

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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SAAKNOMMER: CC 482/85

DELMAS

1986-02-03

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

14

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

COURT RESUMES ON 3 FEBRUARY 1986.

LESEBANE JOHN MASENYA, still under oath

CROSS-EXAMINATION BY MR BIZOS (continued) : Mr Masenya, you will recall that early in your questioning by me on Friday morning, I showed you a photograph printed in a newspaper? -- That is so.

And your first reaction on seeing the photograph was that this photographs shows that the poster was folded over? -- That is so.

Are we to accept from that that as soon as you saw (10) this photograph, you recognised it as the poster that you had seen on 3 September but that you immediately saw that the words "Assassinate the sell-out" was not on it? -- I said it looks like the one. I even commented on the date, that the date on the newspaper was the 9th.

But do you recall that you indicated to His Lordship and the learned assessors that the words that you saw "Assassinate the sell-out" must have been covered by the fold over? -- I said it can be that the words cannot be seen there, because this poster was folded, some words are missing from this poster (20) I see.

The words are missing from the poster. You had described the poster before you had seen this photograph as a piece of cardboard or a cardboard-box which had been flattened out? -- Yes, that is the one I saw at the incident of the 3rd.

And you told us that the words "Assassinate the sell-out" were of the same size as the other words that appeared on the poster that you saw? -- Yes, according to my judgment.

And you gave us those words as being "Asilemale" and "Away with rent heights"? -- I said it reads "Away with rents", with (30) the exclusion of heights.

I am going to show you another photograph. I ask for leave to hand it in as EXHIBIT AAO.

COURT : Is that also in the newspaper?

MR BIZOS : No, it is an actual photograph. Please have a look at this photograph. Do you agree that the poster on that photograph does not appear to be folded over?

COURT : Well, could we first ascertain whether it is a photograph of the same incident?

MR BIZOS : Yes, I will put that to the witness. If you want me to put it before, I will put it, but we will establish (10) that it is the same incident.

COURT : Yes. -- The one I see here on this photograph is identical to me to the one of the 9th. In other words, it does not look like the one I saw on 3 September.

Thank you for that answer, but could I have an answer to my question that that photograph shows the poster on that body is not folded. Do you agree? -- To me it looks folded.

At the top? -- Especially on the top.

Will you hand it to His Lordship please so that His Lordship can have a look. (20)

COURT : It is clear to me that this photograph was, if one may call it, posed, in the sense that from time to time the position of the poster was shifted.

MR BIZOS : It may be. There is a slight difference.

COURT : In the newspaper photograph there is a rock on top of it. In this photograph there is a stick through it. In the newspaper photograph it lies on the bottom part of the corpse. In the photograph itself it lies on the top and covers his head. So, the whole thing is posed, it seems to me.

MR BIZOS : With respect, the evidence will be that it was (30) not posed, but that it was found by two different photographers

on that basis.

MNR. JACOBS : Die Staat het nog nie die foto gesien nie. Mag ons dit net sien?

COURT : Yes.

MR BIZOS : Do you recall that you told us that on your arrival there you saw people around the body? -- I said people were going in and out that yard. I met some of them on my way.

Did you see people standing around the body, as you told us yesterday, showing respect for the dead? -- Yes, they did show respect for the dead, but they were not standing (10) around the corpse, they were moving in opposite directions, that is in and out, in that vicinity.

And you told us it was a scene substantially similar to the one that appears on the photograph with men and women standing around the body in an apparently respectful manner? -- When I came there at the time on 3 September, no people were standing around there looking at the body. I went up to the body and looked at the body and there was no one standing around there. This is not the picture or the photograph of the scene, that is referring to 3 September. (20)

You say that you were there at approximately 09h30? -- About that time, yes.

How far is your place of residence from the place where you saw that body? -- I estimate it to be one and a half miles. That is from the scene to my residence.

In relation to the Roman Catholic Church at Small Farms, where is your residence? -- On the eastern side of the Roman Catholic Church.

How far from the Roman Catholic Church? -- Approximately 880 yards away from this Catholic Church is my residence. (30)

To the east of the church? -- Yes.

Due east or north east or south east? -- I take it to be the east. To my judgment it is the east.

You see, I am going to suggest to you that your residence to the place where the photograph was taken, where Caesar Motjeane's body was, is considerably longer than the 880 yards that you have mentioned?

COURT : The 880 yards is from the church to his home.

MR BIZOS : I am sorry, yes.

COURT : His house is one and a half miles from where the body was. (10)

MR BIZOS : I am sorry. I should have made a further point before putting that. I put it quite wrongly in fact. If your house is 880 yards to the east of the Roman Catholic Church, I am going to put to you that Caesar Motjeane's house is very much further than the distance that you gave us from your place of residence? -- I estimated a distance. I did not say that is exactly the distance.

It may be of some importance for me to put the precise distance to you, that from the Roman Catholic Church to the place that Caesar Motjeane's body was found, is 3,9 kilo- (20) metres? Are you able to admit or deny that? -- I cannot deny that.

And that that spot is to the south-south/west of the Roman Catholic Church? -- It can be so.

Which would indicate that from your house to the place where Caesar Motjeane's body was found, would be in the vicinity of 6 kilometres?

COURT : That means right through the whole village?

MR BIZOS : Practically.

COURT : Do you mean across is more than 6 kilometres? (30)  
You go south-south/west from the Roman Catholic Church and

you land at Caesar's body. His house is east of the church.

MR BIZOS : Yes.

COURT : Well, any way, put it to him.

MR BIZOS : From your house to Caesar's body would be approximately 6 kilometres? -- Well, that is how you estimate it and our estimations cannot be the same. I did not take exact measurements of the distance. That is why I gave an estimation of the distance.

Did you go anywhere near the Roman Catholic Church that morning, the morning of the 3rd? -- No, I went to my place (10) of residence, not to the vicinity of the Roman Catholic Church.

Well, you were at your place of residence. In order to reach the place where the late Caesar Motjeane's body was, did you walk along the tarred road that leads from the vicinity of the Roman Catholic Church to the vicinity of the house where the body was found? -- My direction from the place where the dead body was lying, that is Caesar's corpse was lying, was far from the direction of the Roman Catholic Church. I went straight to my residence. That is from where I saw this dead body at Zone 11 to my residence. (20)

Did you not use the tarred road at all? -- I did not use the tarred road. The tarred road was on my left. I was walking through an open veld.

COURT : Just a moment, has the tar road got a name? -- I do not know whether there is a name for that tar road. If there is any, I do not know what the name of that tar road is.

Is it a main road between two places? -- It is a main road through Zone 11 to Zone 12 extension and it leads to Zone 7.

ASSESSOR (MR JOUBERT) : It leads from where to where? -- It is the main road starting from Evaton via Residensia to Zone (30) 7, through the townships in fact, Zone 12 extension, through

the township. Then you go through Zone 11 and 12 along the same tar road. It joins the main road which is called Johannesburg-Vereeniging main road.

COURT: Mr Bizos are we getting anywhere with this evidence? Where is it leading? He merely gave an impression in-chief of what he had seen that day. How relevant is it what the distance is between his house and the body and whether it is south-south-west or south-west or east, what does it matter? Is it contentious?

MR BIZOS: No the next question will make it clear with (10) respect.

COURT: Will you put the next question so that we can have clarity?

MR BIZOS: Yes, may for, may I for the, put one other question for Your Lordship to be satisfied that it is the only road that leads, the tarred road that leads between the two points.

COURT: That is now from Zone 11 to Zone 7?

MR BIZOS: Yes. Do you agree that if one wanted to go by tarred road from the immediate vicinity of the Roman Catholic (20) Church up to the point of the late Caesar Motjeane's house, there is only one tarred road that one can take? -- That is not the only road, there is a gravel road leading from the Roman Catholic Church which again joins this tar road when one is getting to Caesar's place.

COURT: No the emphasis is on tarred road. It is the only tarred road? -- Yes it is the only tarred road.

MR BIZOS: In fairness to the witness you are quite right that there is a small portion of untarred road cutting across to the Catholic Church but if you want to get between (30) the two points along a tarred road it is the only tarred road?

-- That/.....

-- That is so.

However you might have travelled from your home to Caesar's, to the late Caesar Motjeane's home, did you see people marching along the tarred road? -- I said on my way from Zone 13 I went past Caesar's place, that is I was on my way to Zone 7. I did not see people marching there.

But even on the assumption that you did not use the tarred road as you say but went through the veld could you have failed to see the march going along this tarred road before 21h30? -- I am not saying I would not have seen that.(10) What I am saying is I did not see it. If they were there I cannot dispute that.

If you did not use the tarred road and you used the veld do you agree that as you were going towards the late Caesar Motjeane's house that the veld is ordinary highveld, without any trees or bushes or any houses which would not have prevented you from seeing, whether you wanted to or not, what was happening on the main road? -- If anything happened there and I did not see it it means then I did not see it.

COURT: Was your route parallel to the tarred road? -- Yes on(20) my way back it was parallel.

And going there? -- Going where?

Before you came to Caesar's place? -- Before reaching Caesar's place I was walking in the township using shortcuts in the township itself.

So you had no view on the tarred road then? -- I only started seeing the tarred road while I was at Caesar's place and passing Caesar's place. Then one can see the tarred road leading to Zone 7.

MR BIZOS: What time did you leave your home to go south- (30) wards towards the township? -- Between 07h15 or 07h20.

How/.....



How near to the Catholic Church did you pass? -- It is far. Because I only joined the tarred road in the direction of zone

12.

You see I am going to put to you that you actually participated in this march? -- No I did not march.

The time that you gave as seeing this body as 09h30, do you purport to give an accurate time to His Lordship or just an approximate time that you thought about some seven months when your statement was made? -- That is an estimation.

