

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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SAAKNOMMER: CC 482/85

DELMAS

1986-03-18

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. JACOB

ADV. P. FICK

ADV. W. HANEKOM

49

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

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COURT RESUMES on 18 MARCH 1986.

ARTHUR ZULU JOKOZELA: d.s.s. (Through Interpreter)

MR BIZOS: My Lord I do not know whether it will be necessary to note every morning that accused no. 9 is not with us. I think we can ...

COURT: I think we can take it for granted that on every Monday morning you will tell me whether he is back.

MR BIZOS: As Your Lordship pleases. Would Your Lordship allow me to hand in a page of the bail application which was apparently missing from one of your Assessor's copies. (10)

COURT: You can hand it to my Registrar.

FURTHER CROSS-EXAMINATION BY MR BIZOS: Now Councillor Jokozela when did you for the first time hear that there would be a stay away on Monday 3 September? -- Approximately two weeks before this day of the 3rd.

And when did you hear for the first time that there would be a march to Houtkop on the morning of 3 September? -- It was a Saturday, over the weekend just before the 3rd.

And despite all the information that you may or may not have had no special meeting of your Council was held in order (20) to try and meet the situation or the demands of the people concerned? -- No.

And no special arrangements were made for your personal security or the security of your business before the morning of the 3rd? -- We did approach the municipal police.

Well you were not in any way protected either on the Saturday or on the Sunday or early in the hours of Monday, there was no intention of protecting your during Monday, personally? -- No not at all.

That could only have been because there was no real (30) concern about your safety or the safety of your businesses before/.....

before the Monday morning? -- There was a reason for that. All I can say is perhaps that the people who were supposed to have arranged that were a bit slow to do it.

I see. So they did not take, there was no feeling of great concern, of great urgency, about the matter? -- Possibly yes.

Did you yourself believe that the majority of the people in the townships would stay away from work on the Monday?

-- I did not believe that.

And did you believe that a march to Houtkop would materialise? -- No I did not believe that. (10)

And when the thing really erupted on the Monday it came as a complete surprise and shock to you? -- That is so.

And you were in personal contact, were you not, with your fellow councillors during the week prior to 3 September?

-- Yes because we had a meeting on the 28th, that was the special meeting which was held by the councillors, and again on the 29th we had a meeting at Bophelong.

Yes. And let us deal with the special meeting of the 28th. Was that a formal meeting of the Council or was it an informal meeting of the Council? -- I think you will have to explain to me first what the difference is between a formal meeting and an informal meeting. (20)

Well let us start off with where was the meeting held? Was it in the Council Chambers? -- That is so.

And did the Mayor preside? -- That is so.

Was the Town Clerk there? -- I am not quite certain whether he was there.

Were minutes being kept? -- Yes.

Well I think we will call that a formal meeting. -- Okay. (30)

Now/.....

Now what was decided at this formal meeting on the 28th?
-- The decision taken there was that on the 29th we are getting to Bophelong to go and talk to the community in Bophelong.

Just to the community of Bophelong or were you going to invite the whole community under the jurisdiction of the Lekoa Town Council? -- We had gone there to see the people from Bophelong only.

Was that the only place that the Council considered required any sort of attention? -- That is so.

Councillor Mokoena told us that one of the reasons that (10) persuaded the councillors to hold the meeting at Bophelong on the 29th was because Bophelong was a place where the councillors had not held meetings on 5 August. Do you recall that?
-- That I cannot recall. What I can recall is this that they did try to hold meetings which meetings did not materialise.

Oh, you say that you are really adding a slight variation to Councillor Mokoena's recollection of events, that you agree that Bophelong was chosen because no meetings had been held, even though they may have been frustrated for some reason or another? -- That is so. (20)

And did that information come to the Council from the Bophelong councillors, that there had been no meetings on the 5th? -- Yes that is so.

Do you recall particularly which councillor reported that there had been no meetings in Bophelong on the 5th? -- I cannot remember because this report must have been made to the Chairman.

At the Council meeting? -- No not at the meeting because on the 28th at this meeting that is where we came to know that the Chairman is already aware of the problems which occurred at the time of these people trying to hold meetings at (30) Bophelong. Therefore it could not have been in this meeting.

I/.....

I see. Now

COURT: Now could we just clarify this. What exactly did the Chairman tell the Council on this aspect? -- What he said to us in that meeting as a council was he came to know about the failure of the councillors in Bophelong to hold meetings with the community concerning rent.

Yes, anything else? -- As a result of which then we decided that we go there the following day.

Yes I am only concerned with what the Chairman told you. Is that all he told you? -- That is all he told us. (10)

Yes, thank you.

MR BIZOS: Were the three Bophelong councillors present at the meeting of the 28th when the Chairman said that? -- I do not know whether all of them were present but they were present.

Did any one of them protest and say but how can you say that we did not hold meetings about the rent in Bophelong whereas in truth and in fact we had held meetings? Did any councillor from Bophelong say that? -- No no such objection was raised.

Right. Now was there any other decision taken at the (20) Council meeting of the 28th? -- Not that I can remember.

Was there any discussion that we, in view of, was there any discussion - I am sorry My Lord could I start again. Had you and your fellow councillors been made aware that meetings had been held in July and August at which hundreds, if not thousands, of people protested the increase of the rent? -- Meetings by who? So that I can understand what I am talking about.

By the VCA, by the Asinamale committee. -- I did not have any knowledge of that. (30)

Do I understand you correctly that you personally had no knowledge/.....

knowledge whatsoever of any protest meetings that were held in the Lekoa Town Council's area of jurisdiction protesting the rent? -- That is so.

Not only did you not, that includes any knowledge, nobody told you, you did not read it in any newspaper, you did not discuss it with any of your fellow councillors? -- No.

COURT: Up to what stage did you have no such knowledge? -- Until the last weekend prior to the 3rd when on a Saturday I came to be in a position or read from a pamphlet which was advertising a meeting to be held at the Roman Catholic Church, Anglican Church Zone 13. (10)

MR BIZOS: That would have been a meeting of 2 September? -- No from the pamphlet I am referring to it was written that it was going to be held on the 3rd at 09h00.

Right. Do I understand you correctly that no reference was made to any general agitation against the rent increases at your meeting of the 28th? -- No.

You are sure that you knew about it and you just turned a blind eye to it? There was absolutely no discussion and no knowledge on your part? (20)

COURT: "Your" means the Council or he personally?

MR BIZOS: He personally.

COURT: Yes and the discussion, he personally not the Council?

MR BIZOS: And the discussion he personally, he has no personal knowledge of the Council ever discussing it. -- No because I expected to hear clearly about what was going to happen on the 29th at Bophelong when attending the meeting which was to be held there.

Yes. . The meeting that was to be held on the morning of the 3rd, was that going to be at the Anglican Church Zone 13(30) or at the Roman Catholic Church, Small Farms? -- If I still remember/.....

remember well this meeting was to be held in Zone 13.

Alright that is how you remember it. Let us come back to the meeting of the 28th. In retrospect, thinking back, you know if some of us had our time over again, Councillor Jokozela at that meeting having regard to what happened on the 3rd and after the 3rd would you now consider it a good or a bad thing for your Council to have discussed or possibly resolved on the 28th to suspend the rent increase? -- During this meeting on the 28th that never occurred to us because already there was a note which was circulating in the community informing the (10) community about the intended increases and it explained that should there be any person who is not happy about the intended increases then a petition can be drawn or people can come forward and complain about that. And in view of the fact that nobody drew any petition or came forward to complain about the situation then we accepted it that there was no complaint, everything was in order, and therefore it was not discussed on the 28th.

