingsdiens aangebied het? — Ja. (30)

Watter organisasie? — 'n "combine" of AYCO en COSAS.

AYCO is dit Alexandra Youth Congress? — Ja.

Paul Mashatile, het hy aan enige van hierdie organisasies se bestuur behoort? — Ja, hy is die president van AYCO.

Was hy op daardie stadium van die vergadering dit ook? — Ja.

En Ernest was hy lid van die bestuur van enige organisasie op daardie stadium?

HCP : Dit is nou Ernest Ndlovu?

MNR. FICK : Ndlovu. — Hy was in die "executive" van (10)
COSAS. Ek weet net nie wat se pos hy daar beklee het nie.

'n Persoon met die naam van Obed Bapela, ken u hom? — Ja, ek ken hom.

Weet u of hy aan 'n organisasie behoort? — Gedurende die jare 1982/83 was hy in COSAS gewees. Later het hy by of 'n lid geword van die Youth Congress.

HOF : Alexandra? — Alexandra Youth Congress en later was hy toe in die "executive" van AYCO. Wat se pos hy daar beklee het in die "executive", kan ek nie sê nie.

MNR. FICK : Was hy op die vergadering? — Ja, hy was. (20)

Was hy maar net teenwoordig of was hy 'n spreker? — Hy was 'n spreker gewees.

'n Dame met die naam van Mathilda, ken u haar? — Ja, ek ken die persoon.

Was sy op die vergadering?

HOF : Het sy 'n van? — Ja, Gazela is haar van.

MNR. FICK : Was sy op die vergadering? — Ja, sy was.

Behoort sy aan enige organisasie? — Ja, Alexandra Women Organisation.

Het sy op die vergadering gepraat? — Ja. (30)

Waaroor het sy dit gehad op die vergadering? — Wat sy was?

... / Nee

Hee, wat sy gesê het op die vergadering? Waaroor het sy gepraat? — Sy het gepraat van ons "struggle" in Suid-Afrika en die volgende daaromtrent gesê dat ons "struggle" is nie van die guerrillas wat buite die land is nie. Dit is vir die guerrillas wat hier in die land is en toe verder gesê dat vrommense moet bereid wees en "unite", sodat hulle gereed kan wees om die guerrillas wat terugkeer van buite die land af te kan ontvang.

Het sy uitgebrei oor wat sy bedoel met ontvang? Net ontvang of wat te doen? — Ja, sy het daarby bedoel wat sy ver- (10)
duidelik het as volg dat ons, die Swartmense van Suid-Afrika, is deur hierdie regering van ons wat tans die land regeer geleer dat daar 'n ding is soos 'n terroris en hierdie terroriste moet nie aanvaar word nie, maar sy het toe vir die mense gesê dat hulle moet bereid wees om hulle te ontvang in die sin dat hulle persone moet ontvang en hulle verberg of plekke gee vir hulle beskerming. Hulle moet nie net orals bloot beweeg nie.

Was daar op hierdie vergadering enige verteenwoordiger van UDF wat u van weet? — Ja, in die jaar 1984 was UDF verteenwoordig deur Popo Molefe. (20)

Net om duidelikheid te kry, bedoel u hy was op die vergadering of wat bedoel u? — Hy was 'n spreker in hierdie vergadering gewees namens die UDF wat hy daar verteenwoordig het.

Kan u vir die Hof sê waaroor het hy gepraat? — Hy het gepraat van die "one million signature campaign" en die geskiedenis van die ANC.

Wat het hy gesê oor die "one million signature campaign"? — Ek kan nie meer so goed onthou nie, maar die "million campaign" was bedoel om teë te sit teen die wette wat hierdie goewerment in werking gestel het. (30)

Weet u watter wette u nou van praat? — Ek kan nie 'n

... / spesifieke

spesifieke een onthou wat hy na verwys het toe hy dit gesê het nie, want daar is so baie wette van die goewerment wat in werking gestel word.

Het u vir Popo Molefe geken? — Nee, ek het die persoon vir die eerste keer daar gesien by die vergadering en daarna het ek nooit weer hierdie persoon raakgeloop nie.

Sien u hom hier in die hof? — Hy lyk soos daardie een, die vierde persoon in die agterste ry soos ek nou staan en tel van die regterkant af.

HOF : Beskuldigde nr. 19. (10)

MNR. FICK : Hierdie saal waar die vergadering gehou was, was daar enige baniere in die saal? — Ja, rondom die mure binnekant was daar baniere gewees van COSAS, AYCO en UDF.

Het u enige plakkaat daar gesien? — Ja, ek het een gesien wat daar voor was en die voorkant daarvan was na die gehoor gewees.

Wat die baniere betref, weet u wat die bewoording was daarvan?

HOF : Gaan ons nog iets hoor van die plakkaat?

MNR. FICK : Ek sal na die baniere die plakkaat behandel. (20)

HOF : Kan ons nie maar die plakkaat afhandel nie? Ek het nou die plakkaat neergeskryf.

MNR. FICK : Die plakkaat, kan u sy bewoording onthou wat op hom was? — Ja. Daar was so 'n prent gewees van 'n persoon wat daar sit en 'n geweer AK47 hanteer. Die volgende bewoording was op hierdie plakkaat geskryf "Solomon Mahlangu. Tell my people to continue with the struggle."

Kon u op die plakkaat sien of daar enige naam van organisasie of persoon is wat beweer hy het die ding uitgegee? — Nee, daar was nie geskryf van wie af dit gekom het nie. (30)

HOF : Wie is Solomon Mahlangu? — Hy is die guerrilla wat

... / gehang

gehang was in Pretoria.

MNR. FICK : Om terug te kom na die baniere toe. U het nou gesê daar is UDF, COSAS en AYCO baniere. Kan u vir die Hof enigsins die bewoording van die baniere sê, wat staan daarop? — Ek kan nie meer onthou wat daar op geskryf was nie.

Behalwe nou hierdie baniere wat u sê so rondom die saal was teen die mure, was daar enige ander baniere wat vasgehou was of gedra was op die vergadering? — Nee. Daar was nie baniere gewees wat mense gehad het nie, behalwe dat langs die mense wat by die tafel was, dit wil sê die sprekers (10) wat na die gehoor gesit en kyk het, aan hulle linkerkant soos wat hulle daar gesit het daar voor, was daar persone gewees wat daar gestaan het en die ANC vlag daar gehou het.

Ek sal dit nou opklaar. Die kleure van die vlag wat jy van praat, wat se kleure was dit, van bo na onder? — Black, green, yellow.

U noem dit 'n ANC vlag. Hoekom sê u so? — Ek ken die vlag. Ek het die vlag gesien daar in Botswana by die kantore van die ANC as ek uit die land uit is.

Op hierdie vergadering op 16 Junie 1984 nog steeds in (20) Alexandra was daar enige slagspreuke geskreeu, wat u kan onthou? — Ja.

Noem hulle? — Amandla Ngawethu, Viva Mandela, Viva Thambo, Viva Umkhonto we Sizwe.

Is dit al wat u kan onthou? — Ja, dit is wat ek onthou. Viva ANC het hulle ook daar geskreeu.

Het u enige liedere gehoor wat die gehoor daar gesing het? — Ja.

Wat het hulle gesing op die vergadering? — Ons het Senzenina daar gesing, Nomagubi Siyaya en nog andere, maar (30) die laaste een was Nkosi Sikilele Afrika.

Toe hierdie vergadering tot 'n einde gekom het, wat het gebeur? — Ons het die lokaal van die vergadering gelaat terwyl hulle besig was om te sing. Ons is toe weg terwyl die persone nog die vlag daar gehad het. Op pad het ons die polisie teëgekóm, as gevolg waarvan die persone die vlag neergegooi het. Ons het toe gevlug.

Is dit nou die ANC vlag? — Ja, dit is die vlag wat ons in die vergadering gehad het.

Nou wil ek met u meer in die algemeen aspekte te behandel. Hierdie Paul Mashatile wat u van praat, was u en hy goed (10) bekend met mekaar? — Ja, ons het mekaar baie goed geken. Hy was eintlik bewus daarvan dat ek 'n lid is van die ANC.

Ek wil nou met u gaan na u en die ANC se bedrywighede. Laet in 1984 toe is u na die ANC in Botswana. Is dit korrek? — Ja.

U is daar na 'n persoon bekend as mnr. A? — Ja.

HOF : Het hy algemeen bekend gestaan as "Mr A"? — Ek weet nie, maar die persoon het homself aan my bekend gestel as "Mr A."

MNR. FICK : Weet u watter posisie hy beklee het by die ANC? — Ja, "chief commander" van Umkhonto we Sizwe in Botswana. (20)

Het u by hom enige opdragte of instruksies ontvang? — Ja, ek het.

Wat se opdragte of instruksies? — Wat hy aan my gesê het was, om in staat te wees dat ons die goewerment van Suid-Afrika kan baklei, sal ons met die raadslede moet baklei, sowel as die polisie in die lokasies. Ons moet die persone, dit wil sê die raadslede en die polisie baklei asook die beriggewers.

Het u van mnr. A gehoor wat julle in die Swartwoongebiede moet maak met die toestande daar, afgesien van die raadslede en die polisie? — Soos ek alreeds gesê het, sy opdrag was (30) dat ons die polisie se huise moet slaan, in die sin dat ons

... / die

die huise met klippe moet bestook, terwyl ons die raadslede se huise moet slaan om hulle te intimideer om die werk te los.

Het hy aan u gesê wat moet nou gebeur as hierdie raadslede en polisie nou hulle werk gelos het? — Hy het nie spesifiek gesê wat sal gebeur nie, maar ons weet dit dat hulle die persone is wat in ons pad staan, dat ons nie met die goewerment kan baklei nie.

ASSESSOR (MNR. KRÜGEL) : Wie staan in die pad? — Die polisie en die raadslede staan in die pad.

MNR. FICK : Het u van mnr. A enige instruksies of opdragte (10) ontvang in verband met persone wat in die Republiek is en wat probleme met die polisie het? — Probleme met die polisie het?

Ja, wat die polisie soek en wil arresteer? — Ja, die instruksies was as die studente of ander mense hier in hierdie land vind dat hulle onder "pressure" is in die land, moet ons die mense die land laat verlaat, dat hulle die grens oorgaan.

HOF : Moet julle dan help? — Ja.