Could it have been earlier than 09h00 or later than (10)

10h30? -- Because of it being an estimation I am not in a position to dispute whatever is being put to me because I cannot be specific and say this was the time, that is why I give it as an estimation.

COURT: Well can you be an hour out each way? -- I would not know because I did not check on the time or whether I was an hour out.

MR BIZOS: Now can you please tell me ... -- Both ways or not.

Sorry. Can you please tell me a little more precisely

where you were coming from on your way back home, as you put (20) it, when you saw the body? Precisely where were you coming from? -- I have told the Court that I was from zone 14.

Right. Do you agree that zone 14 is to the west of the

main road that we have referred to?

COURT: We have referred to two main roads.

MR BIZOS: The tarred road My Lord.

COURT: This tarred road?

MR BIZOS: This tarred road. -- Yes zone 14 is on the western

side of the main road I referred to as a Johannesburg-Vereeniging main road.

(30)

COURT: Is it also to the west of this tarred road? -- It can

be south-west of this tarred road.

MR BIZOS: Yes. Would you say that the late Caesar Motjeane's house is on the western side of the tarred road or the eastern side of the tarred road? -- It is on the southern side.

The south-eastern side or the south-western side?

COURT: Just a moment, before that is put. In what direction does that tarred road run, north-south, east-west or what?

-- The tarred road I am talking about in this case is a tarred road through Zone 11 and 12 and it is running from east to west or west to east, and Caesar's house is on the (10) southern side of that tarred road.

MR BIZOS: Now I am going to put to you that the general direction of that road, in order to get from the Catholic Church to Lekoa, is a north-south direction? Do you agree with that? -- Are we talking about the Johannesburg-Vereeniging main road between Zone 14 and Zone 11?

COURT: No I understood us to be talking about the tarred road which is not the Johannesburg-Vereeniging main road. -- What about that.

MR BIZOS: Let me try and shorten ...

(20)

COURT: Mr Bizos have you got a map?

MR BIZOS: Yes My Lord.

COURT: Are you cross-examining from a map?

MR BIZOS: With lots of notes on it unfortunately.

COURT: But have you not got a clear copy? You can put it before the witness and he can either agree or disagree with your map and we can get started on the case?

MR BIZOS: Yes, may I just put it this way, in order to go to the late Caesar Motjeane's house if you were in Zone 14 would you not have had to cross the tarred road, the only tarred (30) that there is there? -- Yes that is the tar road Vereeniging-

Johannesburg/....

Johannesburg main road.

And would you agree with me that if you were in Zone 14 to go to the deceased's house would not have been a shortcut but going the long way around? -- By car yes but on foot there is a shortcut from Zone 14 to Zone 11, there are shortcuts in fact.

Yes, what I am going to put to you that if you were in fact in Zone 14 and you wanted to take the shortest possible route to your house you would not go anywhere near the deceased's house? -- The short route I decided to take took (10) me to the vicinity of the deceased's residence.

Because I am going to suggest to you that your evidence-in-chief appeared to be a, some form of tour of inspection which just happened to bring you to Caesar's house, to the deceased's house? -- That is true, that is correct. On my way home, Zone 7.

Yes. Now tell me in relation to your attending this meeting on the 26th ...

COURT: Just before we get to that, are you going to put to the witness more clearly the allegation that he participated (20) in the march from where to where and when?

MR BIZOS: From near the, I will put it to him, that you were seen on the march from a place near the Catholic Church, going up the main road towards Lekoa on the morning of the 3rd.

-- Not me.

COURT: That is on the main road or the tarred road?

MR BIZOS: On the tarred road.

COURT: Well you put it on the main road. The main road is the Vereeniging-Johannesburg main road.

MR BIZOS: On the township main, on the tarred road. (30)

COURT: On the tarred road we have been referring to. -- Not me.

MR BIZOS: /.....

MR BIZOS: And that you were also seen somewhere between Zones 11 and 12? -- Even if I was seen there then it would mean it is after I had been to see this place on my way home at Zone 7. Although I do not know who saw me there at what time.

Was there any particular reason why you would not have wanted to be on this march? -- Let me put it this way until the decision was taken about the march, to go and enquire about the rent, I was bound, in fact I was quite willing to form part of the march. As I said in my evidence-in-chief that I was so much, feeling so much bound about it that I thought it (10) wise to go and discuss it with my wife at home. Because that was a reason which in fact affected the residents as a whole there. Now but what happened is if it did not happen that the march took place there is nothing I can do about it, and I did not see the march taking place.

And as a public man, as a man interested in public affairs, as you told us on Friday you would not have wanted to be ignorant about such an important happening in your community? -- Well it happened I did not see it. Though maybe I had some interest but I did not see it. (20)

Well do you say that you do not know Mrs Rina Mokoena? -- That name I do not know, perhaps if this person can be described to me I may be able to identify the person from the description given.

Well I am going to put to you that she is a neighbour of yours.

COURT: She was or is? He has moved in the meantime.

MR BIZOS: Was, at the time.

COURT: She was at the time.

MR BIZOS: She was at the time. -- I do not know her. The (30) reason being that I had neighbours there whom I only knew as

my neighbours, not knowing their names and who they are.

Do you recall that shortly after these events Mr Ephraim Ramagula, accused no. 9, visited you? -- Visited me in the house or how?

Yes visited you at home? -- I cannot remember him being at my residence. Maybe seeing him in the street but not in my house.

Yes. Do you recall any discussion with him about the events of the 3rd? -- I cannot remember that.

Can you recall as to whether you told him anything (10) about the reason for the terrible events that occurred on the 3rd? Or can you not recall it? -- I cannot recall that.

Can you recall that there was a discussion between the two of you in which you expressed the view that it was being falsely alleged that members of the Vaal Civic Association were responsible for the troubles of the 3rd? -- I cannot recall that.

COURT: When you say "I cannot recall" and "I cannot remember" do you mean it did not happen or do you mean it is possible that it happened but you do not remember it? -- Let me put it (20) this way, it did not happen.

MR BIZOS: As an experienced interpreter you know the difference between "it did not happen" and "I cannot recall whether or not it happened"? -- Yes I do. His Lordship explained to me exactly what is it that is expected from me as an answer to this and therefore I gave an answer.

No His Lordship gave you an option, His Lordship did not suggest any answer to you. -- As a result of which then I thought it wise and in fact thought it the proper way to answer in the way I answered. (30)

Well why did you not think, if you know the difference why

did/.....

did you answer the question differently whilst I was putting the questions? -- The questions put to me do you recall. I said I cannot recall that.

Now let us, do you deny that you met accused no. 9 after the events of the 3rd? -- Where? Be specific.

Never mind where. Do you deny that you met accused no. 9 after these events? -- Yes I deny that.

You deny that? -- Yes I deny that.

Why was your answer different when I first put the question? -- The first question put to me was "Do you recall", it was asked whether I recall. (10)

And you said that you could not recall? -- That is how I answered, yes that I do not recall.

You see I am going to put to you that your erstwhile answers were nearer the truth than your present denials? -- I deny that, that is not so.

Tell me moving away from accused no. 9 for the moment but just your general view did you express the view that the troubles of the Vaal Triangle was as a result of the lack of discipline of the young and that their parents had lost control over them? -- I deny that. (20)

You deny that? -- I deny that.

Do you deny that it is your view which you propagate in the Vaal Triangle that it is because of the loss of the authority of the Lahotla court that these things happen? -- I deny that.

You deny that. Do you not believe it to be correct? -- I do not know about that.

Well I am asking you about your own feeling. -- I do not know. (30)

I see. Do you recall that accused no. 9 was once brought before/.....

before your court? -- I cannot recall that.

Can you recall that accused no. 9 told you that he was

not prepared to submit himself to your court's jurisdiction?

-- Let me put it this way this question is not clear. I do not

know which period is being referred to and where.

I did ... -- Because in courts there at times I am not,

I am just not there in any of the courts. We alternate with

courts. If it was specified then let me answer on something

that I understand. Because I cannot recall seeing accused

no. 9. (10)

It was, according to accused no. 9 that he came face to

face with you as the Chairman of this court and that he did

not recognise your jurisdiction? -- Are you referring to the

court where I am employed in Vereeniging or which court are you

referring to? Let me be clear on that one.

I thought that I had made it clear that it was a court

which I called a Lahotla at which you presided and I would

have thought that to an intelligent person such as yourself

it would have been sufficiently clear that I was not referring

to the magistrate's court: -- I cannot recall. (20)

To round this off I am going to put to you at this con-

versation you told accused no. 9 that attempts were being made

to connect the Vaal Civic Association with the unrest and that

you did not believe it to be true. -- I cannot recall having

such a discussion with accused no. 9 in my life. Therefore I

deny that.

Now do you ....

COURT: Could you be a bit more specific Mr Bizos and give the

witness a time, a year possibly or a month?

MR BIZOS: Other than that it was shortly afterwards I

would have to get a specific instruction. Thank you, I have

an instruction. Accused no. 9 will tell His Lordship that it actually occurred on the 4th.

COURT: 4 September 1984?

MR BIZOS: Yes My Lord. -- I deny that.

Yes. And I am reminded that it was at approximately 19h00 in the evening. -- I deny that.

And that there was a discussion about a report received by your wife that your house may be burnt down because of your association with Mohage and other police officers, do you recall that? -- No. (10)

Was there no such talk on the 4th? -- No there was no such.

Was there talk at any other time about that? -- No there was none.

Do you recall ever receiving such a report in a shebeen in Zone 14? -- I deny that. Secondly I do not partake in liquor, therefore I do not go to shebeens.

And that it was in that context in which you expressed the view that you did not believe that the Vaal Civic Association would have anything to do with that but that it was the young (20) undisciplined people who were responsible for the 3rd and who were possibly making threats in relation to your house? -- I deny that. Now what I want to know is is it being put to me that I met with accused no. 9 at this shebeen in Zone 14?