COURT: Actually -- But after what happened on the 3rd then there was a feeling that what in fact was supposed to have been done has been left out and therefore it should be done (20) now and the rents were suspended. That is my feeling.

So are you saying that with hindsight you say it would have been better had you suspended the rents? -- Exactly. That is what I am saying, it was going to be better if we had suspended this the day we had the meeting.

MR BIZOS: And do I understand you correctly that not only was no report given to you as to what was, as to whether these meetings were taking place, it follows that no report whatsoever was given to you as to what was being said at any meetings that were held in your area? -- That is so. (30)

COURT: Could you just repeat the question?

MR BIZOS:/.....

MR BIZOS: Nothing was said at the Council meeting as to what might have been said at any of the meetings that were held.

COURT: Protest meetings?

MR BIZOS: Protest meetings. Well when was it decided to suspend the rentals? -- It could be late September early October, I am not quite certain when exactly this decision was taken.

ASSESSOR (MR KRÜGEL): Rental or rent increases?

MR BIZOS: I will clarify it. Was it, the suspension does that relate only to the rental increase? -- Yes I am talking about the increases which were suspended. (10)

Right. Now would you agree that in the opinion of your Council when you decided to suspend the increased rental, that you considered it a particularly material factor in contributing to what had happened in between?

COURT: Well let us put it a bit simply.

MR BIZOS: As Your Lordship pleases, the Interpreter has difficulty himself.

INTERPRETER: Not really, but putting it across to the witness.

COURT: The witness will have difficulty, that is clear. Well do you agree or disagree that the rents increase was a (20) material cause for the unrest? -- I will say so yes, because that was the only main reason which was advanced.

Yes. Well do you read newspapers Councillor Jokozela?
-- Sometimes.

Well you know for a man who is an elected representative one has to sort of keep one's finger on the pulse of his community. -- You mean now by reading newspapers?

Among other things. -- Yes that is so, it was necessary.

Can you please tell His Lordship how a number of reports relating to these protest meetings escaped you? -- I would (30) not know really how it missed me.

COURT:/.....

COURT: What newspapers do you sometimes read? -- Sowetan and The Star.

MR BIZOS: And at that time there was the Mail, especially the Extra Edition?

COURT: Well he did not read that.

MR BIZOS: Well he might be referring to now My Lord.

COURT: You can ask him.

MR BIZOS: Do you recall The Rand Daily Mail Extra? -- Yes I do.

Did you read that from time to time? -- Not really. I (10) did not frequent reading that paper.

You did not frequently read it. Right. Councillor Jokozela I want you to please cast your mind back as to what you and some of your councillors, fellow councillors did immediately after your meeting of the 28th finished? -- Like what?

Well please tell us what you did?

COURT: You mean when he got home or when he was still in the Chamber?

MR BIZOS: Well when you left the Chamber where did you go (20) to? -- We parted there.

No just start thinking. Were you not called to a meeting which the people themselves had asked you to attend? -- Where? Held where?

Well do you know nothing about that? -- No.

Did not a person called Scott come to speak to you? -- No I cannot remember him coming to talk to us about an invitation to a meeting.

Did you not go to a meeting, to a possible meeting and the people were no longer there and they had left? (30)

COURT: Are you putting that as a fact?

MR BIZOS: /.....

MR BIZOS: My Lord it is ...

COURT: Or are you merely putting it on the basis of somebody else's evidence?

MR BIZOS: My Lord only on information that I have which to a certain extent corresponds with somebody else's evidence. -- No I cannot remember that.

Is it possible that it happened and that you have forgotten about it? -- What I mean is I cannot remember that happening anywhere where I was present.

Be that as it may do you recall whether, after that (10) meeting, you and a number of others went to the home of Father Moselane, accused no. 3 in this case? -- You see now you are confusing me because all along you are talking about the 28th. Now once you start talking about what you are talking now it is no longer that date of the 28th.

Well what day do you say it was? -- The 29th.

Well I am going to suggest to you that it was the 28th. But let us try and find out from you what you say happened. -- No not the 28th, it was the 29th.

Whether it was the 28th or the 29th how many of you (20) went to Father Moselane's house? -- I will not be able to say in number how many of us went there. All I can tell the Court is it was quite a good number of us.

How many cars full? -- I did not count how many cars were there in which we were travelling.

How many councillors? -- That is what I have just said I cannot say how many of us in number went there, except to say we were quite a good number or a group of people.

Well would you agree that there were over twenty people?

COURT: Over twenty councillors? (30)

MR BIZOS: Over twenty people My Lord.

COURT:/.....

COURT: People not councillors. Yes put it to the witness people not councillors.

INTERPRETER: Yes that is what I was putting My Lord.

COURT: Yes. -- I am not in a position to dispute that, that is if in addition to the members of the councillors who were there, who were in number less than the number mentioned by the defence we add the members of the community who happened to be there then it could be that we were more than twenty.

MR BIZOS: How many, to your knowledge, of the group that went to Father Moselane's house, be it the 28th or the 29th, how (10) many were councillors? -- How many times am I expected to answer that question?

COURT: Yes this is the third time you have asked him and he says "I cannot remember".

MR BIZOS: Now you were a councillor? -- Yes.

Please mention to me the name of any other councillors, I know you cannot tell us precisely how many but please mention to me the names of any other councillors that accompanied you to Father Moselane's house? -- Myself.

Yes? -- Mr E.C. Mahlatsi, Paul Mahlatsi, Caesar Motjeane, (20) Shale.

Mpondo? -- I cannot remember. I will just mention the names of those people I am certain they were there. We were more than the names I have just counted.

More councillors than the names you have mentioned? -- That is so.

Right. When was it decided that this group of approximately twenty persons, including a number of prominent councillors, would visit the home of Father Moselane?

COURT: Well why do you make it twenty people, decided that (30) the group of twenty would visit the home of Father Moselane? .

Now/.....

Now we are going to have a dispute about that. Just ask him when was it decided to visit the home of Father Moselane.

MR BIZOS: As Your Lordship pleases. When was it decided to visit the home of Father Moselane? -- After the meeting of the 29th.

COURT: The meeting of the 29th being the meeting that was disrupted? -- Yes that is the meeting.

MR BIZOS: But now I thought that you told us that you got on your horse and went home, to use your expression yesterday? -- I said I got onto my horse and then we were escorted by (10) the police out of the township.

Was there any special reason why you did not mention this visit to Father Moselane's house, whether it happened on the 28th or the 29th? -- There are two reasons, yes. Firstly I was asked about a meeting of the 29th in Bophelong. Secondly nobody asked me about whether we went to Father Moselane's residence or not yesterday.

Did you incorporate it into your statement when you made a statement about these events? -- Which statement?

Any statement from which My Learned Friend for the (20) State might have led you from. -- I was making that statement exactly on what happened on the 3rd.

Well is the answer that you did not mention it in your statement? -- Yes because I was not asked about it, or nobody wanted to know about it.