MNR. FICK : Met hierdie instruksies of opdragte wat u gekry het van mnr. A, is u êrens heen? Het u iemand gaan spreek? — Ja, die eerste persoon met wie ek hierdie dinge bespreek (20) het, was Paul Mashatile.

HOF : Was hy 'n lid van die ANC of was hy 'n buitestaander? — Nee, ek het nie daarvan geweet dat hy 'n lid was van die ANC nie. Ek ken hom net as 'n lid van AYCO. Of hy nou 'n lid was van die ANC, was dit sy eie geheim gewees waarvan ek nie kennis gedra het nie.

MNR. FICK : Kan ons net een ding duidelik kry. Die inligting en opdragte wat u ontvang het van mnr. A, het u eintlik opdragte ontvang om dit te gaan oordra aan enigiemand spesifiek of moes u maar net gaan vertel het of wat moes u gemaak het met die (30) opdragte? — Hy het my nie spesifiek gestuur om dit oor te dra

aan sekere organisasies nie, maar dit was vir my om dit oor te dra aan die mense saam met wie ek werk, soos byvoorbeeld hy, Paul Mashatile.

Terwyl ons nou by hom is, wat was sy reaksie op die inligting wat u oorgedra het aan Paul Mashatile? — Ek sal sê hy het saam met my gestem en die instruksies aanvaar soos ek dit aan hom oorgedra het, want later hy en andere het my genader, byvoorbeeld Paul Mashatile, John Malobane, Japie Mtshali, Nande Motsiye. Hulle was daar met die oog daarop dat ons hierdie instruksies moet bespreek. (10)

HOF : Het hulle met jou dit kom bespreek? — Ja.

Dit is nou die instruksies dat hulle gehelp moet word om die land uit te vlug as hulle moeilikheid het met die polisie of die instruksies dat daar aanvalle gedoen moet word op raaslede en polisiemanne se huise? Watter instruksies? — Ons het die polisiemanne en die raadslede se instruksies bespreek.

Wanneer het jy hierdie bespreking met hulle gehad? — Na my terugkoms vanaf Botswana. Ek skat dit ongeveer daar by Desembermaand 1984.

Het jy in Desember 1984 teruggekom of het jy in Desember(20) 1984 dit bespreek? — Ek is na Botswana toe en terug. Na ek teruggekom het, eers in Desembermaand 1984 het ons dit bespreek nadat ek vir Paul gesê het wat die opdragte was.

MNR. FICK : Die Nande Motsiye wat u van praat, weet u, behoort hy aan 'n organisasie? — Ja.

Watter organisasie was hy aan verbonde? — COSAS.

John Malobane, was hy verbonde aan 'n organisasie op daardie stadium? — Hy was 'n lid van AYCO. In Alexandra kon 'n persoon nie presies weet wie behoort aan watter organisasie nie. Dit wil sê tussen AYCO en COSAS, want hulle "executives" was (30) van beide organisasies gewees.

HOF : Met ander woorde, hulle het een uitvoerende bestuur gehad vir albei? — Ja, want ek sal sê hulle was maar een ding gewees. Die vergaderings wat hulle gehou het, het hulle altyd bymekaar gehou, wat dit moeilik gemaak het vir 'n persoon wat nie 'n lid is van een van die organisasies nie, om te weet presies watter organisasies die persoon aan behoort wat in die uitvoerende komitee is.

MNR. FICK : Die ander persoon Japie Mtshali, weet u of hy aan 'n organisasie behoort het? — Ek weet hy was in AYCO.

Kan u vir die Hof meer uitbrei, toe u hierdie mense (10) gesien het, wat het u met hulle bespreek? — Ons het bespreek hoe om aan te gaan te Alexandra om met die polisie en die raadslede te kan baklei sodat hulle die werk kan bedank.

Het julle op 'n spesifieke plan besluit hoe om te werk te gaan? — Ja, die besluit was, aangesien ons nou nie vuurwapens gehad het om te gebruik om met hulle te baklei nie, het ons toe besluit dat ons hulle huise met klippe gaan bestook tot hulle bedank.

HOF : Toe julle die bespreking gehad het onder mekaar, was daar toe al moeilikheid in die Vaal Driehoek gewees by (20) Sebokeng of nog nie? — Ja, daar was.

Dit was na die Vaal Driehoek probleme? — Ek kan nie meer presies onthou nie, maar wat ek vir die Hof kan sê is lank na die Vaal Driehoek begin het om te baklei, het ons hierdie besprekings uitgevoer.

MNR. FICK : Nou wil ek met u na 'n ander aspek toe gaan. U was ... (Mnr. Krügel kom tussenbei)

ASSESSOR (MNR. KRÜGEL) : Gaan u na 'n nuwe onderwerp toe?

MNR. FICK : Ek gaan na 'n nuwe onderwerp toe.

MNR. KRÜGEL : U sê u het die opdrag in verband met die (30) raadslede en die polisie bespreek? — Ja. Die Hof moet verstaan

... / dat

dat die hoofvak wat ons daar moes bespreek het was aangaande die raadslede en die polisie te Alexandra, alhoewel ons van ander dinge ook gepraat het in hierdie bespreking, maar dit was gemik op hierdie twee.

Wat van die res van mnr. A se opdrag? — Die res van wat mnr. A vir my gesê het?

Ja? -- Wat ek van melding gemaak het hier in die hof?

Ja? -- Ek kan nie alles onthou nie, want ons praat nou hier van raadslede en polisie, dat sy instruksies was ons moet die twee liggame intimideer sodat hulle die werk moet los. (10)

HOF : Het hulle almal geweet dat u van die ANC is of het net Paul dit geweet? — Paul en Naude het geweet.

MNR. FICK : Ek wil dan met u gaan na 'n ander aspek toe, nog steeds in 1984, het u weer die ANC se kantore in Botswana besoek en u het toe daar 'n sekere persoon ... (Hof kom tussenbei)

HOF : Wag nou 'n bietjie. Ons het nou hier gehad hy was in 1984 daar en toe kom ons in Desember 1984 by die bespreking. Spring ons nou weer terug na vroeër in 1984? Of is ons na Desember 1984 of na Desember 1984? (20)

MNR. FICK : My probleem is, die getuie weet nie wanneer in 1984 nie.

HOF : Dan kan u dit opklaar of dit voor of na hierdie bespreking, want ons trek nou in Desember 1984.

MNR. FICK : Die ander besoek wat u in Botswana gebring het aan die ANC kantore, toe u by 'n sekere Billy Masetla was, was dit voor hierdie geleentheid wat u met mnr. A gepraat het of daarna of dieselfde tyd? — Toe ek met Billy Masetla daar gepraat het, was voor ek Mr A daar gaan sien het.

Wat het u met Billy Masetla bespreek? (30)

HOF : Hoekom moet die ding so deurmekaar aangebied word, mnr.

... / Fick

Fick? As 'n mens met 'n getuie konsulteer, dan soek jy uit hoe die dinge inmekaar sit en dan vind jy uit die bespreking met Billy Masetla is voor mnr. A en jy lei dit eerste. Ons kan nie die ding so deurmekaar aanbied nie.

MNR. FICK : Wat het u met hom bespreek? — Wat belangrik was, wat Billy Masetla met my bespreek het, was dat hy, Billy Masetla my gestuur het na die COSAS van Alexandra tak.

Wat moes u daar gaan maak? — Die boodskap was dat ek vir die COSAS tak in Alexandra moet gaan sê dat hulle 'n kontak moet kry in Botswana, want hulle het nie 'n kontak daar soos ander(10) takke nie.

Met wie moes hulle kontak gekry het? Met watter organisasie? — Met die ANC.

En wat het u gedoen in verband met hierdie instruksies wat u gekry het? — Ek het die boodskap met Naude bespreek en toe later met hom, Naude, na Botswana toe gegaan.

Die Naude, net volledigheidshalwe, is dit Naude Moetsi?

HOF : Is hy nou Moetsi? Hy was netnou Motsiye. U het netnou vir hom Motsiye gesê en nou sê u vir hom Moetsi. Wie is hy?

MNR. FICK : Ek sal net by die getuie vasstel. (20)

HOF : Nee, u moet reg wees, mnr. Fick, die dinge loop deurmekaar hier. — Ek is nie seker van die man se van nie. Dit is of Motsiye of Moetsi of wat ook al, maar dit klink soos Motsiye of Moetsi.

MNR. FICK : Wat het u vir hom ... (Hof kom tussenbei)

HOF : U het met hom na Botswana gegaan? — Ja.

MNR. FICK : Het u hom na 'n sekere plek toegeneem in Botswana? — Ja, ek het hom geneem na die kantore toe wat ek van bewus was.

HOF : Die kantoor van die ANC? — Ja. (30)

In watter dorp? — Te Gaberone.

... / MNR. FICK

MNR. FICK : Het u hom na 'n sekere persoon toe geneem? — Ek het hom na Billy toe geneem. Billy en ander het hom toe weg-geneem en met hom gaan praat. Ek het agtergebly daar waar ons Billy gekry het en toe my eie gesprekke gevoer met ene Jacqueline.

Is u later weer saam met Naude terug Republiek toe? — Ja.

CROSS-EXAMINATION BY MR BIZOS : Have you ever been arrested for your service to the African National Congress? — I was arrested but it was not something pertaining to the African(10) National Congress.

Let us confine ourselves to your doings on behalf of the African National Congress. Have you ever been arrested for helping the ANC to perform any act? — No.

Have you ever been arrested for performing any act on behalf of Umkhonto we Sizwe? — No.

Have you ever been arrested for inciting the people to attack councillor's houses and policemen's houses? — No, I have never been arrested before, except this occasion that I am now arrested that I am appearing in this court today. (20)

Are you in custody? — I will say I am arrested because they came to fetch me from my home. I did not go at my own to them to day I want to go and give evidence. Therefore I am arrested.

Are you in custody? — Do you mean now?

Are you now in custody?

COURT : Yes, are you now in custody? — Well, I am under the police at the moment.

Did they lock you up? — What happened is, I was arrested and taken to John Vorster Square where I was questioned and (30) I made a statement about what I know, as a result of which then

I was left to go and only told that "We will need you on such a date to go and repeat this in court" with reference to my statement.

MR BIZOS : When did that take place? — It was end of May when I was discharged from the hospital.

Of what year? — When I was discharged from the hospital.

Of what year? — During 1986.