No not at the shebeen.

COURT: In what connection is the shebeen mentioned?

MR BIZOS: No that the witness had mentioned that he had heard this report at the shebeen.

COURT: You mean at his own home on the 4th he told no. 9 that he had heard this report at a shebeen? (30)

MR BIZOS: At a shebeen. I thought that I put that clearly.

COURT:/.....



COURT: I see. No it was not very clear. -- I deny that.

MR BIZOS: You see and, I am going to further put to you that at this discussion Rina Mokoena was present. -- I have already denied that.

Do you, I am sorry ... -- Though I do not know who Rina is.

Yes. I am being corrected My Lord that she was not present at your house but that your wife had gone to Mrs Mokoena's house.

COURT: When what happened? (10)

MR BIZOS: Shortly before this discussion. -- I deny that.

Do you know whether your wife is at all friendly with Sefako and Rina Mokoena? S-e-f-a-k-o.

COURT: Is it Rita or Rina?

MR BIZOS: Rina. -- In the first place I do not know these two people mentioned, namely Rina Mokoena and Sefako. Secondly there are people who are acquainted or friends to my wife who are not known to me.

I want to turn to another aspect and that is your presence at the meeting on the 26th. (20)

COURT: 26 August 1984?

MR BIZOS: August 1984. You told us that you saw a woman coming in with a sunshield? -- Yes.

And that there was some writing on that sunshield? -- According to my observation, yes.

Right, now could you please tell us precisely what was written on it? -- What I saw which was written on that sunshield was "UDF".

Yes, just to make it absolutely clear it was a sunshield on which just the three letters were written, "UDF"? -- Yes (30) right at the front as indicated of this sunshield.

COURT: /.....

COURT: Was it a sunshield or a cap? -- It is a "sonskerm" which goes around your head and some sort of a cover in front.

MR BIZOS: The sort of thing that people wear at football matches and at tennis? -- Yes it can be.

And that made a lasting impression on you because it was the first reason that you gave to His Lordship for having become frightened?

COURT: Actually that is not quite correct. He mentioned the cap or sunshield as it is called now, and thereafter he mentioned he became frightened. But then I asked him about it (10) and he said it was not because of the cap.

MR BIZOS: That is so, that is quite so My Lord. Perhaps I overstated it. But it made an impression on you because it was the outstanding thing that you mentioned about this woman? -- The reason why in fact I saw exactly this sunshield is because my attention was drawn to them, the whole focus, because of the uniform they had on.

Yes. Now please try and give us the size of these letters UDF on this sunshield or cap? -- I estimate it to be about an inch. (20)

Yes. Now you see I am going to suggest to you that your reading of things that you see are very inaccurate and out of date. I am going to put to you that although such caps were available at the time that you made your statement such caps were not available with UDF on it in September 1984, August 1984. And that they were first printed in March 1985, some two or three months before you made your statement. What do you say to that? -- As to when were they printed that I will not know but what I am testifying about here is what I saw.

Yes. In fairness to you let me tell you what you did (30) see Miss Edith Lethlake wearing. A cap such as you describe

but/.....

but it did not have "UDF" on it but written out in full in inverted commas, "United Democratic Front People's Festival". -- The one I saw was not written in that way. It was written the way I have told this Court. We are maybe talking about two different things.

Yes. Now you see would you say, would you tell us how many people accompanied this woman with this cap on? -- I said she entered in the company of a group. I did not give a number as to how many people were there in her company forming the group. (10)

More or less? -- Less than twenty.

Less than twenty. And you recall your evidence-in-chief that you told us that you became frightened because you heard them singing and asked whether you had heard what they were singing you said you could not make out what they were singing but you only heard the word "Mandela"? You recall that? -- Ja, onder andere.

Well, onder andere? -- Onder andere.

Yes we have heard that expression before. Now do you agree that this "onder andere" is something that you have now(20) introduced for the first time? -- Yes it is correct, I am uttering it for the first time in my evidence but this was in answer to the question put to me. I did not complete the sentence in the context in which I used it. I just mentioned that.

I see. Was there any special reason why the Afrikaans words came so suddenly to your mind? -- This is in fact a habit with me, there is nothing special about it. In most cases whenever I talk to a person I find myself mixing the languages. (30)

COURT: Like us using inter alia.

MR BIZOS: Yes, absolutely. Tell me did you have occasion to contemplate about the evidence that you gave on Thursday and Friday over the weekend? -- No.

No. Now you see because I want to suggest to you that your evidence-in-chief as given in relation to this did not make much sense. -- I would not know that, it is perhaps that is how you understand it, understood it at the time.

Now I suppose you are going to be asked in due course what the order andere was? But let me take your evidence at face value. In your evidence-in-chief you told us that you (10) left the meeting because you heard people singing and the only word that you could make out was the name "Mandela", or the word "Mandela"? -- I remember that.

Yes, and it was the only, it was the spark that really led you to leave the meeting, according to your evidence-in-chief? -- Yes that is true, that is what sparked my fright to an extent that I even decided to leave. That coupled with what I heard before earlier, before the singing, the words uttered by that woman and this singing. Then in fact my fright was strengthened by the singing. As a result of it then I (20) decided to leave.

Why would a song about Mr Mandela so frighten you that you felt you had to leave the meeting? -- I say it added to my fright, especially that I could not make out the other words in the singing.

Right. Tell me do you recall seeing Mr Sam Matlole, accused no. 17 and Mr Ramagula, accused no. 9, during the evening of the 3rd? -- I cannot recall that.

COURT: That is 3 September?

MR BIZOS: 1984. -- I have not seen them.

(30)

Do you know that a person by the name of Tsotsotso, I  
will/.....

will spell it for the record, T-s-o-t-s-o-t-s-o, do you know such a person with a shop in the vicinity of the place where you lived at the time? -- Yes I do know that person.

Were you not one of the persons responsible in trying to protect Mr Tsotsotso's shop from being damaged by an unruly mob on the evening of 3 September 1984? -- While being at home some three or four boys came to call me saying that Tsotsotso's shop is being damaged and therefore they are asking me to come along and help in stopping that.

Do you not recall ... -- I took them along in my car (10) to that point. And further requested them to accompany me in my car to Tsotsotso's residence. We fetched him, that is Tsotsoso, returned to the scene where he had a talk with them. They decided to leave. I then left in my car as well.

Do you not recall that both accused no. 17 and accused no. 9 were involved in assisting Mr Tsotsotso getting to his shop, in persuading people to keep away? -- I cannot remember that or seeing them there but if they were there as it is being put to me by the defence I cannot deny that.

Do you recall that there was actually welding done of (20) the bars that the unruly mob had torn apart? -- Maybe after I had left, I do not know, but not in my presence.

Were there torn down bars? -- They did make mention of torn bars to me.

And is this not the occasion on which Mr Tsotsotso was actually fetched by accused no. 17? -- My evidence was in the company of these youngsters we drove in my car to Tsotsotso's place, that is where he lives, and then on our return Tsotsotso was driving behind me to the scene from his house.

Now you see your presence, your presence, although not (30) the active part that you mentioned, is mentioned by accused

no. 9 and 17 and that it was accused no. 17 that brought Mr Tsotsotso in his, accused no., that went to fetch Mr Tsotsotso in his, no. 17's car? -- What happened is this, on arrival at Tsotsotso's place his car was there and Tsotsotso himself was there. After a report was made to him he asked for his keys, that he was following me in his car. Then I left. Now I will not know who came after me there and also came to make the same report to Tsotsotso or if Tsotsotso had any other people in his car at the time when he was following me, that I cannot tell. (10)

Were you yourself threatened in any way on that occasion?  
-- Not at all.

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And can you, is your version that you did not see accused no. 9 and 17 there at all or is it possible that in the confusion they might have played the part that I have suggested to you? -- It is possible that they were there but I did not see them.

Did Mr Tsotsotso come back in a car or in a truck? -- I have already told the Court that on arrival there he pointed out a car there saying that was his car and I do not know (20) whether he came in the car, no he came in a car.

Because I am going to put to you that Mr Tsotsotso came in a truck packed with youths following accused no. 17 in his car. -- I will not deny that. When I arrived there he said he was following me and I saw his car. I did not see a van or a truck in the vicinity. Again I repeat it, I cannot deny the fact that accused no. 17 was there in his car.

Tell me was there any welding being done at Mr Tsotsotso's shop while you were there? -- Mention was made of welding, which did not take place in my presence. (30)

Oh I see. You see because accused no. 9 and accused

no. 17/.....

no. 17, if need be, will tell His Lordship that you were there and that you could not have failed to see accused no. 17 trying to persuade the youths to desist from doing any damage and ... -- I am not disputing his presence there, as I said originally. On arrival at the shop after having been asked by these strange boys who happened to know me, which boys I did not know, I proceeded to Tsotsotso's house and returned from there. Now I am not in a position to tell His Lordship whether they were there at the time or not.

And that accused no. 9, whilst you were there, was (10) actually doing the welding himself. -- I am not disputing any welding being done there. It may have been done in my absence, after I had left, but I did not see it being done.

Whilst we are speaking of cars during the morning of the 3rd when you did your tour in the various zones were you on foot or did you do it by car? -- I was on foot.

Yes. I am going to suggest to you that the reason given by you for taking this tour, namely that you were to drop your child at school, or did you go to fetch your child? Did your child go to school that morning? -- The child had put up (20) my sister's place the previous night. The aim was to go and check if she was there. If she was home at my sister's place then I was going to leave the child there and go to work.

Was it known to you that children would not attend school on that day? -- No it was not, but it was one of the matters which were discussed at a meeting which I attended.

Now could you please tell us what resolutions were discussed, motions or resolutions were discussed at the meeting of the 26th?