I see. Now when was it decided, precisely when was it decided that this fairly large group would go and speak to Father Moselane? -- I said after the meeting of the 29th.

Yes but where did you, you left the meeting of the 29th in a hurry? -- That is so. (30)

Well I am sure that you did not independently all decide to/.....

to drive to Father Moselane's house? -- That is true.

COURT: Did you reconvene at some stage? -- Yes outside the township.

MR BIZOS: Was this a meeting in the veld or in a house? --
In the veld.

In the veld. -- Yes.

How long did this meeting in the veld last? -- Though I did not check on my watch what the time was but it was not long.

Now tell me how did you manage to convene if you left (10) in disarray from the meeting of the 29th, how did you manage to convene in the veld? -- What happened is immediately when realising that now we are out of danger we decided to stop outside the township in the veld and ascertain as to whether there were people who were injured as a result of what happened there or not. That is how we came to be there.

Was it a meeting in the veld of councillors only? -- That is so.

How many councillors were there in this meeting in the veld? -- Those are the councillors I said I cannot remember (20) all of them, those who later went with me in my company to Father Moselane's residence.

Were you still under police escort whilst you were meeting in the veld? -- Yes there were two Caspirs which were parked just outside the township.

I see, and were you under police protection by the occupants of the Caspirs whilst you were meeting in the veld? -- That is so.

And one of your number is a security policeman? -- That is so.

COURT: Was he there? -- I do not know whether he was there, that/.....

that is why I did not mention his name amongst the names that I have just mentioned to the Court.

MR BIZOS: Were there any councillors armed? -- Yes.

How many were armed? -- I do not know how many of them were armed but I am one of those who were armed.

Mr Mokoena? -- No I did not pay attention to him as to whether he had any gun with him.

But now who presided over this meeting in the veld, the meeting of councillors? -- Because of it having been just a sudden meeting there there was no chairman, everybody was (10) a chairman in the sense that everybody had a say at any time.

I see. Were any decisions taken at this multi-chairman meeting? -- Yes.

What were the decisions that were taken? -- To proceed to the priest's house.

Was that the only decision that was taken? -- The only one.

COURT: Why was that decision taken? -- Because we as a whole felt that we would like to go and see the priest, that is the Father Moselane, to go and find out if this was true that meetings are being held in his church building. (20)

MR BIZOS: None of the approximately twenty councillors there knew that meetings were being held in his church building? -- I would not know. If I were to give an answer there that will only pertain to myself.

I see. So it was really out of a sense of curiosity to go and politely ask Father Moselane whether meetings were being held in his church? -- Yes.

COURT: But now why did this question of meetings arise? -- As a result of what happened in this meeting we were holding at this place that night in question and what transpired there (30) led us to this meeting which we held outside the township where/.....

where some of us then started saying it could be that as a result of the meetings which are being held, at Father Moselane's church building that we experienced this, referring to what happened in the meeting. Therefore we decided to go and see him.

MR BIZOS: Let us examine that. I thought you told us that the reason for the visit was to find out whether meetings were being held at his church or not? -- Yes that is so.

So that if that answer is correct then it presupposes that no one knew as to whether meetings had been held at the church(10) or not. -- Nobody was sure about this, it was just rumours that we knew about. No, no, I am sorry, I think I had better answer in this fashion. I was not sure, let me talk on my behalf and not on behalf of the other people. I was not sure. I took things that were happening there as rumours which were to be verified.

So, let us just take it step by step. -- May I sit down now My Lord?

COURT: Yes certainly. Seeing we are going to take it step by step? (20)

MR BIZOS: Well you know why can we not cut it short councillor and say that you went there in order to intimidate Father Moselane? -- My intention of being there was not to threaten him. If it is put as "you", meaning that the Council went there or the members of the Council who were there or the people who went there went to intimidate him I am talking on my behalf.

Yes. I am going to put to you that in fairness to you that you yourself were embarrassed by what happened at Father Moselane's house tha night. Is that not so? -- That is so. (30)

And you in fact tried to dissociate yourself from what was/.....

was happening? -- Disassociate myself how?

Well we will it, I will tell you how. You actually at stage, by actually at one stage withdrawing and going and standing at the doorway.-- That is so, because it is true because I did not even utter a word there.

Yes. And your way of dissociating yourself with what Mr Mahlatsi and Mr Mpondo were doing was to remove yourself from the actual spot where it was happening and go up to the doorway? -- Well I quite agree with that but now what I will request is this. I will ask the defence not to mention only (10) two names. In other words that is to say there are other names as well which can be added.

Yes I am sure that they can be added. -- I will tell you why I say this. Quite a number of people had to say, something to say to Father Moselane, in fact uttered some words addressing him.

Yes, councillors addressing him? -- Yes.

With which you wanted to dissociate yourself? -- That is correct.

Yes, let us come to some of the words that were uttered. (20) How many people in all spoke to Father Moselane? -- I do not have a number but it was a group.

And did they each take it in turn or did they speak in chorus? -- They were not giving each other a chance to speak, they would just speak at any time wherever one feels here I can just jump in and take the opportunity, then he would just talk while the other one is also talking. So it was not orderly.

Were they only speaking to Father Moselane or to Mother Moselane as well, his wife? -- They were addressing both.

COURT: Was this a one sided argument or did Father Moselane (30) answer? -- Well he did try and answer to some of the things that/.....

that were being said. In fact the word used, he was trying to defend himself by uttering certain statements.

MR BIZOS: Many of which he did not get a chance to finish? -- That is so.

Were they utterly abusive to both him and his wife? -- Yes there were words of that nature.

Now I want you to please try, although you said that you do not remember Sergeant Mpondo of the Security Police being there, he is also a councillor, please try and remember whether he was not really one of the leaders of this pack of people? (10) -- I do not understand how does one play a leading figure because we simultaneously got into that house.

Yes, but he did, he put most of the accusations and did most of the talking? -- I would not know who in fact had more to say.

But do you remember Mpondo there? -- How many times am I expected to answer?

Yes very well. It is not perhaps that you have reservations about speaking about a security policeman, Mr Mpondo? -- Well that is not so. Even if he was anything higher than (20) that if he has done something then he has done it, I must just make mention of it.

Yes, right. Let us start with who else was, or rather let us add who was present. Were municipal policemen also present? -- Yes the van was present there.

And did some of them accompany this posse of councillors? -- That is so.

By Father and Mother Moselane's leave or did they just burst into the house? -- We knocked from the front door and the door was opened, that is how we gained access into the house. (30)

COURT: Was the door opened from inside or from outside? --

What/.....

What happened is this, on arrival at Father Moselane's residence we waited in the cars outside. While waiting there Father Moselane arrived. He was not home at the time, he then arrived. Now what puzzles me is after he had arrived or whether he is the person who opened the door or whether the door was opened from inside by someone or by him or he opened the door for us from outside, that I cannot remember.

Anyway can you please tell us how Father Moselane was greeted? -- At first when we met at first sight there he was greeted in a normal way. (10)

Outside his house? -- Yes.

And when you got inside? -- That is where the argument started.

What time was it? -- I would say it was at night.

How late at night? -- I do not know how late it was. I mean it was in the evening.

How long did the group stay in Father Moselane's house? -- Immediately after the argument was over then we left.

Yes I know but for how long were you there? -- For some time. (20)

Well fifteen minutes, half an hour, an hour? -- About half an hour.