Have you ever been locked up in a cell for the things that you did on behalf of the ANC? — No, I have never been.

You see, it is customary in our courts for people in (10) your position to be warned that if you give evidence to the satisfaction of the court, you may be discharged from prosecution. Has any such warning ever been given to you? — I am not in fact clear on what you are trying to say to me. What warning are you talking about?

COURT : What counsel is referring to is a customary warning given by the presiding officer from the bench in a court where he tells the witness that the witness may implicate himself in his evidence and should he give satisfactory evidence, the Court may order that he not be prosecuted. Counsel's (20) question is, was that warning at any stage ever given to you in any court proceedings? — About the warning?

Yes? — No. What happened is, they did not give me that kind of a warning, except that they said to me I may be arrested and I may not be arrested, because I have done what I told them.

MR BIZOS : Who decided that once you have told them at John Vorster Square of your participation in the activities of the ANC and presumably Umkhonto we Sizwe that you were not going to be arrested and that you would be free to go? Who decided that? — I am not saying somebody said to me after giving (30) evidence then I will be let off. What I am saying is, that

... / that

that person said to me "You may be arrested, you may be not. Should you give false evidence it will depend on the judge."

Who said that? -- My interrogator at John Vorster.

Who is it? -- I do not know his name. All I know is, he is a policeman.

Surely - how much time did you spend with your interrogator? -- I took quite long, because two to three days I was in John Vorster. I was again and again being fetched and interrogated. You see, the position is, you cannot just on first arrival at John Vorster decide to tell them everything at the same (10) time.

Where were you fetched from? -- From the cells.

I thought that you told us that you did not spend any time in the cells? -- At the end I said to you the first time I was locked up is the time when I was now supposed to appear here. I said so.

I asked you specifically whether you were ever put in a cell and your answer was no? -- Then there was a misunderstanding on my part. I thought perhaps the question was prior to this incident when I was locked up for days and when I made a (20) statement and then thereafter released to come back to come and give evidence here. I thought perhaps he was referring to that. I was questioned and then released again, but in this time, I was locked up, interrogated and then told later that I could go and they will need me the day that I will come and give evidence here.

You see, I am going to suggest to you that you became wellknown in Alexandra township and what is commonly known as an agent provocateur? -- Known to who? To the police or to the community? (30)

Well, I would suggest to both. -- Well, I do not know that

I was wellknown to the police.

Let us just take it step by step. Have you told His Lordship everything ... (Court intervenes)

COURT : Does the witness know what agent provocateur means?

MR BIZOS : I have confidence that the interpreter knows, but perhaps we could go into it.

COURT : Does the interpreter know what agent provocateur means?

INTERPRETER : Unless I was to give evidence, but that is what I interpreted to the witness.

COURT : The same words as used? (10)

INTERPRETER : We do not have a direct word in his language. We therefore have to explain and elaborate for him to understand what do you mean by that, which I did in this case.

MR BIZOS : Just to get it absolutely clearly, that a person who purports to be working for an organisation but in the meantime he is a police informer? -- Yes, that is what I understood.

Were you or were you not attacked by a section of the population of Alexandra long before the so-called arrest? -- No, what happened is this. Some youngsters came there asking for the car, to make use of the car or the vehicle, whatever(20) the case may be. In view of their ages I said to them "Go and look for an elderly person who will drive you in this car. They then left. On their return after having said that to them, it is only then that they attacked me.

COURT : When was this attack? -- It was in February.

Of which year? -- 1986.

MR BIZOS : You know, I do not want to introduce too many things about you before His Lordship, but let us come to some of the other things that you did possibly, I am suggesting to you, on behalf of the police, or with the knowledge of the (30) police. Did you not organise on 13 July 1985 a group of young ... / people

people from Duduza to be driven to the Botswana border? — I was not the organiser.

Were you the driver of the vehicle? — I was requested by Paul to accompany them.

Were you in the vehicle? — Yes, I was.

Did you abandon these young people at Zeerust? — What happened is this. I was in the company of the people in that vehicle. We got a puncture just before Zeerust, as a result of which then we had to push the vehicle into Zeerust town, from where then I had to come back to Paul in Johannesburg, (10) looking for a spare wheel which would be used for that vehicle there.

Did you have to come back to Johannesburg for a spare wheel? You the ANC operative, the trained Umkhonto we Sizwe man? — There was no other way we could do it. We did not have money with us. What we only had was an amount of R60,00 for petrol.

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Did you have the R60,00 when you got to Zeerust? — No, it is after we had put in some petrol.

Because I am going to suggest to you that you personally (20) have got a lot of young people into trouble in Alexandra and elsewhere? — No, I do not agree with you.

And that during 1985 it was you who took the initiative in making ridiculous suggestions to young people? — I do not agree with that, because I was working with the executive of COSAS and not the youth.

The executive of COSAS not the young people? — Well, I am talking about the executive, Paul for instance who is about my age. They are over 18. Paul and Japie.

What is your age? — I am now 30 years.

(30)

Older than the people on the executive of COSAS? — Age-wise

... / yes

yes. One cannot tell. May be they are more brainy. We might be equal in brains, because I was not the one who recruited them to join politics. They can even be more brainy than what I am.

Or may be they did not play both sides? That is why some of them are in detention under the emergency regulations and you are not?

COURT : That is not a question or are you arguing with the witness? Because you tend to argue with the witness.

MR BIZOS : I will withdraw the question. You yourself (10) are now free to move about during these difficult times that we are living in despite your background? -- I am not just free because everything is normal with me. I got hurt. I am injured. It may be that as a result of that, the police thought it wise not to lock me up. Otherwise, may be, I was also going to be detained.

When did you decide that you had had your fill of the ANC and that you were no longer prepared to be associated with it? -- On realising that the police now knows about me and secondly I am now injured, I have no where to run away. It is then (20) that I decided.

When you joined the ANC, who taught you to use a machine gun? -- Naledi Tsike is the person.

Where? -- In Alexandra.

Where in Alexandra? -- Any where in Alexandra you can train how to use a fire-arm. There is no special stadium where one can be trained how to use it. Any place where it is a hiding you can get your training.

Where were you trained to use a machine gun in Alexandra by the person you mentioned? -- In a house. (30)

Did you actually fire the machine gun? -- No, they only

... / train

train you and teach you how to handle the Scorpion and to dismantle and assemble it and how to aim using it.

So, you never fired a Scorpion? -- No.

Have you ever fired a pistol? -- No.

Have you ever fired a fire-arm ever? -- No, not a genuine fire-arm.

Were you alone in the ANC from 1975/76 or did you have a cell or a group? -- No, I did not have a cell. After the arrest of Naledi in 1979 I met a person by the name of Oupa in Botswana. (10)

COURT : Oupa who? -- They do not tell you what their surnames are. They only tell you their names. He is only known as Oupa.

MR BIZOS : Have you ever been in a group? -- I do not know what you mean?

A cell or a group or other people of the ANC with whom you discussed what you would have to do? -- No, I have never been in a cell.

How many times have you been to Botswana? -- I cannot remember. I have been there many times. (20)

How many times do you remember being there? -- I cannot remember how many times I have been to Botswana, because at times I would just go there on my own in a visit with my co-workers, not for the purposes of going to the ANC.

Which co-workers? -- My co-workers at my place of employment for instance from Barlows and Blue Circle.

For who were you working during 1983? -- Do you mean 1983?

I mean 1983 when I say 1983? -- Blue Circle.

Blue circle what? -- Portland Cement.

Where? -- Rosebank. (30)

As what? -- As a clerk and a storekeeper.

... / And

And for who were you working in 1984? — I was retrenched during the year 1984 in June. No, I am sorry, wait. I worked for Blue Circle until the year 1985 - June 1985.

Are you sure it was not 1984? For how long have you been unemployed? — Since June 1985.

Did you not do any work since June 1985? — I was not working for a wide employer. I was working as a motor mechanic in Alexandra, because I am in fact in possession of a diploma as a motor mechanic.

For who were you working? — I was working for myself.(10)

You told us that there was an ANC flag at the meeting which you recognised as an ANC flag. Did you have anything to do with procuring that flag, getting that flag? — In saying that I assisted in getting that flag, I would be telling lies. All I can tell the Court is that there was a flag which I have described which is the flag I know to be the ANC flag. How it came to be there, I do not know.

Did you recognise any of the people who were holding it? — Yes, if I were to see them again, I would be able to recognise them. (20)

Did you not want to know about these comrades of yours that were there with the flag at the time, who they were, so that you could perhaps liaise with them so that you could do your work better? — No, I did not even want to know. I was not interested to know who they are.

Why not? — It was a commemoration there. Many people were alternating in holding this flag. So, therefore it would not mean anything for me to make enquiries about each and every person who goes there, to hold the flag to know who the person is. For instance, I also went there to hold the flag myself. (30)

Was that not a very dangerous thing for an underground cadre of the ANC to do? — It was not known that I was an underground cadre. Therefore I must mix with the people and do what the people are doing.

But not all the people went to hold the ANC flag? — You are right. Not everybody went to hold the flag. Because of my having been seated right at the front, when the people who were holding the flag were tired, we went there to hold the flag.

Did you not realise that you might be blowing your cover? — No, I never thought about that. (10)

Tell me, these colours that you told us about, the black, the green and the yellow, are they exclusive to the ANC? — No, I know that to be the colours of the ANC, although there is a similar one for Inkata, but because the commemoration had nothing to do, no bearing with the Inkata, therefore it could not have been Inkata.

Why do you say that the commemoration had nothing to do with Inkata? — Because Inkata does not go together with the ANC. Therefore we cannot meet with them in the meetings. (20)

Are you suggesting that this was an ANC meeting? — It was not an ANC meeting. That is not what I am suggesting, but what I am saying is, COSAS and AYCO, those are organisations which are using the charter.

These colours, the Black, green and yellow, gold, have they not been adopted by other organisations besides the ANC, we are told in 1926 and Inkata later and other organisations thereafter? Did they not adopt these colours? — It can be that there are other organisations who have adopted these colours, but at this place, this is where I was, we were not there for the other organisations. (30)

Do you know whether AYCO had adopted any colours, like Inkata? — No, I do not know.

Do you know whether it had any colours at all or do you not know whether they had any colours at all? — I do know that they have their colours.

What were they? — I have forgotten what the colours are now, but I do know that they have colours.

And not black, green and gold? — No, I cannot remember those being their colours.