COURT: Are you now leaving what you wanted to put to him, (30) the reason for his tour?

MR BIZOS: Yes My Lord.

COURT: Because you are off that track now.

MR BIZOS: Yes I am off that track. If I have not made it clear, to suggest to you ....

COURT: I am not inviting you to get back on the track.

MR BIZOS: As Your Lordship pleases.

COURT: Yes, we are on the 26th.

MR BIZOS: On the 26th. What resolutions were moved at the meeting on the 26th? -- I was not present at the time of taking resolutions or moves because when I left the meeting the meeting was still on. (10)

Now the proposals that were being made by the speakers, I will put it directly because I want to save some time. Did anyone directly put that no rental at all should be paid as distinct from the increase of R5,90 should not be paid? -- Yes I did hear somebody saying that no rents should be paid.

Right. Did you know this person? -- Yes.

Who said that no rents should be paid? -- Accused no. 17.

So that we do not have any difficulty is this the person that you say said that no rents should be paid? -- Yes. (20)

Did anyone else say that no rents should be paid? -- I cannot remember though there was a talk generally in support of, in relation to the payment of rents.

So you cannot recall whether any other accused said to the people at the meeting that rents should not be paid? -- Yes there is one. Yes accused 5.

Now when did, why did you have difficulty about remembering that? -- I am not having any difficulty, that is my way of answering questions. I am not a person who is in a hurry in answering. (30)

COURT ADJOURNS FOR TEA. COURT RESUMES.



LESBANE JOHN MASENYA: d.s.s. (Through Interpreter)

FURTHER CROSS-EXAMINATION BY MR BIZOS: You told us that accused no. 5 supported the suggestion that no rent at all should be paid. Can you please tell us precisely what he said about this question of rent? -- I said accused no. 5 is the person who said about these people that they are puppets and they are sell-outs.

Yes. What did he say about the payment of rent? -- And he said the rent was high.

Yes what else did he say? -- They will have to do some-(10) thing for this rent to be brought down.

Yes what else did he say? -- In fact and find reasons, or investigate it as to why is this rent high.

Yes? Anything else that he said about rent?-- That is all that he said.

Being a slow man and thinking carefully you do not want any more time to think of anything else that he might have said? -- I said they were supporting each other about the question of the rent and in the manner in which it was.

Yes. And you cannot recall with all the time that you (20) have had to think about it of accused no. 5 saying anything else? -- In what I have said just now I was explaining to the Court what he said, the words uttered by him.

Yes. Now was the only violence that was threatened threatened against Councillors? -- Yes that was the strongest in which he put it about violence.

COURT: Is that now no. 5 you are talking of? -- Yes My Lord.

MR BIZOS: And that is the only violence he spoke about, accused no. 5? -- Yes in addition to that after a question was put to him by somebody who had to ask questions about the (30) rents which were being deducted by the employers he replied

to/.....

to that question by saying that those who will be paying rent after this they will have to be killed.

Oh so he did not only speak of violence against Councillors? -- What I have been just telling the Court about here was in fact involved in the talking about the Councillors.

Because I am going to put to you that the fact that you did not remember for a long time until you were led into it that accused no. 5 said that people should be killed is not true. -- I have already explained to the Court what I heard him saying and in the manner in which it happened, what I (10) take to be the truth.

You see I am going to put to you that your evidence in relation to the accused varies from stage to stage because you are not telling the truth? -- Well that is how you take it. I know that I am telling the truth.

Right. Now you see you recall that I asked you to tell us precisely what was said about violence on Friday and I asked so many questions, so many questions about it to make absolutely sure? -- I remember that.

And it was in connection with violence, the violence (20) supposedly spoken of by the accused. -- I remember, yes.

And although you had said other things the final answer was that you said of accused no. 5 that Councillors are sell-outs, they are government puppets, they are bound to be killed and that is all that was said by accused no. 5 about violence. -- I am still saying that now, that it is like that. I answered this question rounding off what was said by accused no. 5 in reply to a question by this man who wanted to know what was to happen to the people who were paying rent, on which he said they have to be killed. I further said about (30) violence and other things they were sort of confirming one

another/.....

another and in fact strengthening that that was said by the previous person.

Listen to me please in relation to accused no. 5. In your evidence-in-chief you did not tell us that he threatened violence to Councillors. Do you agree with that? -- Yes that is what I left out.

Yes. Then you told us that the only violence that he threatened was in relation to Councillors? -- Yes.

This morning in answer to questions, only when we came directly to the point did you remember as an afterthought (10) that he had said that people who pay rent should be killed? Have you any explanation for these apparent contradictions that we are going to argue to His Lordship and Learned Assessors? -- I explained this in saying that he said those who are paying rent will have to be killed.

Well have you any other explanation? -- That is the explanation I am giving now.

Did accused no. 5 say that those who will pay their rent will be killed before or after you took the floor for the first time? -- He uttered those words after it was announced (20) to the audience that whoever wishes to put questions can do so. Then this man put those questions and he uttered this answer and then thereafter I was the second person to put question.

Is the answer to the question that you took the floor after accused no. 5 said this? -- I took the floor after the first person who questioned about rent.

Now had accused no. 5 already said that whoever pays rent must be killed before you stood up for the first time? -- That is so, that is after he had uttered those words (30) that I took the floor.

Then/.....

Then your question should really have been, if you were so concerned that you took the floor, twofold. Who is going to look after the orphans and who is going to look after the people who are arrested? Did you ask who is going to look after the orphans? -- That was my question.

Who is going to look after the orphans, the children of the people who would be killed for not paying rent? -- Yes that was my question.

That is the question that you asked. And is that what you said in your statement? -- I did mention that in my state- (10)  
ment.

And do you say that you mentioned it in your evidence-in-chief? -- Yes I did make mention of that, that I am the one who put such a question.

That who is going to look after the orphans of the people who are killed for not paying rent?

COURT: Paying or not paying rent?

MR BIZOS: I beg your pardon.

COURT: Now we have got the whole thing mixed up Mr Bizos.

MR BIZOS: I am sorry My Lord, for not paying rent. (20)

COURT: For in fact paying rent.

MR BIZOS: For in fact paying rent, I beg Your Lordship's pardon, yes I think it is clear.

COURT: Yes now let us get the thing clear. What Mr Bizos is putting to you is did you ask a question, when you got onto your feet, what is going to happen to the children of the people killed because they did pay the rent? -- My question was what is going to happen to the orphans or the children of the people who might get arrested for either having failed to pay rent or having paid rent and they are killed, what is going (30)  
to happen to their children.

MR BIZOS:/....

MR BIZOS: I see. So you posed this question? -- That is how I put my question.

Now if I were to assure you that you did not put it that way in your evidence-in-chief at all and you have mentioned it for the first time after I put the improbability to you what do you say? -- I take it that I did make mention of that in my evidence.

Yes. Did you intend paying your rent despite what accused no. 5 you now tell us said? -- When I put that question to him it was sort of to find a standing point as a result of the (10) answer he was going to give as to whether, which side am I going to take resulting from his answer.

Yes. And what was his answer? -- Well it was accepted that way that no rents are to be paid.

Now what was his answer to your question as to who is going to look after the orphans and the sons and daughters of those imprisoned, what was his answer? -- The answer to that question was those children left behind will be looked after by the V.C.A. And the parents who will be arrested will get defence or lawyers through V.C.A. (20)

Is that what accused no. 5 said? -- That was the answer to my question, yes.

By accused no. 5? -- Yes.

Do you recall what your answer was when I asked you on Friday as to who made a promise of looking after the children and the defence, do you recall what your answer was? -- Yes I do.

Did you mention accused no. 5 or any accused for that matter? -- My answer to the question was it was said that V.C.A. will cater for the children as well as look after (30) the interests by defending or providing defence or arranging defence/.....

defence for those parents who are arrested.

Listen to the question.

COURT: Well why do you not put it to him directly Mr Bizos that his evidence differed if it did differ?

MR BIZOS: Yes My Lord.

COURT: And not ask him to recall what he said on Friday. I cannot recall what I said on Friday.

MR BIZOS: As Your Lordship pleases. I am going to put to you that on Friday you said it was none of the accused and you did not know who it was nor did you know if they held any office(10) in the V.C.A. or whether they had the means with which to make good this guarantee. -- I had already explained like I am now explaining. That accused no. 5, after it was put to the audience to put questions if they so feel is the person who was there to answer the questions, whichever question was being put.

Well I put to you what your evidence was and we will leave it at that for the time being. But tell me this did the sheer illogical nonsense of it make any sense to you that the V.C.A. or people connected with it would first kill people for (20) paying their rent and then look after their children? -- Even to me it does not make sense, that is what I am saying.

Yes. Well I am going to suggest to you that the reason why it does not make sense is that it was not said. Either by accused no. 5 or anyone else. I think it was quite late in the cross-examination on Friday. -- It was mentioned.

Now tell me this, did you, when you stood up and took the floor, you raise any question "But how can you talk about killing"? -- As a result of the answer he gave to the first person who asked him questions that people who will pay rent(30) will be bound to be killed that is what raised the question to

me/.....

me now that I had to make mention of the killing, because I wanted some clarity on that.

So do you say that you asked a question about the killing?  
-- What I am saying is my question was what is going to happen to the parents, to the children of the parents who are now arrested.

Have you finished? -- About killing, my question when I put my question it did not include any killing. It is being put into my question or incorporated into my question by the defence in questioning me now. (10)

Are you now saying that you did not make mention of the killing when you asked the question? -- I am saying my question was what is going to happen to the children of the people who might get arrested. If you listen to that question it does not include any killing.