About half an hour. Can you recall who spoke to Father Moselane first? -- No I cannot remember.

Can you remember what was said to him, whoever might have said it, as soon as it started? -- I remember only the first statement or words which were uttered towards him, that is the purpose why we had gone there. They wanted to know from him "is it true that you are holding rental meetings in your church building", words to that effect were used. (30)

Are you sure that those were the first words? -- That is why/.....

why I say if I remember well.

Well let me remind you how it started. -- I am listening.

That Mpondo said that he, Mpondo, knows all about Father Moselane and that ... -- It is possible.

Yes. And that he got his background from Johannesburg and that it was his -- That is possible.

And that it was in his, Mpondo's, power to detain him. -- That is possible.

Yes. Tell me had any of the councillors had anything to drink that night? -- Not where I was present. (10)

Was any one of them behaving as if he had had a little too much to drink? -- I did not notice that.

Do you recall whether Father Moselane replied that if that was his power and that is what he had to do he must do it? -- Yes I do .

You recall that? -- Yes I do recall that.

In answer to whom did Father Moselane say that? -- Because of what was happening there in that argument and the words which were uttered there why I say that I remember that it is because of his, Father Moselane, having said "You can do (20) whatever you think you are capable of doing or you wish to do".

I do not want to put the whole lot to you but let me put the main thrust of the abuse that was hurled at him. That he was going, according to the speakers, to arrange for buses to come either from Parys or Kroonstad full of people in order to make trouble in Lekoa. Do you recall that? -- Because of the many talks and what was said there by different people I am not in a position to say that, whether this was said or not. Another reason is this as it was already put to me that at some stage I disassociated myself with the people because I realised (30) that what we are doing there was not what we had come there for.

Therefore/....

Therefore I am not in a position to dispute anything.

He was threatened with eviction, both from his house and from his church? -- That is probably during the time when I was no longer paying attention in listening to what was be
COURT: Was he blamed for what had happened that evening, the disruption of the meeting of the 29th? -- No not while I was still listening there. As I said to His Lordship we agreed that that was the reason for our going to him to go and talk to him about what happened there because we suspected that as a result of his involvement that is why this meeting was (10) disrupted but on arrival there when this was not put in the fashion we had arranged it I then disassociated myself with them.

MR BIZOS: If the meeting between you and Father Moselane in fact took place on the 28th then the meeting of the 29th could not have been an issue at all? -- No but they are not the same. The meeting on the 28th is a different one and the one on the 29th was a different one.

What was the abuse that led you to dissociate yourself from the others? -- I would like to advance two reasons for (20) that. In the first place I do not go along with arguments. Secondly Father Moselane is my priest. Those are the two reasons that caused me to disassociate myself with whatever was happening there.

Yes. You are quite right, you are not in fact in his parish but you are an Anglican? -- I am in his parish. The only thing is I do not attend the services, I am a loafer. Much as it happened one time that a child of mine passed away and being a loafer like that Father Moselane buried my child.

Yes well I did not want to enter into your personal (30) relationship. But you see I am going to put to you that these persons/....

persons actually threatened to assault Father Moselane? --

Yes there was such a talk.

And some of them went even further, they threatened him with death? -- I cannot give evidence on that, about his being killed or threat about killing him. What I can say is this I heard one of them saying to him or threatening him with war. Meaning that he was going to fight him or a fight can take place.

Who was it who said that? -- Well when things are like that, are shaping up in that fashion you just listen to the uttering of the words, you do not pay a particular attention as to (10) see who the person is who is uttering those words.

COURT: Were you standing rather at the back of this group?

-- I was amongst the group but right towards the back of the group, that is I was behind the others.

MR BIZOS: Were any requests made to Father Moselane in relation to his future conduct? -- I cannot recall that.

Do you recall whether in fact during August and before the 28th or the 29th the question of the use of churches for political meetings had been fully and publicly aired between priests on the one side and councillors on the other? -- No (20) I cannot remember that. All I can remember is that the priests were once invited to a communal hall.

If in fact the use of the church was well known to the councillors because there had been a meeting and there had been threats of cancelling leases the purpose of going to the house could not have been about the use of the church? -- That is why I said I personally had no knowledge of any meetings which were being held in the church building.

Tell me do you agree that Father Moselane speaks softly and slowly and is generally a calm person? -- That is true. (30)

And that he was subject to approximately half an hour of

interrogation,/.....

interrogation, threats? -- I did not say it was for half an hour. I said approximately.

Approximately half an hour? -- Yes that is true.

During which he hardly got anything in other than "I am a priest and I am doing my job as a priest to my community" -- I am not able to say because as I said I was no longer listening to hear what was being said.

Now when you left Father Moselane's house did you or your fellow councillors feel that their mission had been accomplished? -- I do not know how they felt about it. (10)

Well once you had taken this trouble, the whole lot of you, to go to his house did you not gather again to find out, to discuss what you had found out? -- No we parted company immediately when we left his place because from his place I went to my son's residence at a place called Putswastin, that is in Sharpeville. Which can be literally translated as grey brick area.

Let us turn to the meeting of the 29th. You say that you were there in your capacity as a guard? -- That is so.

Together with four or five other councillors who also (20) acted as guards? -- That is so.

Was there not police protection for you at this meeting? -- There were policemen in the township, taking rounds in the township, except for the two who got inside the hall.

Can you tell us the size of the police contingent that was around the hall at the meeting of the 29th? -- I said two policemen were there.

No two policemen that went into the hall.

COURT: Yes and the rest were doing the rounds in the township. (30)

MR BIZOS: Well how many, did they come near the hall? --

Yes/.....

Yes they were passing the hall as well.

Yes, before the meeting started? -- Before the meeting started and it means we were not there.

No I am assuming that you arrived there before the meeting started? -- Yes because on our arrival the meeting resumed immediately because the attendance, people were already there.

Yes. How many vehicles came near the hall, police vehicles? -- I did not count them.

Well/.....

Well would you tell us the types of vehicles there were?

-- Tell us?

The types of police vehicles. -- Along the streets vehicles known as koyoko(?) and police vans drove past.

Well I know that some of these vehicles are given affectionate names. Can you please tell us has it got any other name? -- Koyoko is the Caspir.

The Caspir, yes. How many Caspirs were there? -- Those are the vehicles I am referring to as I did not count them.

So can you not give us some idea how many Caspirs there (10) were? Two, three, five? -- If I were to talk about a figure as to how many there were in approximate then it would mean at some stage I did count them whereas in fact I did not count them.

Alright. There were a number of Caspirs, each one of them full of police officers? -- That is so.

Would it be correct to say that Caspirs and other police vehicles coming to a meeting at which the community is to discuss a community affair are considered, rightly or wrongly, by a large number of the community as inappropriate to say (20) the least? -- I am not in a position to answer that one because really I do not know how the police are expected to perform their duties and what to do and where, at what time. Therefore I cannot tell.

Yes. Actually the question was directed from another point of view. -- Well just repeat it.

The meeting had been called by loudhailer for people in Bophelong to come and discuss their rent increase problems? -- All I know a meeting was called to be held there. How that was done I do not know. (30)

What I am suggesting to you is that when people come to discuss/.....

discuss their domestic affairs, their communal affairs, the last thing that they want to see is a number of Caspirs in the vicinity of where their meeting is going to take place? -- On that I am not in a position to comment as to what was the feeling of the people in general on that, and again secondly I would not know how it happened, under what circumstances the police came there at whose arrangement.