Any way, these colours, black, green and gold, do you (10) know that they have flown in the presence of thousands of people at Orlando stadium when Inkata had a rally? — Yes, for Inkata.

Yes, I know, but what I am suggesting to you is, just as Inkata has adopted these three colours, how do you know that other organisations had not adopted them? — Which organisations are you talking about, because I have already said that AYCO and COSAS were the organisations which organised that commemoration there.

You have already told us that you do not know what (20) their colours were? — Yes.

And you do not know whether this flag that was there might not have been the flag which or the colours which were adopted by AYCO? — Well, if that be the case, then it will mean they have decided on the colour which I know to be the ANC colour and which would mean they have chosen the ANC colour.

Why could their choice not have been as innocent as that of Inkata's? — I would not say that they are just as Inkata because I have already said here that COSAS and AYCO are people who are using the charter, which is the Freedom (30) Charter. We in fact used the Freedom Charter.

Well, did you not know that the president of Inkata was in the ANC when the Freedom Charter was adopted in 1955? Did you not know that as a trained ANC man? -- It is true, but he is no longer with the ANC.

In order to round this off, what I am going to put to you is that these colours in your community are considered the national colours of the Black people? -- Well, that is not how I consider it to be that I took it to be the ANC colours.

And that lawful organisations including women's organisations, church organisations openly used them as a symbol (10) of the unity of the Black people? in South Africa? -- I am not going to disagree with you on what you are saying. That is what you are saying, but about this one I referred to, even a young child will tell you, if asked about that colour, whose colour is that, the child will tell you it is the ANC colour.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

IN CAMERA WITNESS NO. 22, still under oath

CROSS-EXAMINATION BY MR BIZOS (continued) : First of all before we go any further into the details of the evidence (20) that you have given us, were you in the immediate vicinity of the place at which the late Vincent Shabalala was shot dead? -- Yes.

Were you the person that was taken into custody? -- No, I was not taken into custody.

Who was taken into custody? -- I do not know, because we did not see that person.

Because you see, you were seen being taken into custody - apparently being taken into custody - do not shake your head yet, you were seen apparently being taken into custody and (30) almost immediately thereafter you reappeared in Alexandra

... / township

township? -- I deny that, it was not myself.

And that on that evening you reappeared at Alexandra township? -- It is because I was not arrested. I was in the township.

What you said was to the people who asked you how come you were released so quickly, you said well, you told the police nothing, you bluffed your way out and you were released? -- It was not myself.

And from that date on, nobody who had anything to do with any political activity in Alexandra township would have (10) anything meaningful to say to you because you were suspected of being a police informer? -- If that be the case, how did it come that I accompanied Naude to Botswana?

When did you accompanny him to Botswana? -- After the death of Vincent.

When was the death of Vincent? -- In February 1985.

And I am going to put to you that it was after this date that you started making suggestions to people that they should establish contact with the ANC and that those suggestions were rejected? -- Well, that is what you are saying. I do not (20) know about that.

Did you ever offer anybody money? -- What? Money?

Yes, money? -- I used to help them.

In 1985? -- From long even during the year 1985 when they came to ask for it, then I would help them.

Whilst you were unemployed? -- I was employed. I have just told you that I only left employment in June 1985.

Any way, we will come back to those details. What I want to ask you is this. How many commemoration services have you been to that were held in the Methodist Church? -- I cannot (30) remember as to how many of them I attended.

COURT : Do you now mean 16 June?

MR BIZOS : 16 June. -- I used to attend them.

You attended practically every one that took place after 1976 right up to 1985? -- Yes, except in 1986 I did not attend.

Do you recall whether you attended the 1983 commemoration service? -- Yes, I do.

We are fortunate enough to have a video of that service. When you started co-operating with the police, did they show you this video for the purposes of you identifying people on this video? -- I did not see a video. (10)

Who were the speakers at the 1983 commemoration service? -- I cannot quite remember. In fact I cannot remember who the speakers were.

Please mention the name of one speaker at the 1983 commemoration service of which we have a video? -- Siphon Obega was there. I cannot quite remember. I am scared of confusing things which will be tantamounting to telling lies.

Would you please tell us what Mr Siphon Obega said at the 1983 commemoration service? -- I cannot recall what he said, because I was merely attending there to listen to (20) what was being said and not to memorise what was being said.

Who else spoke at the 1983 commemoration service? -- But I have just told you that I cannot remember. Therefore I do not know. I did not know that I was coming to give evidence about that in order to keep a record to remember who the speakers were.

Did the same apply to the 1983 commemoration service? -- 1983 and 1984 are two different things.

Yes, I know that they are two different things, but were you there in 1984 in any different capacity? -- The police (30) wanted to know from me whether I was present at this commemoration

in 1984, on which I said yes, I was and then they asked me about the things that I have testified about in this court.

I am sorry that I cannot oblige you by only confining my questions on matters asked of you by the police. I am asking you about 1983.—Then I do not know anything.

When the police asked you about 1983, would your memory have been any better? -- I do not know.

Please tell me, at the 1983 commemoration 16 June service, was there, what you call an ANC flag or not? -- I cannot recall that. (10)

Was there a banner with an AK47 on it with the words "Tell my people to carry on with the struggle" or words to that effect at the 1983 commemoration service? -- I say I cannot remember about 1983, though I was not -- I was there, but I cannot remember.

Were there only men or men and women that spoke at the 1983 commemoration service? -- It seem as though you do not understand me. I say I cannot remember about 1983.

Can you remember who presided at the 1983 commemoration service? -- I cannot remember that. (20)

Can you remember anything that anybody said at the 1983 commemoration service? -- No, I cannot remember.

Can you remember at what time the 1983 commemoration service started? -- I do not know anything now at the present moment about 1983.

That follows that you do not remember when it finished? -- Well, finishing we know, it finishes at 17h00. The beginning will depend on the people attending, because they do not arrive there at the same time.

The question was whether you recall what time the 1983 (30) commemoration service finished? -- No, I cannot remember that.

... / Can

Can you remember whether there was any march at the end of the 1983 commemoration service? -- I cannot remember.

Can you remember whether any group of persons abandoned a flag which you say was of the ANC colours at the end of the 1983 commemoration service? -- I cannot.

At what time do you say the 1984 commemoration service started? -- It was written that it was going to start at 14h00, but exactly what time was it when it started, I do not know.

Not one? -- No, I cannot remember. If I remember well it was 14h00. (10)

You cannot be sure whether it was 13h00 or 14h00? -- No, I am not sure, but it is between 13h00 and 14h00.

Were you there right at the beginning of the meeting? -- Yes, I was there.

At the commencement of the meeting, whether it was 13h00 or 14h00, you were there? -- Yes.

Could you please tell us whether Mr Popo Molefe was there at the commencement of the meeting? -- I do not know.

You do not know? -- I do not know, because I saw him when he was called onto the stage. (20)

When he was called onto the stage to speak. -- Yes, there was a list of names on a paper as to who the speakers were.

Did the chairman have this piece of paper? -- Yes, the chairman had the list. I also had one, because I obtained it from the service itself there.

COURT : Was there a printed program? -- Yes.

MR BIZOS : And was Mr Molefe's name on the printed program? -- I remember that Mr Molefe's name was on the printed program.

Can you remember in what order? Did Mr Molefe speak in the beginning or at the end of the meeting? -- I would say (30) he was just in the middle there. There was a first speaker

... / and

and the last speaker. He was one of the people between the first and the last speaker.

How long after the meeting started would you say that Mr Molefe spoke? — I do not know.

Did he speak before or after Obed Bapela? — That I cannot tell now as to when he spoke, whether it was before or after Bapela. What I can tell you is, he was one of the speakers between the first and the last speaker. I did not check the order.

Did he speak before or after Mathilda Gazela? — I do (10) not know.

How many speakers were there in all? — There was quite a number of them about ten.

Were representatives of AZAPO there? — Yes, in 1984 there were.

Who was it? — I cannot remember who it was who represented AZAPO there, but what I can remember is, I was sitting with people from AZAPO where I was seated.

Can you recall whether Mr Molefe spoke before or after the representative of AZAPO spoke? — I cannot remember. (20)

Can you tell His Lordship whether Mr Molefe was present in the audience when the representative of AZAPO spoke or came after the representative of AZAPO spoke? — No, I cannot remember. In fact I do not know.

Can you tell His Lordship whether he arrived at the meeting before or after Mr Obed Bapela spoke? — I do not know that as to whether he came after or before Obed Bapela spoke. What I know is, he was called from the audience and went up to speak.

It follows that you cannot say whether he was present (30) when Mathilda Gazela spoke or not? — I do not know. I would

... / not

not tell lies, because after having made a speech, I do not know whether he took a seat or left. I was not looking in his face to see what he was doing after that.

I am going to put to you that Mr Popo Molefe on that day in 1984 was at Regina Mundi where there was a larger commemoration service?

COURT : And not here?

MR BIZOS : No, he came late to this meeting? — That is why I say I do not know what time it was and at what stage did he arrive there and when did he leave. (10)

And if I were to suggest to you that he actually arrived there and late towards the tail end of the meeting, you will not be able to deny it? — No, I will deny that, because he was not the last speaker.

No, I said towards the tail end of the meeting? — Well, that can be true.

You do not know? — I do not know.

You see, I am going to put to you that at the 1984 meeting there was no flag and there was no banner, but that they were there in 1983? — I do not know about 1983, but what I have(20) been talking about here is what was happening in 1984.

Let me ask you this. You say that there was a UDF banner. Would you please describe the banner that you say was there in 1984? — I would not be in a position to describe it, but I remember that there were UDF, COSAS and AYCO banners.

Leave COSAS and AYCO banners out for the moment. — I would not be able to describe it, but if it could be brought before me here, I would be able to identify it.

Please try and give us some description of the banner that you say you saw , the UDF banner that you say you saw (30) in 1984 at this meeting? — I would not be able to describe it,

... / unless

unless I see it here in front of me. Then I will be able to identify it.

You attended so many meetings and you were a person who was in charge of mobilisation and politicisation, do you know any difference between the sort of official UDF banners and banners advertising "Put your mark against apartheid on the one million signature campaign." My Learned Friend corrects me it is "Make your mark against apartheid". -- I am not feeling well, but I will go on.

COURT : Would you like to stand down a bit? We can take (10) a short adjournment? -- Let me try and sit down may be.