Right. Why did you then two or three questions ago say as a result of the answer to the first question "That is why I had to make mention of the killing because I wanted some clarity"? -- Well if that is what I said it must have been a slip of the tongue. That is not what I said. (20)

Well if you did not say it and as a concerned citizen was not that a terrible thing to have heard from your fellow members of your community, was not that the most terrible thing that happened there, to talk of killing and you, the courageous public figure who got up to question the actions of the persons there, how could you have failed to mention the killing if your present evidence is correct? -- Even if I am a leader of the community there are certain things that can slip my mind and just leave them without questioning them.

If you were concerned about the children of people (30)  
who were arrested surely it could not have escaped your mind  
that/.....

that the people that you say spoke at this meeting had in their mind to kill members of your community for paying rent? How can that slip by? -- Well there you are, I did not question that.

Yes. Now is it correct that questions generally speaking are asked at the end of the meeting, after the speakers have had their say? -- That is so.

And did this general rule apply to this meeting? -- Yes it did apply in this meeting as well in the sense that all the speakers addressed the meeting and then thereafter it was given to the audience to question whatever they wanted to question.

Yes. Can you give his Lordship some idea of how many

speakers there were before questions were asked? -- I counted them one, two, five in all. That is the speakers who have already addressed the meeting.

Yes. Did any speakers address the meeting after the questions were asked other than to answer the questions? --

The last person I heard speaking there is at the time when I was leaving the meeting, the one I said I cannot tell who was speaking at the time because I was already on my way out. I see. Was this a speaker or a questioner or was some-

body answering someone else's question? -- In my understanding of it it was just a speaker.

But this was after the questions had started? -- Yes it was during the period of questioning.

Right. Tell me you described what you saw there as a

platform. Is it really a platform worth the name? -- What I

call a platform is a stage. That place resembles a stage.

Are you sure that it does not resemble a hall which

was once a church with just one step up? To distinguish, to



elevate the officiating priest? -- I will not know but it is a higher level than the normal level of that room and therefore I call it a stage.

Well you are not suggesting that it is anything as His Lordship's bench here or anything as high as waist high or anything like that? -- It is far lower than His Lordship's Bench and slightly lower than the defence table here.

Yes. Would you say, and does it go right across the room? -- I did not notice that.

Can you tell us whether, however big or small it may (10) be, whether there were just speakers on that area or whether members of the audience were also using the portion you call a platform? -- I did not pay particular attention to know as to who the speakers were and who were the members of the audience there. There were some of the audience who were seated in that immediate vicinity of the place I refer to as a platform.

Yes. And were they sitting right across the rectangular room in front of the place that you refer to as the platform? -- The hall was full, that is so.

Yes. And it would have been very difficult to dis- (20) tinguish as to who was a speaker or an important invited guest and who was just a member of the audience that came there and found the most convenient place to stand or sit?-- That is so.

Yes. Now I want to deal with what you described as the Black Power sign. Whatever its origin may have been do you agree that it has come down to almost a form of fraternal greeting in the townships? -- Not as far as I know. What I know is if people are greeting each other in the township this is what they do, it is either by hand (indicated by (30) the witness) or by moving your hand or orally.

COURT: That is a wave of the open hand about shoulder high, or moving the head up and down in a nod.

MR BIZOS: Thank you My Lord.

COURT: Are you putting to the witness that the normal friendly handshake has disappeared?

MR BIZOS: I do not want to become a witness in this case but I think a toddler of about eight greeted us in this way when we went on inspection in loco.

COURT: Very well.

MR BIZOS: You told us how you greet but among the young (10) people and among the, put it, politically active people has the clenched fist become a form of fraternal greeting? -- Well according to your experience and the way you put it to me I agree with you. I cannot deny that.

Well do you not see ....

COURT: Do not go on counsel's experience.

MR BIZOS: Yes it is isolated.

COURT: Tell us about your own experience. -- I have not in fact noticed that.

MR BIZOS: Do you not see young people in the community in (20) which you live greeting each other with a clenched fist? -- What I know is the last I have seen happening when they are greeting each other with hands.

You have never seen anybody greeting anybody in Sebokeng with a clenched fist? -- How with a clenched fist?

Like this, like you demonstrated the Black Power salute. -- No I have not seen that.

You have never seen it? -- No.

Is this the only meeting that you attended ever? -- No it is not the only one. (30)

At the other meetings that you have attended of your

community/.....

community was this sign not used? Was this clenched fist greeting not used? -- Let me put it this way the meetings that I attended, that is those of the Community Councils, I have not seen that sign being used as a greeting sign. The meetings of the school committees I have not seen that. Even the Lebowa meetings that I attend I have not seen that.

Was this the, did you not attend any other meeting in your life in which this sign was given? -- I cannot remember that.

You have never seen it before and you had never heard of it before? -- I have not seen it, I have heard about it (10) but I have not seen it. It was for the first time that I saw it there, that is where it was practical, where it was used.

And you have never heard anything about it before? -- I have heard about it but have not seen it being put in practice.

Where had you heard about it? -- In the course of my life I heard of it but I cannot be specific as to where. There are things that you can know by hearing from people talking about it but not seeing it being put into practice. That is how I know it.

Have you never had any cases in your court where you (20) are an interpreter where witnesses have spoken about this at meetings? -- My evidence is I have heard of it, it may have been in the course of my life, or anywhere, but I had not seen it in practice.

In relation to women's organisations do you know anything about them in your area? -- No.

Do you know of any women's association, of whatever nature? -- No I do not know.

Do you know whether any women's organisation has any uniform there? (30)

COURT: Where?

MR BIZOS: In the Vaal Triangle.

COURT: In the Vaal Triangle. -- No.

MR BIZOS: Do you know whether there was a womens section, or organisation associated with the Vaal Civic Association?

-- I do not know that.

You do not know that. And you do not know about the colours of any organisation? -- No.

And you cannot recall whether the first woman speaker said anything about any women's organisation? -- No.

Right. And you do not know whether she was in any way (10) connected with the V.C.A.? -- No.

And you had no reason whatsoever to believe that she was in any way connected with the V.C.A.? -- Except for the uniform, that I saw.

Yes I know that you saw the uniform but you did not know of any connection between it and the V.C.A.? -- Yes I do not know about that.

And you never had any idea about the name of any such organisation that the second woman may have belonged to? -- No. (20)

COURT: Could I just get clarity. Mr Interpreter did you catch the last bit of what Mr Bizos was saying? What was the last part of Mr Bizos' sentence.

INTERPRETER: In the last question?

COURT: In the last question.

INTERPRETER: Whether the witness had any idea of the association of this woman with the V.C.A.

COURT: I was wondering at stages whether the last part of Mr Bizos' question is not drowned out by your starting to interpret before he is entirely finished. (30)

INTERPRETER: No My Lord, I always make it a point that I can

hear, it is audible to me what he says while putting the question, the reason being that at times the defence has a tendency of putting long questions which can be a problem unless one has a long retentitive memory to remember exactly what he was saying. Therefore to avoid that I always make it a point that at a certain point I start interpreting.

COURT: Yes, very well, thank you. Do we now remember the long question?

MR BIZOS: That one was not so long, but it was whether the name of, he had any idea of the name of an organisation (10) connected with the V.C.A. And the answer was no. Where did you get this business in your evidence-in-chief that the one woman was, put them in order in which you gave them, from the Women's Association of the V.C.A. and the other one from the Women's League? Where did you get that from in your evidence-in-chief? -- I do not know of the existence of those organisations but I explained that because that was the talk I heard there.

You see because I am going to suggest to you that the appearance of these names, the appearance of those names in (20) your evidence-in-chief tends to show that these names may have been supplied to you in view of your answers in cross-examination? -- I was not supplied with those names. I just answered to the question from what I heard being said about these organisations which were not known to me. In other words I have nothing to say about something which I do not know unless I heard of it being mentioned somewhere.

Well if you had heard it mentioned why did you not mention the names when I asked you about it in cross-examination a moment ago? -- Which question was this? (30)

As to whether you had any idea about any women's organisation

or/...

or any name or anything like that and you disavowed all knowledge about it. -- I understood the question to be that do I know of the existence of such organisations. I did not understand the question to be saying that I must mention different organisations in which women are affiliated.

I think the questions and answers will speak for themselves and contradict what you have just said. Now I want to deal with your going out and following the woman that said that you should not be allowed to speak. Was that after you had tried to speak on the second occasion, the second occasion (10) on which you took the floor? -- Yes.

Why did you follow this woman? -- It was because she surprised me by saying what she had said there. She was not known to me, I was seeing her for the first time.

Now I am going to ask you to please give us precisely what it is that this woman said, what did she say as to why you should not continue having the floor? Precisely what did she say? -- She said I am one of the Councillors.

Yes? -- I am bound to be killed.

Yes? -- It is only then that it was said I must sit (20) down.

By who? -- The house ordered me that way.

Was anything else said about, anything else said by this woman? -- No, that is all I heard.

And did you hear anything else, either about yourself or the Councillors being killed after you were ruled out of order on the motion of this woman? -- I heard words about the properties of the Councillors which were to be damaged.

Was that immediately after you were told to sit down? -- After some time or a short time, at the time when I was (30) getting up to leave the meeting. Then those words were uttered.

So until you were about to leave the meeting nobody said anything about the Councillor's properties? -- I say I only heard those words being uttered at the time when I was getting up in the process of going out, then I heard these words, they must have come from someone in the house or the meeting.

So can you please, can you please tell us whether the first part of the statement supposed to have been made by this woman that you are one of the Councillors, was that true or untrue? -- It is not true because I have never been a Councillor. (10)

Did you say so? -- Say what?

If an accusation is made against someone that he is a Councillor, if it is an accusation, do you not respond but you say "Look you are accusing me of being something that I am not"? -- How would I have answered to that because I was just being shouted down, there was noise there shouting me down. And here am I now, as I say immediately when she left I followed this woman in order to go and find out about the allegations.