Now why did you go to this meeting at all? -- As a result of the decision which was taken by our Council in a meeting which was held on the 28th that we attend this particular (10) meeting on this day in question I was there too.

Yes but you tell us you did not go to the hall, you acted as a guard on motor cars outside the hall? -- Yes but I was at a meeting.

You were in the vicinity of a hall at which a meeting was taking place looking after the motor cars?

COURT: Well we have heard that Mr Bizos.

MR BIZOS: As Your Lordship pleases. But you see was this meeting called in order to show where the strength really lay? Caspirs, police vehicles, five councillors armed outside (20) the hall? My Learned Friend has an objection.

MNR HANEKOM: Edele ek dink nie dit is reg om die stelling te maak dat die vyf raadslede buite gewapen was nie. Die getuie het uitdruklik gesê hyself was gewapen, hy weet nie of die ander gewapen was nie.

MR BIZOS: I will withdraw the tail end of the question My Lord.

COURT: Yes.

MR BIZOS: But five councillors to act as guards outside the meeting? -- That was not the idea in holding that meeting there.

Well might I suggest to you that when it was suggested (30) that you should be a guard of motor cars did it occur to you

to/.....

to say that that is not the job of a councillor, get yourself a municipal policeman to do it? -- No I did not object to that.

Why not? -- Where would we find municipal policemen while being there because this thing was not prearranged?

Well how were the five guards chosen, by whom and when?
-- Nobody decided as to who was going to be a guard outside.
We just volunteered to do it outside.

COURT: Were the junior members of the Council the guards?

-- Unless it is explained to me what the difference is between a junior and a senior councillor I would understand. (10)

Yes, I withdraw that question. I will rephrase it. Were the more recent, recently elected councillors those that volunteered to guard the motor cars? -- Yes three of us were new.

COURT ADJOURNS FOR TEA. COURT RESUMES.

ARTHUR ZULU JOKOZELA: d.s.s. (Through Interpreter)

FURTHER CROSS-EXAMINATION BY MR BIZOS: You told us that you were outside this meeting? -- That is so.

And that you heard people say that the lights went off and they rushed out of the hall? -- That is so. (20)

Now you told us that you did not really know how long the meeting took place, you said that it was only a short while, but can you give us some idea whether it was fifteen minutes, half an hour, three quarters of an hour or an hour? Can you give us an idea? -- No I find it difficult when I say I do not know how long a thing took and then I am being asked to give an estimation.

COURT: Just tell counsel that you cannot estimate.

MR BIZOS: And did this break up of the meeting come as a complete surprise to you? -- Yes. (30)

There was no forewarning? -- No forewarning.

Of/.....

Of any untoward behaviour? -- Not at all from outside and not knowing of course what was happening inside the hall.

How far were you from the entrance of the hall? -- About from where I am standing in the witness stand to this very first T.V. set here.

A few metres away.

COURT: Three metres away.

MR BIZOS: And if there had been any serious trouble or rumpus in the meeting before the people rushed out when the lights went out you would have heard it? -- Depending from the noise (10) which was taking place outside, which noise was caused by many children who were outside the hall. I may have heard what was happening inside.

How far were these children away from you? -- They were there amongst us.

I see. Were you actually able to see into the audience? -- No I was not.

Was the door not open? -- The door was open.

Well why could you not see the audience? -- Because of the people who were standing in the doorway. (20)

I see. And right at the beginning of the meeting did you hear the silence that takes place when people pray? -- No I did not hear that. Again as a result of the noise which was taking place outside.

Would you like to give us an estimate of the time on which Mrs Mahlatsi came to your house on the 3rd?

COURT: Are you going onto a different topic?

MR BIZOS: Topic yes.

COURT: I would like to ask a question on this aspect. During the time you stood outside from the time you came there until (30) this disruption of the meeting, apart from the two municipal policemen/.....

policemen did you see the presence of police throughout or did you see police from time to time? -- Police were passing there from time to time. Secondly the two policemen about whom I said went into the hall they were not the municipal police, they can be soldiers or S.A.P. but not municipal police.

But they stayed in the hall? --That is so. That is if they did not leave the hall through the other exit.

Now how often did the police pass while you were standing there? -- Because of the size of that township it did not take long that they passed again after having passed there. (10)

And how far, I take it they passed in the street? -- Yes that is so.

And how far is the street from the hall? -- I estimate it to be a distance from the witness stand here to the main corridor which is the corridor on the other side of this courtroom.

Thirty metres? -- That I do not know, that is my estimation of the distance.

Now did their passing cause a disturbance? -- I do not know. All I can say is nothing happened there as a result of their having passed. (20)

Yes?

MR BIZOS: As you do not know whether the two policemen that were inside left you would not know whether any policemen came into the hall from the other entrance? -- That is so.

Tell me these two policemen that you did see, whom you refer to as soldiers or SAP's, were they armed? -- Yes they were.

What were they armed with? -- The short ones, those are firearms. I do not know whether they are called shotguns or what but they were firearms.

COURT: Those that they wear in holsters? -- Yes. (30)

MR BIZOS: Well were they pistols or revolvers or were they automatic/.....

automatic guns? -- To me it looked like a pistol.

A pistol. Could you give us a time when Mrs Mahlatsi came to your house? -- At about eight.

08h00 in the morning? -- Yes.

And have you got anything that you fix that with, in relation to something? -- Yes that I fix because when I left the dry cleaner in Zone 7 it was before 08h00 and I went straight home.

Did you walk or did you drive? -- I was driving.

Along tarred or untarred roads? -- Partly tarred and (10) partly dirt road.

Were any of the roads that you rode on barricaded in any way? -- Yes.

Where? -- In the vicinity of Zone 11, that is in the direction of the garage in Zone 11, that is the B.P. garage I am talking about.

Were they, was this on the tarred road or on the untarred road? -- On the tarred road.

What was the nature of the impediment? -- Stones and ash bins. (20)

Just at one spot? -- Two different spots in that area.

And how did you get through? -- There is this area on the road which is off the tarmac which is a dirt road there which I can describe as the shoulder of the road. There were no stones or anything there, that is where I passed.

Can you give us some idea of the size of the stones? -- Different sizes, for instance about this size or this size.

COURT: About thirty centimetres. -- And this size, and this size.

About fifty centimetres. (30)

MR BIZOS: At two spots along the road? -- That is so.

At/.....

At what time did you see those? -- On my way to the dry cleaning shop or factory.

At what time was that? -- It was just before 07h30.

Did you have to....

COURT: Just clarify to me, where do you stay, where is your home? -- 19761 Zone 14.

Zone 14? -- Yes.

And your shop? -- 8139 Zone 7A.

And you saw the barricades, both barricades in the vicinity of the B.P. garage? -- That is so. (10)

Yes, thank you.

MR BIZOS: This is at a time when there were no people marching on the streets? -- There were no people marching at that time though there was quite a lot of people around there.

Yes, standing there? -- Yes. Some were moving there, that means they were walking, some were just milling around there.

Was yours the only car on the road or were there other cars using the shoulder? -- There were other cars.