Tell me if you do not feel like going on. -- Yes. I cannot remember that.

MR BIZOS : You cannot remember that? -- No.

But surely that must have been something that you were very interested in. After all you were a mobiliser and a politician? -- I did politicising and mobilisation before 1983 and UDF was launched or started in 1983 and I was with the ANC and not with the UDF.

So, as far as you were concerned in politicising and (20) mobilising the UDF was a Johnnie-come-lately? -- Which now?

You had nothing to do with the UDF and that is why you cannot even remember its slogans? -- No, that is not what I am saying. What I am saying is, I did not concentrate much on UDF.

That is why you cannot remember its slogans? -- I cannot remember them.

You told us what was there. If I told you that there was a million signature banner at the meeting of 1984, the commemoration service of 1984, what would you say? Would (30) that be correct? -- I would not dispute that, because there

... / were

Those were little posters, were they not? -- Yes, about this size.

COURT : About three-quarters of a metre by fifty centimetres.

MR BIZOS : Those are not banners. -- Well, that is my mistake. I took them to be banners.

What did the COSAS banners say? -- I cannot remember. Even those others I cannot remember exactly what was the writing on them.

What did the AYCO banners say? -- Including that one, I say I cannot remember what was written on them. (10)

Who was the last speaker at this meeting? -- The chair person who was asking a vote of thanks to the audience.

And who spoke immediately before this chairman who passed the vote of thanks? -- I cannot remember who that was.

And if I were to suggest to you that for all practical purposes, leaving aside votes of thanks and singing Nkosi Sikilele Afrika, that the last speaker probably was Mr Molefe, would you be able to admit or deny it? -- Yes, I will deny that, because he was not the last speaker before the vote of thanks. There was somebody who spoke just before the vote(20) of thanks.

And what did he say? Who was it and what did he say? -- I cannot recall what this person said and who this person was, but it was not Popo Molefe.

And the one before that, who was that? -- I do not know.

Was it not Mr Popo Molefe? -- No, I do not know. That I cannot deny.

Have you told His Lordship everything that you could remember that Mr Molefe said at this meeting? -- I cannot remember everything that he said, because I did not memorise(30) what he was saying.

... / And

were a lot of banners on that walls.

What other banners were there on the walls? -- I cannot remember.

Was there an AZAPO banner? -- No.

Was there an AZANIAN banner? -- I cannot remember that.

Were there any forms there in relation to the million signature campaign? -- Do you mean forms to be signed by us?

Yes? -- If my memory serves me well, yes.

I described it as a type of banner but I have been corrected, can you recall whether a lot of these million (10) signature forms were put next to each other and put in front of the table? -- I would be telling lies. I cannot remember that.

So, that if I were to suggest to you that there was no proper banner, no banner made out of cloth of the UDF at the 1984 commemoration service, would you be able to admit or deny it? -- I did not see a cloth made banner.

Of the UDF? -- I would not say it was there or not, but I did not see a cloth made banner.

Why then in your evidence-in-chief you gave the UDF (20) banner as the first one to have been there? -- To me I did not have a particular reason why I started by mentioning UDF, but I knew of UDF, AYCO and COSAS. If I would have started with AYCO or COSAS, it would not make any difference.

Perhaps it is my fault for trying to score two points at the same time. Let us take them one by one. Why did you in your evidence-in-chief mention that there was a UDF banner when you now say that there was no UDF banner? -- Made of cloth, yes. That is what I am talking about. I am talking about the paper made ones which were against the wall and (30) not cloth made ones.

And you cannot give His Lordship anything more than what you have said in your evidence-in-chief? -- No, I cannot, except of course when I am asked a question on something I know which I will have to answer to.

Did Mr Molefe speak about the meaning of June, the 16th for the African people in South Africa? -- He may have said something about that, but I cannot remember. The fact remains that we know what June, the 16th is.

Are you able to deny that the theme of Mr Molefe's speech was the meaning of June, the 16th for the African people (10) in South Africa? -- I am not disputing that. We were commemorating June, the 16th. He was bound to speak about that.

But you do not remember what he said? -- It is true that I cannot remember everything that he said, because I did not go there pertinently to go and listen to what he says. I remember some of the things that he said.

Well, if you did not go there pertinently to hear what the speakers said, why did you go there at all? -- I am not saying that I was not interested in what was being said there. What I am saying is, I did not go there to listen to an (20) individual person like him to go and listen exactly and be able to relate what he was saying.

Could you please tell us anything that any of the other seven speakers or so said at the meeting? -- I remember what Siphso Kobega said.

Was Siphso Kobega there in 1984? -- Yes.

What did Siphso Kobega say? -- He was telling us about the union.

What did he say about the union? -- He was telling the people present there who are no members of the union that (30) they must join the unions, for the unions to be able to help

... / them

them.

You know that Mr Siphso Kobega is known throughout South Africa as a wellknown trade unionist? -- I do not know whether he is known in that capacity in the whole country, but I know him.

As a wellknown trade unionist? -- Yes.

Did he speak in the beginning, in the middle or in the end of the meeting? -- I think it must have been in the middle.

Can you remember any one who did not speak in the middle except the chairman speaking last? -- Sorry, could you (10) repeat that?

Can you remember any one who did not speak in the middle? -- I cannot remember. As I say there were many people who spoke there.

What did Mr Molefe say about the million signature campaign? What did he say? -- What I remember is, when he was telling us about the million signature campaign, what it stands for from his explanation.

What was his explanation? -- He said it was meant to oppose the government laws which are to be applied towards (20) us the Black people. By signing this, we are opposing those laws.

Anything else that you remember that he said about the million signature campaign? -- I cannot remember.

Can you recall whether he made an appeal to any one to please make his mark against apartheid? -- No, I cannot recall him addressing a particular individual. He was addressing all of us.

Appealing to the people as individuals to come forward and make their mark against apartheid? -- Yes, because this (30) million signature campaign was meant for us all, those inside

... / the

the meeting there and outside, because as long as you were a Black person, it was meant for you.

Did you ever keep a copy of this program that you say Mr Molefe's name was on? — There were some of them in the house which were burnt.

You have no such program? — Not at the moment.

COURT : Was your house burnt down? — Yes.

MR BIZOS : When did that happen? — In February.

Of what year? — 1986.

And when were you injured? — In February, during the (10) time when they came to burn the house down. What happened is, I was set alight on a Saturday and then I was admitted to the hospital. Then the Monday the house was burnt down.

Was the apparent motive because you were thought to be an informer working with the police? — No, I up to now have not got the correct version, because when they approached me they wanted a vehicle and they never said they were coming to me because I am an informer. Therefore I am not certain what the reason was.

You say that all this was done merely because they (20) wanted your vehicle? — Yes, that is why I say I have not yet come across the truth of the whole thing after investigation as to why I was being burnt. What I know is, they came to me for a car and I told them to go and get a driver. They left and on their return without uttering a word to me, they then set me alight.

You see, I am going to suggest to you that the reason for this attack on you - please do not misunderstand me, I am not for one moment suggesting that the attack was justified - by certain members of your community was because you were (30) thought to be working with the police.

COURT : Have you got instructions on that?

MR BIZOS : Yes, the community as a whole regards him as ...

(Court intervenes)

COURT : Has the community as a whole instructed you on that?

MR BIZOS : Not the community, the individuals that it is wellknown in Alexandra township. -- I thank you then for having told me what the reason was for this, because I really did not know why I was being set alight.

You see, because you yourself, before this happened, threatened people that you were going to shoot them (10) because they were, according to you, falsely alleging that you were an informer? -- That is not true. Whoever says that, can come and say it here before the Court, let us argue it here. I never ever threatened to shoot anybody.

I am going to put to you that you made this threat - that you told Ndlovu that you would shoot the three persons that you thought were responsible for this? -- That is not true.

And the persons that you mentioned were Pat Banda, Tekere Make and Paul Mashatile? -- No, that is not true. Paul was (20) my best friend. I was not on good terms with Pat Banda, but I never ever said that I was going to shoot him, but always whenever we met, we would stand and just have a chat.

You see, in relation to this program that we were speaking about, I am going to suggest to you that Mr Molefe's name could not have been on any program because it was a decision that was made at the last minute by Regina Mundi that he should go to Alexandra to speak? -- Well, if you have the program referred to now here, I would like to see it.

I have not got the program. -- Then you are not sure (30) what you are talking about.

... / But

But Mr Molefe is? — Much as I am sure about what I am saying.

Who do you say organised this commemoration service? — AYCO and COSAS.

Are you seriously suggesting that AYCO and COSAS called AZAPO to a commemoration service? — As to who invited AZAPO to attend that, I do not know, because there is an AZAPO branch in Alexandra.

Did you not know that the commemoration service of 16 June as a result of the difficulties in the 70's as to who (10) should organise them were taken over by religious leaders? — I do not know, but this one in 1984 was organised by COSAS and AZAPO.

COURT : AZAPO or AYCO? — Not AZAPO. COSAS and AYCO.

MR BIZOS : Was there a priest present? — Yes, the priest Mleleki opened the service.

Did he remain there all the time? — Who? Minister Mleleki? Yes? — Yes, he was.

Was he not the person who was overall in charge? Was he not the person who welcomed everybody there? — No. He (20) only opened the service.

Do you recall whether there was a young child or a person in his early - an early teenager, I mean a young teenager at the 1984 service who recited a poem? Do you remember that? — No, I cannot remember that. All I remember there were youngsters who were involved in a sketch playing.

Was there a closing prayer? — I cannot remember a closing prayer, except that I remember us singing Nkosi Sikilela.

The singing of the other songs, was the singing done, was most of the singing done before the meeting actually (30) started and whilst people were waiting for the purposes of

... / speakers

speakers to arrive and the officials to arrive? — No, we were not singing at that time. We were just seated there, moving around.

And not shouting any slogans? — Before the meeting? Yes? — No.

How large or small was this meeting? — About 250, some where there.

Did that remain there the same number, because Mr Molefe's impression is that when he arrived there, there were about 80 to 100 people. Are you in a position to deal with that?(10) — These are estimations. These are not actual countings of the people. That is my estimation. That is his estimation.

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You see, because I am going to put to you that Mr Molefe spoke about the meaning of June, 16th and what people were to do, namely to organise the million signature campaign which was a UDF campaign. — Is that what you are putting to me?

Yes, that is what I am putting to you. — I thank you for informing me about that because I have forgotten about it.