Well you have already told us that it was not immediately but five or six minutes later. (20)

MNR JACOBS: Edele ek dink nie hy het gesê hy het dadelik toe geloop nie, hy het gesê "Immediately when this woman left I followed her". Dis nie wat hy gesê het, hy het dadelik na hy gesê is om te sit nie.

HOF: Dit is ook soos ek die vraag verstaan. Die vraag is ook dat hy vyf of ses minute later ...

MNR JACOBS: Ja vyf or ses minute later, maar sy antwoord nou was "Immediately when this woman left I followed her."

COURT: What is the question again?

MR BIZOS: Yes, you did not leave the meeting immediately, (30) you left the meeting five or six minutes after you were told

to sit down, when that woman walked out, to cover My Learned Friend's objection. -- Yes I sat down for five to six minutes after I was told to sit down. Then when she left I then followed her.

During this period there is one thing that you could have said, even whilst you got up, "A false allegation has been made against me, it is not true, I am not a Councillor"?

-- Well I will say unfortunately I did not have that in mind or it did not occur in my mind.

Now if a person had suggested that you should be killed(10) did you try to find out anything about her identity before you left? -- When I went out of that house, or the meeting, it was with a view of seeing this woman outside and find out who she is.

Did you ask her who she was? -- My question to her was whether she knows me.

Yes? -- In reply to that she says she does not know me except that she knows me as one of the Councillors.

Well that was asking her questions about you. Did you ask her who she was so that you could identify the person who (20) made such a serious threat against you? -- Some day after this day in question I did try to investigate as to who she was and where does she live. And then I came to find out where it was where she saw me for the first time. I discovered that she met me or she came to know me at a school, a Northern Sotho school known as Motsusi.

The question was, remember, whether you asked her who she was? -- No I did not.

Was it only this woman that said that you are one of the Councillors and you must be killed? -- That is what I (30) heard being said by her. In fact ....

And/.....



And was she the only person that said that you should be killed?

COURT: Mr Bizos the interpreter wants to say something.

MR BIZOS: I am sorry. -- In fact some people supported her in that.

Yes, by saying what? -- Adding to the words that I should be killed.

Yes. But now if that is the picture that occurred, that at least a portion of the audience shouted out that you should be killed? -- Yes that is how I heard it happening. After (10) she had said that and then it happened that way.

Yes. And to have one person speaking is bad enough but to have a substantial portion of the audience saying the same thing must be a terribly frightening thing? -- Yes that is so.

And despite this very frightening scene you have already told us that you did not mention it to anybody in authority? -- I said I reported some of the incidents where I was being intimidated.

We have been through that personally. -- I reported that to my employers. (20)

But you made it quite clear that you did not report anything about the meeting of the 26th, unless you want to change that evidence? -- I am not changing anything. I did not report the incidents of the 26th.

To anyone in authority. Did you not think that you required protection? -- I did think of that.

How do you think you were going to get the protection if you did not report it to anyone in authority? -- Well I did something about my protection myself by moving from the area where I was living to another area. (30)

Before the 3rd or after the 3rd? -- This came after the 3rd./.....

3rd.

After the 3rd. And after some young people had threatened you? -- Yes.

After the 3rd? -- After the 3rd yes.

And on the evening of the 3rd itself? -- Yes.

Tell me do you usually go to work by car? -- No I do not usually go to work by car.

How do you go to work? -- In most cases, in fact at first I was using a train and later decided to use a bus. Up to now I am not making use of my car, I am making use of the (10) buses.

Tell me, on the morning of the 3rd did you intend to go to work? -- I was already fully clad waiting to see and monitor the situation. If circumstances allowed me to do so I was prepared to go to work.

Was there any reason why you did not use your car to go and ascertain the position of your child? -- Yes there was a reason. I just said I was waiting to see what the situation was. That is why I left the car.

If the situation was normal on the morning of the 3rd (20) would you have used your car? -- I will not know that because most of the time I was leaving my car behind.

Whatever the position may have been in the past I am going to suggest to you that generally speaking you go to work by car and that there is a sort of lift scheme operating between you and members of the police that also lived around your area at the time? -- It never existed unless I would like the defence to mention to me who are those members of the police, never with me.

Do you deny ever having taken a lift or given lifts (30) to police officers in the morning or in the evening? -- Not

in/....

in my car.

In their cars? -- Sometimes in the morning they would pick me up from a bus stop or from a stop. That did not happen every day, it happened sometimes.

Yes. I am not for one moment suggesting that it happened every day or that there is anything wrong with it having happened from time to time. Is the police station and the court at the place where you work adjacent? -- No the police station is far from the court building.

How far? -- About two blocks. (10)

Yes. And how far is the court house where you work, from your place of work? -- From the place of work?

The place of work to the place where you live, I beg your pardon. -- I was staying in Zone 7 then. It is from Zone 7 to Vereeniging.

Yes, how far? -- I estimate it to be 28 or 29 kilos.

Yes. And do members of the police living in Zone 7 from time to time, well are some of them stationed at that police station? -- Yes there are some.

C49 And report to work at more or less the same time as (20) you do? -- I do not know their starting time.

You see what I want to put to you is that you were well known to the members of your community as a close friend of Warrant Officer Mohage of the Security Police? -- I am not a close friend to Warrant Officer Mohage. I have already explained to the Court how I came to know Mohage, during what period and when last we met with him.

And furthermore that you worked in a government department, that your brother worked for the administration, Lekoa Administrative Council, that is not its full name My Lord, (30) at any rate the governing authority of the area, and that you

yourself/.....

yourself were regularly in the company of members of the police force travelling to and from Vereeniging? If that or a portion of that is true can you please explain why people in their right senses should incite others to murder in your presence? -- I would not know what was happening in somebody's mind. I may have been very intelligent for some things but I would not really know what is happening in somebody's mind.

Yes. And you recall that you told us that the Chairman was in control of the meeting, that with the possible exception of when you were shouted down, if that part of your evidence (10) is correct, the meeting was orderly? Is that so? -- I take it that way because immediately after I sat down there was nothing out of way about the meeting.

Yes. And until you left there was nothing out of the way? -- Yes until I went out.

Yes. Now why did you describe this meeting in your evidence-in-chief then as "oproerig"? -- I used the word "oproerig" because of what I noticed there, that this meeting had in fact put people together and made them feel and sort of pushed their feelings and made them realise and sort of (20) make clear what their feelings are.

Is that what you understand by "oproerig"? -- Yes, why I say it was oproerig it is because this meeting made people to be united and be one and understand one thing and get the message the way it was being put across to them.

Oh so unity for you is oproerigheid? -- Well it may be that it is because of my sickness, or being poor, the word use is ambiguous, or being poor in reasoning that I failed to put it clear and make myself clear in what I intended saying. Maybe it is a lack of ability in the usage of the word I (30) used, "oproerig". Because now from what I understand is

being put to me the defence understands the meaning of it in a different way from what I thought I understand it to mean.

Well have you never had occasion to translate a charge sheet in a public violence case? I understand that you have been in public violence, quite a number of public violence cases in your area, as an interpreter that is? -- I have not done that. Such cases were being referred and being tried by a special Regional Court.

Are you a Regional Court interpreter or a district Court interpreter? -- I relieve both, District, Regional Courts. (10)  
In fact I would say I am periodic.

Now tell me did you approve or disapprove of the object of this meeting to get unity among the people? -- I have already explained to His Lordship how much I was taken up like the community there which had to be united because of their feelings.

Yes. And that is the spirit of unity on which you left the meeting? -- That is correct.

And those were your innermost sincere feelings, that I am united with my people? -- I had understood this point (20)  
like any of the residents who were there.

Is the answer yes? -- Yes the answer is yes.

That you identified with the unity of your community that was achieved at that meeting? -- I said as a result of the speeches made there, which speeches united the people, which people I refer to those who were taken up and in fact were united as a result of the speeches, I was exactly in the same with those people. In other words I was also taken up like the other residents, and united with them.

But as a result of those speeches you yourself were (30)  
persuaded that you might take up and join the march on the

Mondav/.....

Monday morning? -- Yes I was quite prepared to join the march

with the residents on their way to go and enquire about the

irregularities referred to. I wanted to be amongst them.

So you would say that it was a particularly successful

meeting in that it achieved its purpose? -- Yes that is how

I took it at the time when I left. At the time when I left

the meeting while the meeting was still on that was my attitude

towards the meeting.

And you left the meeting and reported to your wife in that

spirit? -- On my arrival at home my wife and the children

(10)

were not home.

But anyway never mind that, if your wife had been there

you would have told her of the unity that the people had

achieved? -- Yes I would, as I explained earlier. I had said

that earlier that I was just going to discuss it with my wife

about what I heard there.

Because it was not only I take it Mr Masenya the eloquence

of the speakers but also the fact that your rental was going

to be increased by R5,90 from 1 September? -- The position is

whether one is satisfied or not about his rental being alone (20)

you cannot do anything effective all by yourself. Why I say

that is because in my experience if residents were not happy

about their rentals they would come together to a place called

a square to voice their grievances there and discuss in order

to come to a solution and agree on something which will have

an effect in being put forward to those in authority. Which

justifies then my saying if a meeting of that nature is being

held for residents, and you being a resident you also feel that

I must be there in order to be involved in the discussion to

solve this problem.

(30)

Did you feel that the increase of R5,90 was a problem for

you Mr Masenya? -- I was very much unhappy about it, that it was going to be increased, but I had just told myself it has now come I do not have any powers of authority to change it until this opportunity arised to join people who were united about raising their objections on this and then I took the first chance of that opportunity.