Also using the shoulder of the road? -- I saw one of them who was driving in front of me. I do not know about those (20) who were coming from behind me.

COURT: At the time before the 3rd had it been a normal occurrence that there were stones on the road or was this a new thing? -- It was for the first time on the 3rd.

MR BIZOS: Did anyone interfere with you in your ride from your home to your dry cleaners? -- No.

Thank you My Lord I have no further questions.

HERONDERVRAGING DEUR MNR. HANEKOM : Ek wil net weer aan u die BEWYSSTUK AN(15)(ii) wys wat u in u getuienis-in-hoof geïdentifiseer het. Die pamflet maak melding van 'n vergadering op 3 (30) September in die Rooms-Katolieke Kerk te Small Farms. -- Ja,

... / ek

ek kan dit sien.

Op vrae van My Geleerde Vriend het jy verwys na 'n vergadering op 3 September wat u sê u dink in die Anglikaanse Kerk in Gebied 13 gehou sou word op die 3de? -- Ja, dit is wat ek gesê het.

Bedoel u daar was twee vergaderings op die 3de of het u 'n fout gemaak toe u verwys het na die Anglikaanse Kerk in Gebied 13? -- Ek dink ek het 'n fout begaan.

Verstaan ek u reg, het u eintlik verwys na hierdie vergadering wat geadverteer word op hierdie bewysstuk? -- Ja, (10). ek het na hierdie vergadering verwys wat op hierdie bewysstuk geadverteer word.

Dan het My Geleerde Vriend aan u gevra of u saamstem dat die verhoging in huurgeld 'n materiële oorsaak van die onrus was wat uitgebreek het in die Vaal Driehoek op 3 September? -- Ja, ek herhaal dit nou nog, want dit was die rede wat voorgehou was as die oorsaak.

U het geantwoord soos u nou geantwoord het "Ja, omdat dit die hoofrede is wat daarvoor aangevoer is." -- Ja, dit was my antwoord. (20)

Wat was u eie siening? -- Ek het dit aanvaar as die hoofrede. Ek sal vir u sê hoekom ek dit aanvaar het, want voor hierdie verhoging van die huurgelde was daar nie hierdie tipe probleme gewees nie.

Glo u die onrus sou uitgebreek het soos dit wel uitgebreek het as die huur net alleen verhoog was sonder dat daar enige vergaderings, protesvergaderings gehou was ... (Mr Bizos intervenes)

MR BIZOS : The witness has given an answer unassisted by My Learned Friend. (30)

HOF : U behoort beter te weet, mnr. Hanekom.

... / MNR. HANEKOM

MNR. HANEKOM : Ek sal dit daar laat. Dan is daar verwys na raadslid Mpondo wat 'n lid van die veiligheidspolisie is. -- Ja, dit is so.

Is hy nog 'n raadslid? -- Ja, hy is.

Is hy nog lid van die veiligheidspolisie? -- Ek kan dit nie met sekerheid sê nie, maar ek het verneem dat hy nie meer by die veiligheidspolisie is nie.

Dan op 'n vraag van My Geleerde Vriend of u kon onthou of daar inderdaad gedurende Augustus en voor 28 Augustus 1984 die kwessie van die gebruik van kerke vir politieke vergaderings(10) uitgeklaar is tussen die raadslede en die predikante. U antwoord was "Ek kan nie onthou nie, maar die predikante is uitgenooi na die gemeenskapsaal toe." -- Ja, dit is so.

Wanneer is hulle so uitgenooi? -- Ek kan nie presies onthou nie, maar dit was voor die 28ste.

Het die predikante opgedaag vir die vergadering? -- Ja, hulle het.

En wat het gebeur op die vergadering? -- Daar was die predikante ingelig deur die Raad dat indien daar enigiets is wat hulle van wil weet, moet hulle die Raad nader aangaande so (20) 'n ding wat hulle in belangstel.

In watter konteks is dit gesê? As hulle wat wil doen? -- Ek het verstaan dat die Raad wou gehad het dat daar 'n samepreking uitgevoer moet word tussen die predikante en die Raad aangaande die gemeenskap se probleme of versoeke hoe om dit opgelos te kry.

HOF : Was u daar by by die vergadering? -- Ja, ek was daar gewees.

Wat se soort probleme? Was dit in verband met die huur of in verband met stormwaterriolering of wat se soort pro- (30) bleme was daarby betrokke? -- Hulle het nie spesifiek gesê wat

se soort probleme nie. Eintlik het ek hierdie dag aanvaar dat dit maar net 'n voorstelling is van die predikanté aan die Raad sodat hulle in die toekoms samewerking sal moet verleen aan beide kante.

MNR. HANEKOM : En is die kwessie van die gebruik van kerkgeboue vir politieke vergaderings ook op hierdie vergadering bespreek? -- Ek kan dit nie onthou nie.

Was beskuldigde nr. 3, Vader Moselane, by die vergadering? -- Ek het hom nie gesien nie.

Hoe sou u die gees van die vergadering bestempel? Wat(10) was die verhouding tussen die predikante en die raadslede? -- Die gees was goed gewees die dag.

HOF : Was daar baie predikante? -- Ja, daar was 'n goeie klomp predikante daar teenwoordig.

Van alle denominasies? -- Ja.

MNR. HANEKOM : Die getuienis wat u gegee het oor die Casspir voertuie van die polisie wat die aand van die vergadering van die 29ste patrolliewerk gedoen het, was dit 'n vreemde gesig of het Casspir voertuie gereeld patrolliewerk in die Swartwoon-gebiede gedoen? -- Dit was nie 'n ding waaraan die mense (20) gewoond was nie.

HOF : Hoe lank het dit al gebeur dat dit aan die gang is? -- Te Bophelong sal ek nie kan sê nie, want dit was die eerste keer dat ek soontoe was.

MNR. HANEKOM : In u eie gebied? -- Om eerlik te wees, voor die 3de was ek nie daarvan bewus gewees dat hulle ooit daar in die omgewing was nie. Ek is van mening dat hulle nie daar was nie.

Bedoel u die polisie het glad nie patrollie gery nie of bedoel u hulle het nie met Casspir voertuie gery nie? -- Die polisie is altyd teenwoordig daar. Ek het geantwoord op (30) die vraag van die Casspirls.

Die aand van 29 Augustus op die vergadering was u self gewapen gewees? -- Ja, dit is so.

Wat se wapen het u gedra? -- 'n 7,65 9mm pistool.

Het u die wapen openlik gedra of was dit nie sigbaar onder u klere nie? -- Dit was in die holster gewees wat onder my baadjie was, soos wat ek die baadjie aangehad het.

Is dit die eerste aand wat u uself bewapen het? -- Nee, dit was nie die eerste keer nie.

HOF : Net oor hierdie aspek. By die saal, hoeveel ingange het die saal? -- Daar is twee hoofdeure wat duidelik hoof- (10) deure is.

Hoeveel deure was oop vir die publiek? -- Beide hoofdeure was oop gewees.

Is hulle aan weerskante van die saal? -- Ja.

As 'n mens by die een hoofdeur staan, is jy aan die straat se kant of weg van die straat se kant? -- Aan weerskante waar die hoofdeure van die saal is, is 'n mens naby aan die pad. Hierdie saal is geleë op 'n hoek van die strate. Met die gevolg as jy met die een straat ry is jy naby aan die een kant van die hoofingang en as jy met die ander straat ry, is jy ook (20) naby aan die hoofingang van die saal.