Do you agree that that is what he said and in addition(20) that he spoke of the attempts to divide the Black people by saying that the elections which were being held were to be opposed? — Well, I cannot remember that, but you are putting it to me as what Mr Molefe said.

And you cannot deny it? — No, I cannot, because I have forgotten a lot of things.

And that he called for general support, both from individuals and organisations for the UDF as an organisation in its campaign? — Yes, you are still telling me, I take it?

And you cannot deny that? — No, I cannot deny it, (30) because I have forgotten about a lot of things.

... / And

And certain things that I have reminded you about, do you remember anything else at all that Mr Molefe said as you are now standing there? -- No, I cannot remember.

Mr Molefe will deny that he mentioned anything about the history of the ANC? -- Well, I say he said so.

You must have heard about the history of the ANC many times? -- Yes.

From many speakers? -- Do you mean in the meetings?

Yes? -- Yes, in Botswana. In effect all over in other meetings that I attended. (10)

Let us leave Botswana out. The public meetings that were held here with reference to the history of the ANC? -- Well, I cannot remember that, that people did speak about the history of the ANC, but the question from you was whether I know the history of the ANC on which I said yes, I know.

The question was whether you heard the history of the ANC being related by many people? -- I cannot remember that.

Is the struggle of the people from 1912 not referred to practically at every meeting that was held? -- They do talk about it, but we also discussed as individuals with other (20) people, not necessarily in a meeting, because if I were to pin that down to a meeting, it would mean that I must tell lies. I do not know at which meeting this was discussed.

Is it because it was said at so many meetings? -- I am only talking about the meeting in 1984 which meeting we were referring to here. I cannot remember at any other meeting this being discussed.

You have just said that it was referred to at meetings and also when you had further discussions? -- I am not disputing the fact that it was mentioned at different meetings where (30) I was present and some of the meetings which I did not attend,

... / but

but I am here talking about a meeting of 1986.

I am assuming you mean 1984? — Yes.

Tell me this, whether there were 80 or 100 or 250 people present, was it an open meeting to which all members of the public could come? — Yes.

And is it wellknown or was it wellknown in 1984, June 1984 that the police monitored these meetings by informers or other means? — Yes, it was known.

And one, you yourself, would have expected some police presence at this meeting in 1984? — Well, the police did (10) not know me, because I was just a public member like any other person.

Perhaps I did not make my question very clear. As an ANC cadre and a mobiliser and a politiciser, you knew that the police monitored these meetings? — I would not say so, but we all know that whenever there is a meeting, the police are sending informers and I went there as a member of the public and not as a member of the ANC, because I would not just go to this meeting and introduce myself as a member of the ANC. (20)

You knew that the police monitored these meetings through informers. Would this have included Miss Mathilda Gazela? — I do not know anything about that.

Do you remember how she was introduced? What did she do? What was her background? Who was she representing? Why was she there? — Yes, I do remember, because when she was introduced, we were told that she was from the University of Fort Hare.

What faculty? — No, they did not tell us.

For how long did she speak? — I do not know how long (30) she was speaking there. I did not count the minutes.

... / Did

Did she speak about the meaning of June, the 16th to the young people and to the scholars and students of South Africa? — She did speak about June, the 16th, because we were commemorating June, the 16th.

What did she say about June, the 16th? — I cannot recall what she said about June, the 16th, except that I remember her saying something about women who are to unite.

What else do you remember that she might have said about June, the 16th or about women? — I remember her saying that the women are to be united in order to be able to accept (10) the guerrillas on their return, because women are always home, they are the people who are at home.

Were you shocked to hear this at an open meeting which was in your view being monitored by the police? — No, I was not shocked because I am not the one who was addressing or saying that.

Did you not think that it was a very irresponsible way in which to behave at a public meeting which was being monitored by the police? — Well, people are not the same. We always have our own things in which we have a belief, as (20) a result of which I am not in a position to stop a person and say "You are not supposed to say that or do not say that."

Did any one else at this meeting speak about guerrillas and that they must be received? — I cannot recall that.

You say that she represented a women's organisation? — I am not saying she was representing any women's organisation. All I am saying, she was a member of a women's organisation. When she came there she was from Turfloop. Fort Hare, I am sorry, but she came there as a guest speaker.

Well, you said in your evidence-in-chief that she was (30) from the Alexandra's women's organisation. — What I meant

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there in my evidence was that she is a member of the Alexandra Women's Organisation. If she is still there and has not resigned, she is still there as a member.

And is that what she was in 1984 when you say she made the speech? — I would not know exactly during that time whether she was in the organisation or not. All we were told at the time when she was introduced was that she was from Turfloop and then I only came to know about her being a member of the Women's Organisation later.

COURT : Are we talking about Turfloop or Fort Hare? — (10)

No, Fort Hare.

MR BIZOS : Do you know whether or not the women's organisation was in existence in Alexandra in 1984? — Yes, I do know, there was an organisation.

When do you say that the women's organisation was formed in Alexandra? — I do not know.

And if I were to suggest to you that it was only formed in 1985, would you be in a position to admit or deny it? — I will deny it, because there is somebody I know who was in the organisation before 1985. (20)

Who was that? — Mrs Dingane.

I am going to put to you that there was no such reference to the welcoming of guerrillas by the speaker? — I heard that. I was present. It may be that the people you asked denied any knowledge of that, but I was there, I heard it.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

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IN CAMERA WITNESS NO. 22, still under oath

CROSS-EXAMINATION BY MR BIZOS (continued) : Try and listen to the questions and try and answer them. There are not (30) very many left. So, I understand that you are uncomfortable

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and I do not want to prolong your lack of comfort. One of the last questions I want to ask you is about the commemoration or the meeting of the commemoration in 1984. You gave us the names of two songs and some of the slogans? -- Yes.

In addition to Nkosi Sikilela Afrika? -- Yes.

Except that Nkosi Sikilela Afrika was sung at the end are you able to tell us at what stage one or other of the songs were sung? -- After a speaker, then a song was sung.

Yes, but you do not remember which song was sung after each speaker? -- No, that I am not in a position to remember, (10) because at times a speaker would come there with a song before taking the floor and some times you would find that a speaker will first speak and then a song.

And you are unable now to tell His Lordship what songs, if any were sung immediately before Mr Molefe spoke or shortly after Mr Molefe spoke? -- No, that I cannot remember.

Thank you, that is fair enough. Tell me, the grievances of the African people, did you really need the ANC to tell you what the grievances were? -- I knew many of them on my own.

As did many of your brothers - practically all your (20) brothers and sisters, in the wider sense? -- Yes, most of the people know what the grievances are.

Tell me, in your training in the ANC, did you get any training which is called security training? -- Yes, there are those that we received.

Was the fundamental rule that you must not expose yourself unnecessarily as a member of the ANC to people? -- Yes.

And was rule number two that you must not take part in open political activity, because that will attract police attention to you? -- Yes. (30)

Did you understand that rule to mean that you should

... / really

really not join political organisations, open political organisations that operated within the law in the country, but which were opposed to the government's policies because that would enable the police to show an interest to you? — That is true. I was not a member of any organisation, except that I was working hand in hand with AYCO and COSAS, but I was not a member of either of the two.

And you were supposed to keep the fact that you were a member of the ANC a secret even from those persons in COSAS and AYCO whom you did not trust implicitly, so to speak? --(10) Yes, I was not telling everybody. There were those individuals who knew about me. The people with whom I was working only.

And you had as a general rule - we will come to the particular facts of this case, but as part of your training you were told you must not join any organisation and you must keep a low profile politically? — Yes, that is how I was doing it.

I would suggest to you that you or the terms of your training, if you had such training, you for instance would not make a speech at a public meeting being highly critical(20) of the government, because that would attract the police attention to you? — That is true. I cannot remember being a chairman of any meeting.

Or speaker at a meeting?— No, or even speaking at a meeting.

Or being a lead singer or anything like that? — No.

You had at all times to keep a low profile? — I would say so. It may be that at some times I was making plunders as a human being here and there.

Yes, we all do that. Let me ask you this, that by (30) December 1984 nobody needed any special communication or any

... / special

special advice to attack councillors or police officers, because by that time, according to the evidence in this case, unrest and violence against these people had broken out in many parts of the country? — That is true, but in Alexandra it was not happening like it was happening in the other townships.

When did unrest start in Alexandra? — There were unrest in Alexandra. For instance since 1976, then there was no attack on properties after that.

COURT : Up till when?— The unrest I remember which was (10) serious after that, was after 1984. In 1985 when the house of Sam Buti was attacked.

MR BIZOS : Do you remember when it was? — It was in 1985. If I am not mistaken during March.

COURT : Sam Buti, is that the Reverend Sam Buti who was the mayor of Alexandra? -- Yes.

MR BIZOS : What do you say to the suggestion that there was trouble in Alexandra from the beginning of 1984, January 1984? — It was not serious. It was just a matter of stopping the buses. That is all. (20)

COURT : What do you mean by stopping the buses? Was there a boycott? — No, stopping the buses from entering the township.

By roadblocks? — No, what I am saying is attacking the buses by throwing stones at the buses and at times rob the drivers of the moneys they collected, as a result of which then the drivers got scared into entering the township.

MR BIZOS : Well, I do not want to put detail to you, but I am going to suggest to you that there were difficulties, there were difficulties in Alexandra with buses, with police officers, with the council system from the beginning of (30) 1984, it is true not on a serious basis? — That is what I am

... / saying

saying.

COURT : Were you involved in this attack on the house of Mr Buti — I was not present during that day in the township. On my return I found that it had been attacked.

MR BIZOS : Can we take it for granted then from you, if what you are telling us is true, that the decision to attack the Reverend Sam Buti's house was inspired by the ANC? — Not direct. We the people there decided that Sam Buti as a mayor and which means he is a councillor is one of the targets.

Did you decide that? — Yes, the day when we held a (10) meeting we decided on Sam Buti and the police and people in the same category of Buti. We were going to find the addresses where they live.

You came back with an important message attack Sam Buti in December 1984. I am going to put to you that Mr Paul Mashatile will deny that there was any meeting between you and him about this or that there was any group meeting between you and the other people that you have mentioned in which such attacks were discussed? — Well, it is possible for him to deny that, because when we held this meeting it was a secret(20) meeting, but now to come and say it in public, he will definitely be able to deny it.