You know Mr Masenya that the way you spoke now about the question of rent the accused will tell His Lordship that is how you spoke at the meeting, that you were with them, for unity, and that on the first occasion that you spoke that your views (10) were completely in accord with the spirit of the meeting. -- I said, what I said in that meeting there was when I was putting a question and not addressing any meeting the way it is now being put to me by the defence.

Mr Masenya you are not a person who is afraid to express your views are you? -- I am not at all.

No. And if the views that you expressed on the rent issue to His Lordship and the Learned Assessors here a short while ago was what your feeling was on the 26th why did you not take the opportunity to say precisely that and show the unity (20) that you felt with your fellow men? -- I quite understand your question and I am quite aware as to where it is driving at but the point is what about if this did not occur in me, it did just not occur in my mind?

You see I am going to .... -- It is a difficult question being put to me in the sense that the defence wants to know from me why I did not sort of address the meeting or use the words I have been just using here. I had just left my house without having prepared anything for the meeting and therefore if it does not occur to me that this is now the time I can (30) use then it did not occur.

Well/....

Well now I have ....

COURT: This is now the second time you have traversed this field. We did it last time as well. Are we getting anywhere? He has told you last time that he only asked a question, that he did not address the meeting.

MR BIZOS: Yes now I want ....

COURT: Now we have gone through all that again.

MR BIZOS: Yes, no My Lord what I am saying is that the statement that he made to Your Lordship was substantially similar to the speech that he made. (10)

COURT: Well that point you have made.

MR BIZOS: As Your Lordship pleases. Now you see Mr Masenya I have a difficulty with your evidence and in fairness to you I would like you to please try and explain it. If you felt the spirit of unity you, being ruled out of order and the audience saying that you should be killed would have left you with a feeling of revulsion towards your fellow men in your community, not a feeling of unity and elation? -- The conditions there did not allow me to make my views known to the audience and secondly it just never occurred to me to take that opportunity and (20) make my views known to the audience. His Lordship will understand what my problem is. Here am I to be told to sit down, with a threat, really I do not think it will be expected of me to get up again for the third time and say that I wanted to say this after having been threatened in this fashion that I was.

I do not want to interrupt you but I do not think that you have come to terms with the point of the question.

COURT: What was the question?

MR BIZOS: That how could you have felt a sense of unity with (30) people who had excluded you, had made you an outsider, had threatened/....



threatened you? I do not purport to repeat it verbatim but the spirit of the question. -- I said I was taken up by what was said there. In fact I was united with the people there and at the time of my leaving I was still united with them as a result of which I thought it wise to go and discuss it with my wife.

Did you approve of unity induced by incitement to murder, or threats of murder? -- That is why I am saying after all that when I left the meeting I was still united with the people in the meeting but still going to discuss this with (10) my wife, after which discussion then I would have decided whether does the circumstances allow me to go with the people in the march to the office in view of my discussion with my wife or not.

What doubt could you possibly have had that you wanted to discuss with your wife if you had been, if the audience said "Let us kill him"? -- I will first deal with the killing part in answering that question and then the second part will be the unity. The answer to the question is the reason why I had to go and discuss this with my wife was because we were going (20) to deal with the first question, that is the question of the killing. In our custom one does not take a decision all by himself. You discuss your decisions or whatever involvement you want to be involved in with your family and then thereafter we were then going to discuss the next issue, that would be the unity with the community after discussing the killing.

Well do you think that that is an answer to my question? -- I take it I have answered your question. From what I understood the question to be.

Because I would have expected in anybody's custom if (30) he had been threatened to be killed at a meeting to say that  
these/.....

these people, far from having any unity, that these people are to be avoided at all costs? -- You know I will describe the five to six minutes that I was still in the meeting there, my life was safe, that is then thereafter that I followed the woman who was going out. In other words my having gone out to talk to this woman outside there, I established from her talks outside there that she is the one who is trying to influence the meeting, that is the house, against me.

Yes. But she had influenced them so successfully that you had not been allowed to speak? So your disgust must have (10) with with the house, as you call it? -- Now I do not understand this question. If the question comes from the same man, the defence who just asked me why did you not get up after some time and sort of make known your feelings and your views about the whole thing.

Are you finished? -- Yes.

Now I am going to put to you that the reason why this woman called, blew the whistle so to speak that you were out of order, was because she asked "Are you prepared before you speak again, are you prepared to repudiate the Councillors (20) and the way in which they have gone about this? I will put it more directly, that she was concerned that you should not be speaking there with two tongues, purporting as you had done before to support the cause of the residents in relation to the rent hike but not being critical of the Councillors that were responsible for it, or supposedly responsible for it, and not coming out against them as a Council? Let me make it even clearer, that you refused to repudiate the Councillors and that is why you were not given a further hearing. -- I said I was never a Councillor and further said this woman has never (30) spoken to me except just jumping up from the audience and

did/.....

did this what she had done there and uttered the words she uttered about me.

Were you, I do not want any misunderstanding. Do you say that when she said that you were a Councillor you said that you were not a Councillor? -- My evidence is immediately when she said that there was a big noise in the hall and therefore I did not say it.

Did she ask you to repudiate the Councillors? -- No.

Did she ask that you clarify your attitude? To the Council system? -- No. (10)

And I am going to put to you that the reason why you felt with that elated, you left with that elated feeling of unity was because she said nothing about killing? -- There is.

COURT ADJOURNS UNTIL 14h00.

COURT RESUMES.

LESEBANE JOHN MASENYA, still under oath

CROSS-EXAMINATION BY MR BIZOS (continued) : Before continuing, My Lord, my attention has been drawn that I have put that accused no. 17 came back with the shopkeeper Tsotsotso. I was incorrect in that. My attention has been drawn to it by accused no. 17. He in fact went to fetch him, but did not arrive back with him, because his car gave trouble on the way back. I merely want to place that on record.

You heard me say that, but I think it does not affect (10) any of your answers, because you say you did not see him there at all at any time? -- Yes, I heard that.

There are just a couple more questions that I want to ask you. You told us that you left your home at 07h15 and that you saw the corpse of the late Caesar Motjeane at about 09h30? -- Yes, that is my estimation.

You also told us that throughout that day you did not see any march? -- I did not see a march, yes.

And certainly no march from the Catholic Church near Small Farms right up to the business area where you saw bottle- (20) stores, shopping centres, shops damaged? -- I did not see any march, except the groups of people I have mentioned.

Were they groups of young people who were just moving about as you told us in your evidence-in-chief? -- Yes, mixed with some elderly people.

And before you saw the corpse, you saw the damage that you mentioned to us in Zone 14? -- Yes.

That the shopping centre was smoking and that flames were coming up? -- That is so.

Would you like to put a time on that when you passed (30) it, please? -- I cannot remember as to what time it was.

More or less? -- Something to 09h00.

Could you give His Lordship some idea of this shopping centre's distance from the Catholic Church, Small Farms? -- Are you talking about the shops in Zone 14?

Yes, the ones that you mentioned that there was smoke and there were flames and that there were groups of people and that there were shops that were broken, that sort of thing? -- Roughly 4 to 5 kilo's.

You say that that you saw before 09h00? -- I believe so.

You also told us that you saw the police breaking up (10) groups in Zone 13. At what time did you see that? -- It could be still something to 09h00 because I was on my way to Zone 13 from Zone 14.

And you saw the bottle-stores being looted. Could you put a time on that more or less? -- I estimate that at about 09h00 or just past 09h00.

And all this was approximately 5 kilo's away from the Small Farms Catholic Church? -- Do you mean from the Roman Catholic Church on Small Farms to Zone 11?

To where the bottle-stores were which were being looted?(20)  
-- That was in Zone 11.

How far would that be? -- I estimate it to be about 2 kilo's.

COURT : That is now from the bottle-stores to the church? -- Yes, from the Roman Catholic Church or the Roman Church to the bottle-stores.

MR BIZOS : You saw that the road was covered with stones and other debris? -- Yes.

You have given us a rough estimate of the distance and I might as well put to you the purpose of this. You see, (30) the evidence will be that a march from Catholic Church, Small

Farms started off shortly before 09h00. Are you in a position to either admit or deny it? -- I cannot deny that.

And would you agree, as a person who knows the area there well, that if your times are correct, the people on the march, if they were going at an ordinary walking pace, could not have reached the places that you saw damaged?

COURT : When?

MR BIZOS : On the morning of the 3rd?

COURT : By the time he saw the damage?

MR BIZOS : By the time he saw the damage, yes, in the (10) morning? -- That I would not know.

Is it correct that your child was in Zone 13? -- Yes, the child was in Zone 13.

How did you come to pass through Zone 13 then in order to come back to Zone 7? -- I went to Zone 14 to go and look for the child at school.

I promise you that this is the last time I am coming back to the meeting of the 26th. That is that you said that accused no. 17 said that the people should go to the councillors houses on the morning of the 3rd, before going further to the (20) superiors I think was your word? -- That is what I said.

Are you sure that that was said? -- I am sure, yes.

Who are the councillors' superiors? -- It is a place called Houtkop.

Yes, but there are officials that are suppose to be their servants, the councillors' servants? -- Well, the community is still under them.

Under the officials? -- That is how I take it.

Is that not a reason why the councillors were called puppets? -- That I would not know. (30)

But you were and are of the belief that the officials are

the people who are in control? -- Yes.

And were politically aware people not saying at this meeting that we are told that the councillors make the decisions, but they are mere puppets, they do the bidding of the officials? -- I do not know. It may be so. A person who speaks, will speak about what she or he knows.

Did you hear that being said at the meeting? -- Yes, I heard that.

Did you hear anybody saying that the question of raising the rental by R5,90 was not really the councillors' decision(10) but the decision of the officials? -- That I did not hear.

Did you hear any of the speakers calling up on the councillors to resign? -- I cannot remember.

But you cannot deny that that happened? -- No, I cannot.