Weet u of die ander ingange gesluit was en net die hoofingange, die twee hoofingange, gesluit was? -- Nee, ek weet nie van ander ingange nie. Ek weet net van hierdie twee.

Kan 'n mens as jy by die een ingang staan sien of daar mense aankom en by die ander ingang ingaan? -- By die kant waar ek was, as 'n mens byvoorbeeld in die deur of naby die deur staan en binne-in die saal kyk en daar is niemand wat in die deur staan om jou uitsig te versper nie, sal jy in staat wees om te sien as mense van die ander ingange deurgekom het (30) om by die saal in te kom.

Dit is as jy nou deur die saal self kyk? -- As jy deur die saal self kyk, maar as daar mense is, kan jy nie sien nie.

As jy buite staan, buite die ingang, het jy dan 'n uitsig tot op die hoek? Dit is nou op die hoek van die strate? -- Ja, jy kan net tot by die hoek van die strate sien.

En dieselfde geld van die ander ingang af, as jy daar staan, kan jy ook tot by die hoek sien? -- Ja, dit is so.

RE-CROSS-EXAMINATION BY MR BIZOS : This meeting of priests, the one that you were at, was that at Sebokeng or at Sharpeville? (10)

COURT : Does this flow from the questions by die Court?

MR BIZOS : No, from the re-examination which introduced a new matter.

COURT : Did it?

MR BIZOS : Yes.

COURT : Was the meeting of the priests not mentioned in cross-examination by you at length?

MR BIZOS : It was, but there was no evidence as to where it was and a new issue arose as to whether accused no. 3 ...

(Court intervenes) (20)

COURT : You did not ask. You chose not to ask.

MR BIZOS : I chose not to ask ... (Court intervenes)

COURT : You can ask with my leave, but otherwise you cannot ask.

MR BIZOS : I am asking for that leave.

COURT : Yes, you get the leave. Go ahead.

MR BIZOS : Were you at the council meeting with the priests at Sharpeville or at Sebokeng? -- At Sebokeng.

And you do not know whether there was another meeting of clergymen and ten senior councillors at Sharpeville? -- (30)
No, I do not know about that.

And you do not know whether any useful purpose was served by that meeting as a result of the councillors insisting that the priests should undertake not to become involved in what they called regional politics? -- No, I do not know about the decisions which were taken there.

Because I am going to put to you that accused no. 3 was there and was in fact a spokesman for the twenty-five priests? -- I cannot dispute that.

And wide publicity was given to this fact? -- I would not know that. I did not come to know about it in fact. (10)

NO FURTHER QUESTIONS.

MNR. HANEKOM : Ek roep Simon Mofokeng. Sy eerste naam is Phokojoe Simon Mofokeng. Dit is ook 'n raadslid. Sy getuienis dek paragraaf 77 in die akte, dit is bladsy 353 en veral paragraaf 77(15) op bladsy 359.

MR BIZOS : Whilst we are waiting for the witness, My Lord, may I indicate to Your Lordship that Mr Tip is in the immediate vicinity of the court and he has been seconded almost full time on the question of admissions.

COURT : Yes, I was wondering when document AM(58) was (20) handed in and there was no cross-examination on it, whether it is really necessary to go on and on and hand in documents which are not in dispute.

MR BIZOS : They are mentioned over and over again and we have not put them in issue, but it may be that the State wants to show the extent of the distribution. I do not know. It is clear that they were distributed.

SIMON PHOKOJOE MOFOKENG, v.o.e. (Deur talk)

ONDERVRAGING DEUR MNR. HANEKOM : Mnr. Mofokeng, u woon nou by nr. 1408 Gebied 10, Sebokeng? -- Ja, dit is waar ek woon. (30)

Gedurende Augustus/September 1984 het u gewoon by Matsamengstraat 1150 in Sharpeville? -- Ja, dit is waar ek gewoon het.

Is dit reg op 29 November 1983 is u verkies as raadslid op die Lekoa Stadsraad? -- Dit is so.

Waar u Wyk 27 Sharpeville verteenwoordig? -- Ja, dit is korrek.

Verteenwoordig u steeds hierdie wyk? -- Ja.

Voor die verkiesing in November 1983, het u verkiesingsvergaderings gehou? -- Ja, daar is vergaderings gehou. (10)

Hoeveel het u gehou? -- Vier of vyf veraderings.

Waar het u dit gehou? -- In die gemeenskapsaal te Sharpeville.

Hoe was die opkoms oor die algemeen by die vergaderings? -- Dit was goed gewees.

Het u enige probleme ondervind by enige van die vergaderings? -- Nee.

Op die dag van die verkiesing, 29 November 1983 was u by die stemlokaal van ongeveer 06h00 die oggend af? -- Ja, ek het die oggend daar aangekom. (20)

Hoeveel kandidate het gestaan vir die wyk? -- Ons was drie kandidate.

En u het die verkiesing gewen. Hoeveel stemme het u verwerf? -- Omtrent driehonderd.

Was daar die dag van die verkiesing enige voorvalle by die stemlokaal? -- Nee, glad nie.

HOF : Kan u net vir my sê hoeveel stemme het u teenstaanders getrek? -- Al is ek nie so seker nie, was dit minder as honderd.

Saam? -- Saam, ja.

En watter tipe wyk het u? Is dit huise of woonstelle (30) of hostels? Wat is dit? -- Dit is woonhuise.

MNR. HANEKOM : Het die Raad van Lekoa op 'n stadium gedurende 1984 besluit om sekere projekte uit te voer vir die woongebied?
-- Ja, dit is so.

Wat was die projekte gewees? -- Dit was aangaande die strate of die paaie daar, deur byvoorbeeld by sekere strate wat nou was, die teervlak, moes dit breër gemaak word om meer voertuie toe te laat om op te beweeg en die verbetering van die kliniek, die vergroting daarvan, want dit het geblyk dat die kliniek te klein was, die gebou self. Die verandering van begraafplekke, in die sin dat ons 'n standplaas eenkant (10) sou gehou het vir gebruik as 'n begraafplaas in plaas daarvan dat mense Sebokeng toe moet gaan. Die huidige toestand was dat mense van Sharpeville, as hulle iemand moes begrawe, moes hulle Sebokeng toe gegaan het. Ons wou dit ook laat verander het en dit by hierdie projekte van ons ingesluit sodat daar 'n plek bekom of beskikbaar gestel moet word wat gebruik sal word as 'n begraafplaas vir Sharpeville. .

Wat nog? -- Die elektrifisering van Zone 14, die installasie daarvan en Zone 11 en Zone 12 Extension. Dit gaan oor elektriese krag. Daar was ook strate wat nie in 'n goeie (20) toestand was nie, wat ook aandag sou geniet het.

Is dit voorbeelde van die projekte? Dit is nie 'n alles-omvattende lys nie? -- Ja, ek noem net maar 'n paar wat onder Lekoa Stadsraad val.

Gedurende Mei en Junie 1984 moes die Raad 'n begroting opstel? -- Ja, dit is so.

Wat het toe geblyk in die begroting ten opsigte van die projekte wat u wou deurvoer? -- Daar was nie genoegsame fondse om hierdie projekte te voltooi nie.