And I am going to put to you that although you described him as one of your best friends, he will say that he had very little to do with you in 1983 and 1984 and by — he met you in 1983 but he had very little to do with you in 1983 and 1984 and by 1985 you were rightly or wrongly known as an informer in Alexandra? — In 1985 they did come to me when they were looking for accommodation and I offered them some place to sleep. It was Paul and Japie Mtshali. (30)

What I want to ask you is this. Other than this discussion

... / which

which is denied, what did you as such an important person, such an important cadre that was introduced to the commander in chief of Umkhonto, what did you do to put your instruction into effect? -- I was not a commander. I happened to have met the commander and came with his instructions which I discussed with them, on which instructions they also questioned me. I did not initiate any attack. Whatever they were doing after the discussions with me, it meant that I was also involved in that.

But did you not have any follow up meetings in order (10) to see to it that the important mission that you had been assigned was being carried out? -- No, we did not have another meeting.

Well, did you not take your ANC assignments seriously? -- I was taking it serious, but I cannot go about questioning people about something which is to happen. As long as it is in the people's mind, it takes time before it can be carried out.

The other thing that I want to ask you is this. This person that you call Mr A, he was obviously not keen to (20) disclose his identity to you? -- Most of them would not give us their correct names, because we are in the Republic. The fact being that they do not know who is there as an informer.

But now why should he have given you his rank? If you were an informer, you would be able to describe him to the police, and when you met him? Why should he have given you his rank especially if he was such a high ranking person? -- I do not know how it came about that he told me what his rank is, but he did tell me what his rank was.

Your discussions with the person whose first name was (30) Naude, were those secret discussions? -- Yes, I will say it

... / was

was secret, because we had this discussion. It was the two of us only. When we left for Botswana it was a secret. We secretly left for Botswana.

Have you seen this Naude since? — You mean after our return from Botswana?

Did he come back with you from Botswana? — Yes.

I see. Have you seen him since? — I saw him and then he got arrested and I since have not seen him, because I was no longer in Alexandra.

When did you move out of Alexandra? — I did not move (10) out of Alexandra then. What happened is. I was trying to find employment staying in Tembisa, then occasionally going back to Alexandra. I only moved out of Alexandra after the attack when I was set alight.

How much time were you spending in Tembisa before your house was set alight? — I cannot remember, but it was during the year 1986 when I was going to find employment.

What passed between you and Naude nobody else knew anything about? — I do not know whether Naude was sort of talking to other people about that or not. It could be that there are (20) people who got our discussion from Naude which people I did not know about.

You did not know why your house was attacked and you did not know why you yourself were attacked? — I did not know, because Paul Mashatile and the others used to come to me and we used to meet in the streets and discuss and have some chats about things there. This day when I was attacked, these people who came there, not Paul Mashatile now, came there with a view of getting a vehicle from me.

In May 1986 when you made your statement to the police (30) you did not know why you had been attacked? — In my statement

... / to

to the police I said these people came there, they wanted a vehicle. On which I said they must go and get a driver. On their return, after having sent them away for a driver, they then attacked me.

Let us accept that for a moment. You did not know at that stage that the reason for the action taken against you and your house was because that some people thought that you were a police informer? Did you not know that? — Even if there were such people, they did not come to me to discuss it with me or questioned me about that, for me to tell them (10) why am I involved, if ever I was involved.

I take that that your answer means no so that we can proceed? — Yes.

When you were questioned by the police in May 1986 did the police know before you told them that you were an ANC member and a cadre working underground? Did the police know that? — When the police came to me, all they said to me was, that they, the police, know that I am a member of the ANC and therefore I must tell them everything. They did not in fact tell me what they know. They left it for me to tell them (20) everything.

I am going to suggest that that answer suggests that this question may not have been asked of you the first time. Leave it out at the moment. Were you associated either as a member of the ANC or an informer as it might be suggested? Were you in any way associated with the late Vincent Shabalala? — I knew Vincent Shabalala before he left, but we did not associate about politics.

Did he stay with you or with friends of yours? — Vincent was involved in training karate. He was also a trainee karate. (30) That is where we met in order to know each other.

... / You

You know that he went out of the country for the purposes of receiving military training? -- Yes, I know that.

Did you know that when he returned in 1985, that he had been out of the country? -- Yes, I knew that he was not in this country.

That he was out of the country for receiving military training? -- That I did not know, because he left and all we knew was that Vincent has left. Whether he had gone for education or what the reason, that we did not know.

Either genuinely or for appearances sake, were you con-(10) sidered Vincent Shabalala's best friend? -- I was not a best friend to Vincent, except that we were belonging to the same karate training class, although of course I used to give my car to Vincent to take to his neighbours' workshop where they did some welding whenever I needed something or whenever it need came that I would take my car in for welding. That is during the time I was at work. Then he would do that for me.

When he returned - when he went away for some time and he came back, did you resume your friendship whatever it might have been? -- I did not see him on his return. (20)

Did you ask any one to arrange accommodation for Vincent Shabalala? That is after his return? -- How would I ask someone to prepare accommodation for Vincent not knowing whether he is back or not?

Did you become aware of the fact that the late Vincent Shabalala had a running battle with machine guns with the police in Alex, in Alexandra? -- We did not know who the person was in the house. We only came to know who the person in the house was after he was dead.

Who is "we did not know who was the man in the house"? (30)
Who is we? -- There was many of us standing outside there

... / looking

looking at this when the police arrived.

Was it just an accident that you happened to be at the place? I beg your pardon? — What I mean is, not on the arrival of the police, but when this fighting was on between the police and whoever was there, we were many standing outside there watching as to what was happening in 15th Avenue.

Whose house was it? — Well, in the newspaper they said it was Khoza's house.

Do you know Khoza? — Who Khoza?

Yes? — Yes, I know Khoza, because he lives in Alexandra(10) and I also live there.

When did you learn with great surprise that this was your friend Vincent Shabalala? — The same Saturday, that is the Saturday during which this person Vincent died. After his death I came to know that the person dead was Vincent Shabalala.

Did the police in May 1986 question you about Vincent Shabalala and his movements and who gave you shelter? — They did ask me those questions. I denied any knowledge of that, much as I have denied it here.

Did they believe you? — I would not know deep down (20) in them whether they accepted what I was telling them or not.

Well, when you first denied it, did they leave the matter there or did they continue interrogating about your association with Vincent Shabalala? — They questioned me further about him, on which I said I last saw Vincent or last came to know about Vincent's whereabouts when he had left the country. His return back into the country I did not know about.

Were you afraid when they told you that they knew that you were a member of the ANC that you may finish up going to prison for a long time? — Yes, I was, because I was (30) already exposed to the police and knowing that people like those,

... / that

that is the people like myself at the time get arrested.

What made you speak so openly about yourself for three days? Why did you not say "Gentlemen, this is the allegation. I want my lawyer. I do not want to talk to you. I have got nothing to say to you. I insist on my rights." Why did you not say that? -- It never occurred to me like that in my mind. All I thought was that now I am arrested, let me tell them the truth. If I get arrested for what I have been telling them, let it be so.

Yes, but did you think that you would make your (10)
position easier or worse by unburdening yourself of all your wrongdoings without the police having told you anything that they knew? -- In view of their approach to me, saying that they know everything about me, it will just be to tell them and there is no other way, then I decided to tell them.

But did you not learn in your training as an ANC cadre that the ANC of which you were a member is at war with the police? -- I knew that.

They may have been lying to you when they said they knew everything? -- I did not think of that. I just took it (20)
they know, because that is why they decided to fetch me.

WITNESS STANDS DOWN.

HOF VERDAAG TOT 5 AUGUSTUS 1986.

COURT RESUMES ON 5 AUGUST 1986.

IN CAMERA WITNESS NUMBER 22, d.s.s. (Through interpreter)

MR BIZOS : My Lord, the Reverend Moselane, accused no. 3, is absent. Your Lordship will recall that we indicated to Your Lordship that an appointment has been made. I understand that he will be back fairly soon. In relation to Mr Sam Matlole, accused no. 17, subject to Your Lordship's leave, arrangements have been made for him to be admitted in hospital tomorrow.

COURT : For examination?

MR BIZOS : No. I am unhappy to inform Your Lordship that (10) there is a fast encroaching arteriosclerosis which is advancing very rapidly and both a private practitioner and the district surgeon agreed that he should be hospitalised in the hope that something may be able to be done about it.

COURT : What are they going to do? Operate? Can one operate?

MR BIZOS : I do not know. I do not think one can operate. I think it has to be treated conservatively with certain medicines which have to be alternated and watched.

COURT : I am sorry to hear that. How long will that be?

MR BIZOS : I am informed that it may be over three weeks. (20) or more.

COURT : Very well, we will note that.

CROSS-EXAMINATION BY MR BIZOS (continued) : You told us that you had talks with individuals about your ANC connection? — That is true.

And you made it clear that it was with individuals. You never attended any meeting of either SEYCO or AYCO - I beg your pardon of either COSAS or AYCO? — That is true. I only spoke to individuals from the executive who are known to me. Only those known to me. (30)

Who were known to you and with whom you had some sort of

special relationship or you say you had a special relationship?

— Yes.

And you also said that as far as you were concerned you could not really distinguish between the members of AYCO and COSAS executives because they appeared to be intermingled? — Yes, that is true.

That is as far as your knowledge went. You do not know whether in truth and in fact the committees were completely separate. It is only an overall impression that you had? — That is true. To me it appeared that they were sort of (10) mixed, but it could be that they were not in fact serving under the same committee.

Did you attend the 1985 commemoration service? That is the one that was last year.

COURT : In Alexandra?

MR BIZOS : In Alexandra.

COURT : Of 16 June?

MR BIZOS : Of 16 June?— No, I did not. I was in Lesotho.

For how long were you in Lesotho? — Two weeks.

Tell me this. Did the police know, either of their own(20) knowledge or as a result of what you told them that you had contacts in Botswana and Lesotho, when they interrogated you in May 1986? — I told them about the contact in Botswana.

And did you tell them that, perhaps not contact, you had visited Lesotho and you could get to Lesotho if you wanted to? — Yes, I told them that I visited Lesotho, although I made it clear to them that I was not going to Lesotho on political missions, but I was going there on different reasons altogether from politics.

For personal reasons? — Yes.

(30)

Well, let us accept that for a moment. Did you have a

... / travel

travel document when you were going to Lesotho or to Botswana or did you cross the border unlawfully? — I did have a passport.