To take your version that accused no. 17 said that you should go and call on the councillors on the morning of the 3rd before going to Houtkop, would you not agree that if he said that, it is inconsistent with a serious insightment that the councillors should be killed? -- I understand that.

And what is your answer? -- I would have had an answer(20) to that if, for instance, I knew why and what were the reasons of my having said that.

HERONDERVRAGING DEUR MNR. JACOBS : Jy het Vrydag in jou getuie-  
nis gesê u het 'n dreigement na die 26ste ook ontvang. Dit is  
26 Augustus 1984. -- Ja.

Kan jy net vir die Hof sê wat se dreigement het jy ontvang  
en wanneer? -- Dit is van die seuns wat by my was.

Van die seuns wat by jou was? -- Ja.

HOF : As jy praat van seuns, bedoel dit kinders onder 16 of  
is dit enige ongetroude man? -- Ek praat van ongetroudes. (30)

MNR. JACOBS : En wat se dreigement het hulle by jou geopper?

-- Hulle het by my hek gestaan en met mekaar gepraat. Toe ek daar te voorskyn gekom het, dit wil sê by hulle, het een van hulle hulle geroep en daar is toe gefluister. Toe hulle daar weggaan, al wat hulle gesê het, is dat hulle my sal sien.

Het hulle enige onderskeidingsklere aangehad, hemde of iets van die aard? -- Hulle het normale burgersklere aangehad.

Hoe lank na die 26ste se vergadering was dit in verhouding tot die 3de? -- Dit kon die aand van die 3de gewees het.

HOF : Die 3de wat? -- 3 September.

MNR. JACOBS : Is dit 1984? -- Ja. (10)

Nog 'n ander aspek wat ek net kortliks met jou wil behandel is, dat jy die woorde onder andere hier in die hof gebruik het toe jy getuig het, toe jy bevrees geraak het daar by die vergadering van die 26ste, het jy, soos ek die tolk verstaan het, gesê onder andere, dit is nou iets nuut wat jy inbring, maar jy was nog besig om 'n sekere sin te praat of klaar te praat toe jy in die rede geval was. Is dit reg? "I did not complete my sentence"? -- Ja.

Weet jy nou watter gedeelte van die getuienis ek na verwys? -- Ja, as ek nie verkeerd is nie, praat u van die getuienis toe ek die tweede keer opgestaan het daar waar hulle my laat sit het? (20)

Ja, toe jy by die deur gekom het en jy bevrees geraak het toe jy na die mense gekyk het? -- Ja.

Wat is die res van die sin wat jy vir die Hof wou vertel het? -- Dit is presies wat u nou net vir my van gevra het, wat my laat vrees het.

Is dit wat jy nog vir die Hof wou vertel het? -- Ja.

Vertel vir die Hof dan nou? -- Ek het gesê ek is uit die saal uit waar die vergadering gehou was na buite, waar ek (30) met die vroumense 'n gesprek gevoer het. Die ander mense het



die saal binnegegaan. Ek het toe teruggekeer tot by die deur van die saal, waar ek 'n verdere vrees opgedoen het, as gevolg waarvan ek toe weggeloop het.

Wat het jou die verdere vrees gegee? -- Dit was as gevolg van die gesingery daar binne.

By hierdie vergadering van die 26ste, wat was die gesindheid van die gehoor en al die mense, die sprekers daar omtrent hierdie huishuur, die verhoogde huishuur van R5,90? -- Dit het die gemeenskap verras, veral die mense wat die vergadering bygewoon het. (10)

Wat was hulle gesindheid? -- Hulle het saamgestem met die ding van die huurgeld.

HOF : Hulle was daarteen? -- Ja, hulle was teen die verhoging van die huurgeld.

ASSESSOR (MNR. JOUBERT) : Is u 'n lid van die VCA, Vereeniging Civic Association? -- Nee, ek is nie 'n lid nie.

Kan u my vertel van die VCA? Wat is sy funksie en wat doen hy? -- Ek weet regtig nie wat hulle doen nie.

ASSESSOR (MR KRUGEL) : You said that you never presided at the Legotla, but that you were a helper there? -- I was (20) helping the members of the Legotla.

In what capacity? -- In settling the differences or misunderstandings of the township.

Could you explain what the Legotla looks like? Is it sitting as a court? -- When I am talking about the Legotla, this refers to a councillor of a particular ward and his assistants, and the members of the committee to that ward, sitting under this council.

But you were not a member of the committee? -- I will say I was a member and I was not a member. I was merely helping(30) them.

I wish I can establish clearly what you did to assist, because accused no. 9, I think, avers that he appeared before you? -- We were dealing with matters for instance concerning a man and wife who are having a dispute in their house and for instance children who are staying in a certain house and would not have a permit to be resident in that house and having some disputes or misunderstanding with their parents.

I understand that that is what the councillors deal with and what apparently their assistants assist them with, but how do you go about assisting him? Do the people come (10) to you, explain what their trouble is and you take them to the councillor who held you assistant? -- What happened is, the people who are having a dispute for instance would go to the councillor or if there is a complaint, then they will go to the councillor of that particular wars. Then the councillor will send out some notes to bring together the people involved in whatever complaint or dispute is there. Then we are going to meet these people at the councillor's house, alternatively at a school. For us to attend or to come together there to attend to this dispute, we will have to (20) be informed by the councillor, for instance, he would give us a date and say on such and such a day, I need you people to come together, I am having this to be discussed in helping the people.

Could we just get clarity on your own conclusions at the meeting of 26 August. In reply to Mr Bizos you admitted that you understood that people who were not going to pay rent could be killed? -- Yes.

And also that people who are councillors, including yourself perhaps, might also be killed? -- That is how I under-(30) stood it.

Did you understand this possibility as one which could realise on 3 September at the march? The possibility that councillors' houses could be burnt, that they could be killed et cetera? -- I understood that to be that on 3 September there was going to be a march to some councillors to go and find out the reasons as to why is this rent being increased. Though there was mention made of the killing of the councillors, but it encouraged me when they said they will end up getting to the main office.

What do you mean by encouraged, please? -- By that I (10) mean it was acceptable to me as a result of their having mentioned that they will end up going to the office, which is the main office to go and find out from there as to what is what pertaining to the rent.

Did you or did you not associate the intention to march to the councillors' houses and to march from there to the main offices? Did you have in mind that people may possibly be killed or that houses may be burnt or not? -- No, the reason being that because of the mention that was made that they will end up going to the head office, I did not con- (20) sider it very serious as to whether there can be any killing or destruction of property.

You did not consider that as a serious possibility? -- Not at all.

And you went along with that? That is the march now? -- Yes, I went along with that to the authorities' offices to go and hear about this thing in question.

COURT : So, to summarise then, did you take the mention of killing at the meeting seriously or did you not take it seriously? -- I did not take it serious because they had said they will (30) march to the office. Another thing was, I just told myself

I will have to study the situation as to how the situation was.

Reverting to the Legotla, was the Legotla an attempt to mediate in disputes between persons living in a certain ward?

-- Yes.

And were you an adviser in this mediation or were you a mediator between these parties? -- I was an adviser.

Advisor to the councillor who was the mediator? -- To both the councillor and the members of the Legotla. What happened is in fact we were helping each other in order to help the (10) councillor in some respect in a dispute.

And did this help occur in the presence or the absence to the parties in the dispute? -- What would happen is this. For instance, say we were invited to a venue where a dispute was going to be settled. On arrival there the councillor would call us in private and brief us about the dispute or whatever is to be discussed there and give us the facts and then thereafter the people involved in that dispute would be called in after having briefed us, in our presence.

RE-CROSS-EXAMINATION BY MR BIZOS : Firstly, I am reminded (20) that I did not specifically put that - which are our instructions - there was no call for damage to property. I thought that I had, but I am informed that I did not and I would like an opportunity to put that, not arising out of the Court's questions. I was reminded by the learned assessor's question and I checked on it.

COURT : Yes?

MR BIZOS : I am going to put to you that no one at the meeting called for damage to the councillors' property? -- I have already mentioned that in my evidence, that on my way out (30) I heard somebody making mention of that, though I am not in a

position to identify that person.

I want to just ask you one or two questions very briefly about this Legotla. Firstly, do you agree that the councillor is not always present, he delegates this function to persons such as yourself who have got experience in public affairs? -- To us, during my time, it was not done that way. He was always there.

The other question that I want to put to you is this. Is one of the punishments or one of the findings made by this court that the person is not a fit and proper person to (10) live in that ward?

CCURT : How does that flow from the questions put by the Court? It does not?

MR BIZOS : I would not like to argue it on the basis that it does or does not, but I am asking for leave to do it, because of the question that will follow.

COURT : Let us first hear what the question is which will follow?

MR BIZOS : That upon such declaration a person's residential permit is cancelled. (20)

COURT : That may or may not be relevant. Are you putting it that that was a threat that affected one of the accused?

MR BIZOS : Not directly, but generally, we believe, that the grievances of the people concerned in the Vaal Triangle may be an issue ... (Court intervenes)

COURT : That is not relevant. It is not flowing from the questions put by the Court. The question is disallowed. Any further questions?

MR BIZOS : No.

HERONDERVRAGING DEUR MNR. JACOBS : Geen vrae. (30)

GEEN VERDERE VRAE.

MNR. JACOBS : U Edele, die volgende getuie sal deur mnr. Fick aangebied word. Ons gaan aansoek doen by die Hof dat die getuie sy getuienis in camera gee en dat die Hof dan vir die aansoek skoongemaak word in terme van artikel 76 - wat is dit, 65 van die Strafproseswet.

HOF : In terms of Section 65 of the Internal Security Act I have to clear this court for the time being while I have to decide whether the next witness is to be heard in camera or not. All those present please leave the court.

## **DELMAS TREASON TRIAL 1985-1989**

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