Where is that passport now? — It was burnt in the house.

The police left you in May after three days of interrogation knowing that you were an ANC cadre? — Yes, it is after I had confessed on what they wanted.

COURT : How long were you in hospital? — From February to May. It is about three months.

MR BIZOS : Have you been completely free all this time? — From May? — I was not just free to go all over. The police (10) knew where to find me, because I did not have accommodation in Alexandra.

But what I want to ask you is this. In view of your history, why should they have trusted you that you as an ANC member would not just go away after three days of interrogation? That you would not bluff them and just go away? — Well, that I do not know. They are the only people who can be able to answer that as to why they left me free.

Did you attend meetings in Alexandra other than the commemoration services of June, 16 during the period 1976 to (20) 1986? — Yes, I did. There were those meetings that I attended.

Did you attend practically all political meetings in Alexandra township that were held during this period? — Not all, because there were times when they held a meeting and I was at work, the reason being that I used to work over the weekends as well at times.

Were you not afraid that your attendance of these commemoration services and some of the political meetings that you attended, might have attracted police attention and your ANC cover may have been blown? — I was not afraid, because we (30) would attend these meetings being a big number and I was

... / attending

attending like an ordinary person there.

BEWONDERVRAAGING DEUR MNR. FICK : Die persone wat u motor wou kom leen toe u gebrand is, weet u of hulle aan enige organisasie behoort het? — Een van die persone wat die kar kom leen het die dag wat hulle my aan die brand gestee het, ken ek as 'n lid van AYCO.

Het hulle vir u gesê vir watter doel wil hulle die motor hê? — Ja, hulle het gesê hulle wil 'n begrafnis bywoon. Dus wou hulle gebruik maak het van die voertuig.

U het getuig oor die ANC vlag wat swart, groen en geel (10) is. Kan ons dit net duidelik kry. Is dit drie bane van bo na onder swart, groen en geel, die vlag wat u van praat?

HOF : Horisontale bane?

MNR. FICK : Horisontale bane. — Ja.

U was gevra oor die Inkata se kleure. Weet u hoe die Inkata se vlag lyk? — Nie so goed nie.

Laat ek vir u so vra. Weet u of hy bane het, die vlag, van verskillende kleure? — Ja, dit weet ek.

Weet u of sy bane horisontaal loop of vertikaal? — Ek weet nie, want ek het eintlik nie belang gehad in hierdie Inkata (20) se organisasie nie.

ASSESSOR (MNR. JOUBERT) : U het getuig, ek het dit in Afrikaans gehoor, in u hoofgetuigenis dat u opdrag gekry het om die polisie en die raadslede se huise met klippe te bestook om hulle te intimideer om hulle werk te los? — Ja.

U het ook gesê dat hulle, die polisie en die raadslede, staan in ons pad sodat ons nie met die goewerment kan baklei nie? — Ja.

Wat verstaan u onder baklei en in Engels "fight"? Ek weet nie watter woord u gebruik nie? Hoe sou u met die regering (30) baklei? — Wat ek daarby bedoel het is, as ons vergaderings hou

in die Swartwoonbuurtes, die polisie sal die inligting na die goewerment toe vat, dat ons 'n vergadering gehou het en weer dieselfde polisie sal gebruik word om ons te keer dat ons nie kan aangaan met ons vergaderings in die lokasies nie. Daarom staan hulle in ons pad. Die raadslede staan in die pad in die sin dat ons nie direk met die goewerment kan praat nie. Ons moet met die raadslede in die lokasies praat om namens ons te gaan praat. Wat verder met die raadslede gebeur is, ons praat met hulle en sê vir hulle wat ons wil hê in die lokasie. Dan sal hulle met die goewerment daarvoor gaan praat en vir die (10) goewerment gaan sê wat is dit wat ons verwag gedoen moet word vir ons. Met hulle terugkoms, kom hulle nie met die antwoord op dit wat ons gesê het of dit wat ons versoek het dat hulle moet gaan oordra nie, maar dan kom hulle met iets anders terug wat nie 'n antwoord is op dit wat hulle versoek is om te gaan oordra nie.

Dit is nog nie heeltemal 'n antwoord op my vraag nie. As u die polisie en die raadslede verwyder het, hoe sou u met die regering baklei? — Ons sou dan in staat gewees het om direk met die goewerment te praat sonder die polisie wat in die (20) middel staan.

ASSESSOR (MNR. KRUGEL) : U het gepraat van die "struggle"?

— Ja.

Wat bedoel u daarby? — "Struggle"?

U sal onthou u het vir die Hof gesê dat u mense bewus moes maak van die "struggle"? — "Struggle" is om teen die goewerment te baklei vir ons regte.

Op welke manier moet u baklei? — Ek weet nie hoe om dit te verduidelik nie, maar as ons praat van "armed struggle", dan baklei ons met die goewerment, maar dan baklei ons nie (30) die "open war" nie. Ons baklei "underground".

Beteken dit dat "armed struggle" deel is van jou "struggle"?

— Ja, dit is wat ek van praat.

En is dit die gedagte wat u dan ook weergee dat daar met en sonder wapens gestry moet word teen die regering of baklei moet word teen die regering? — Ja, dit is dieselfde.

Is dit net uself wat die term so verstaan of verstaan die vriende met wie u geskakel het dit ook so?

HOF : Watter term is dit nou? "Struggle"?

MNR. KRÜGEL : "Struggle", ja. — Ek weet nie of my vriende dit ook so verstaan nie, maar dit is hoe ek dit verstaan (10) het, want ek sal u sê wat gebeur het, is ek het net gehoor die woord word gebruik. Ek het nie diep ingegaan om presies vas te stel wat die betekenis daarvan is nie en dit is die eerste keer wat ek daarvan geweet het dat daar so 'n term bestaan dat ek vandag daaromtrent gevra word om dit te verduidelik.

Maar dit is die term wat u ook aan ander mense verduidelik het? — Ja, indien hulle my gevra het, sou ek dit presies verduidelik het soos ek dit nou hier in die hof verduidelik.

HOF : Vanaf 1977 is u in die ANC. Is dit korrek? — Dit (20) is korrek.

Watter aktiewe daade het u gedoen vanaf 1977 tot 1985? — Dit was net die verspreiding van die naam van die ANC, byvoorbeeld as ek by iemand gekuier het, dan praat ek met daardie persoon oor die ANC om die persoon bewus te maak van die ANC. Deur byvoorbeeld aan die persoon te verduidelik indien hy so verlang om aan te sluit by die ANC, hoe om dit te doen.

So, is u 'n propagandis vir die ANC? — Ja.

Nou waarom het u dan opleiding ontvang in wapens? — As 'n persoon 'n lid is van die ANC, almal behoort te weet hoe (30) om die wapens te gebruik. Die rede daarvoor is dat indien

die guerrillas die land binnegekom het en byvoorbeeld die polisie gevang het en daar is wapens by die polisie gevind en hulle gee vir ons die wapens, ons moet in staat wees om daardie wapens te kan gebruik. Dit is die rede wat 'n mens opleiding kry.

Enige vrae voortvloeiend uit die van die Hof, mnr. Bizos?
RE-CROSS-EXAMINATION BY MR BIZOS : Who is the secretary general of the African National Congress external mission? — Alfred Nzo. (Witness answers in English)

And did you have any documents in your possession (10) from the ANC? — What kind of documents?

Documents from the ANC? — To show that I am a member of the ANC?

COURT : It is a good question by the witness, because one may have publications of the ANC or membership proof of the ANC.

MR BIZOS : I merely paused because of the English and not because of the question.

COURT : Will you kindly use the interpreter.

MR BIZOS : Did you have ANC literature? — Yes, I did.

Did you ever distribute any pamphlets on behalf of the (20) ANC? — I brought some pamphlets with me which were not distributed by me, but I gave to someone to distribute.

Only once? — Yes, it was only once that I came with some pamphlets.

In nine years? — Yes.

When was that? — In 1982.

In answer to His Lordship as to what acts you committed on behalf of the ANC, did you actually recruit any one into the ANC? Did you make anybody a member? — On that I cannot tell whether I did or not, because the reason was I would (30) only recruit a person and make the person aware of the ANC

and leave that person. Whether this person now will go and join the ANC as a member or not, that I would not know.

But as far as you were concerned, you were the first mobiliser and politiciser. How would he know how to go about becoming a member of the ANC? — What I expected the people to do is, that they were to come back to me and say "Look, now I am interested in joining, but I do not know how to go about doing that." Then I was going to tell this person what to do in order to join becoming a member. But if they did not come back to me, then I took it for granted that either they know(10) how to go about doing it, or they are not interested. It is for them to decide.

Can we then take it for granted that you have never recruited a single person yourself into the ANC? — I would not dispute that, because I do not have a specific person to whom I can refer and say I recruited to and so who has left the country and he joined the ANC.

Who is the treasurer general of the ANC? — I do not know who that was.

Who represents the ANC at the United Nations? — I do (20) not know.

Who is in charge of the European mission of the ANC? — I do not know.

Give me four of the articles of the freedom charter? — Three or four, please, of the freedom charter? — People shall govern, people shall have equal rights before the law, there will be schools and houses, the culture of the people will be returned to the people.

Try another one? — I know them, but I cannot memorise then properly.

(30)

HERONDERVRAGING DEUR MNR. FICK : U sê u het op een geleentheid

... / pamflette

pamflette van die ANC af gebring en dit vir iemand gegee.
Vir wie het u dit gegee? — Obed Bapela.

Is dit die persoon wat u vroeër in u hoofgetuienis van
gepraat het van AYCO? — Nee, dit is nie dieselfde persoon
nie. Praat u van die persoon wat ek na verwys het toe ek
gepraat het van die mense wat die kar kom leen het?

Nee, nee, nee, in u hoofgetuienis het u genoem van sekere
persone van AYCO wat u ken? — Ja, ek het.

Die Obed Bapela, is dit dieselfde persoon wat u in u hoof-
getuienis van gepraat het? — Ek het nie van Obed gepraat (10)
nie. Ek het van Paul Mashatile gepraat. Obed is een van die
persone wat aan my bekend was.

Kom ek vra u dan so. Is Obed lid van 'n organisasie? —
Ja, hy was 'n lid van AYCO, "executive" van AYCO.

GEEN VERDERE VRAE.

DELMAS TREASON TRIAL 1985-1989

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