Wat was die oplossing? -- Die eerste stap was om die (30) projekte te verminder wat aangepak moes word afhangende van

... / die

die wyk, wat en wat afgeskaf kan word wat nie as dringend beskou is nie.

Die oorblywende projekte wat wel deurgevoer sou word? -- Dit was ook weer duidelik gewees dat ons nog 'n tekort het om hierdie projekte aan te pak, na aanleiding waarvan ons toe besluit het dat ons geld nodig het en hierdie geld sal ons die gemeenskap vra om by te dra deur die gemeenskap te vra vir 'n verhoging van R5,50 en R5,90.

Wat sou met die bedrae verhoog word? -- Daar was 'n versoek gewees dat ons saam met die gemeenskap bymekaar moet kom (10) vir die gee van die gelde deur die gemeenskap, naamlik R5,50 en R5,90.

Ek dink dit is algemeen bekend, is dit die huurgeld wat met hierdie bedrae verhoog is? -- Ja, die antwoord op die vraag aan my gestel wat se besluit geneem was, is dit was besluit dat ons die gemeenskap moet gaan ontmoet en die gemeenskap vra om 'n verdere bydrae te gee op huurgelde ten opsigte van elke maand teen 'n bedrag van R5,50 en R5,90 om hierdie projekte te kan aanpak.

Wanneer is dit besluit moes die gemeenskap genader word(20) in die verband? -- Die besluit was op die 5de moet ons in ons wyke vergaderings gaan hou met die gemeenskap.

HOF : Die 5de van watter maand? -- Aangesien dit nou lank gelede is wat hierdie voorval plaasgevind het, kan ek nie meer onthou die 5de van watter maand nie, maar dit was besluit op die 5de.

MNR. HANEKOM : Die onluste het begin op 3 September - ek dink nie dit word betwis nie, dit is 5 Augustus 1984.

MR BIZOS : It is not quite correct on this witness's evidence. This witness's evidence was that a decision was taken on the (30) 5th of some month or other. That is not common cause.

COURT : I am not so sure that he said that, but we can clear that up.

MNR. HANEKOM : Het u op die 5de van 'n maand besluit om vergaderings te hou of is daar besluit dat vergaderings op die 5de van 'n maand gehou moes word? -- Daar was net gesê dat die vergadering op die 5de gehou sal word. Daar was nie 'n spesifieke maand genoem, die 5de van watter maand nie.

Het u in ooreenstemming met die besluit wel 'n vergadering gehou in u wyk? -- Ja. Ons, die mense van Sharpeville, het die gemeenskap genooi of in kennis gestel dat ons bymekaar (10) 'n vergadering moet hou gelyktydig.

Op watter datum? -- Op die 5de.

Van watter maand? -- Ek het net die maand vergeet, watter maand dit was.

Die onluste het begin op 3 September 1984. Onthou u dit? -- Ja, ek onthou dat daar onluste was op 3 September.

Die vergadering wat u gehou het, was dit 'n maand voor 3 September, twee maande of drie maande voor dit? -- Dit was nie lank na die vergadering wat ons gehou het nie, dat hierdie onluste uitbreek het nie. 'n Paar weke, sal ek sê, na die (20) vergadering, het die onluste plaasgevind.

Het u alleen in u wyk vergader of het u saam met ander raadslede van ander wyke vergader? -- Dit was 'n vergadering van al die raadslede wat daar bymekaar was.

HOF : Al die raadslede van Sharpeville? -- Van Sharpeville.

Hoeveel is daar? -- Vyf.

MNR. HANEKOM : Kan u onthou watter wyke dit verteenwoordig? -- Die nommers sal ek nie kan onthou nie. Dit is die wyk van Pelindaba, by die "stands", Vukazenzele en Vergenoeg.

Waar het julle die vergadering gehou? -- By die gemeen-(30) skapsaal van Sharpeville.

Hoeveel mense ongeveer het opgedaag by hierdie vergadering?
-- Al het ek nie getel nie, skat ek dit op ongeveer vyfhonderd.

Het elkeen van julle vyf raadslede die vergadering toegesprek of het een raadslid namens die ander gepraat? -- Net een persoon het daar gepraat namens die raadslede.

Wie was dit? -- K.J. Dhlamini.

Wat het hy vir die vergadering gesê? -- Hy het die vergadering daar meegedeel dat ons probleme het wat ons nou ondervind, met die gevolg ons kom nou van die gemeenskap vra vir meer betaling van die volgende bedrae, R5,50 en R5,90. (10)

Het hy verduidelik waarom? -- Ja, hy het verduidelik waarom.

Hoe het hy verduidelik? -- Hy het verduidelik aangaande die benodigdhede wat benodig word in hierdie woonbuurtes.

Het van die gehoor vrae aan hom gestel? -- Ja.

Het u van die mense geken wat vrae gestel het? -- Ja, ek het.

Wie was dit? -- Ek onthou die man Nhlapo.

Wat het hy gevra? -- Nhlapo se vrae was "Hoe kan julle met daardie bedrae kom wat julle van die gemeenskap kom (20) vra van R5,50 en R5,90, terwyl mense sonder werk sit?"

Het mnr. Dhlamini geantwoord daarop? -- Ja, Dhlamini se antwoord op die vraag was "Hierdie versoek van die bedrae van R5,50 en R5,90 is as gevolg van julle versoeke dat julle sekere dinge versoek het van die Raad en dat die Raad dit moet nakom, met die gevolg dat die Raad daardie geld nodig het om dit te kan doen.

Het mnr. Nhlapo verdere vrae gevra of het hy niks meer gevra nie? -- Hy het toe nie verdere vrae gevra nie.

Het ander mense vrae gestel? -- Ja, mnr. Mokhema het (30) ook vrae gevra.

Kan u onthou wat hy gevra het? -- Sy vraag was "Is daar nie 'n ander bron wat julle die geld by kan kry om hierdie projekte of die werk voort te sit nie?"

Het mnr. Dhlamini geantwoord? -- Ja, Dhlamini se antwoord daarop was "Daar is geen ander bron nie, want as ons geld gaan kry by enige plek, al is dit waar, sal ons rente daarop moet betaal."

Het daar nog mense vrae gevra? -- Nee, niemand anders nie.

Het mnr. Dhlamini aan die einde van die vergadering dit gestel dat dit finaal was, die verhoging in huur was finaal(10) en daar kan niks aan gedoen word nie of het hy 'n ander verduideliking gegee? -- Aan die einde van die hele vergadering het Dhlamini gesê dat indien daar van die gemeenskap was wat nie tevrede is met hierdie voorstelle nie, moet hulle 'n petisie optrek en na die lede toe gaan van die Raad in hulle wyke om daar dan vir die Raad te gaan sê wat hulle klagtes is aangaande hierdie voorstel wat dan later opgevolg sou word om 'n oplossing te kry.

HOF : Bedoel u daarmee dat die Raad later daarop sou ingaan?

-- Ja.

(20)

Was die gedagte met die petisie - en nou moet u mooi luister - dat aan afsonderlike gevalle dispensasie verleen sou word, met ander woorde kwytskelding of was die gedagte met 'n petisie dat die hele projek anders aangepak sou word? Watter soort petisie is beoog? -- Dit sou alleenlik afgehang het van die besluit van die Raad na aanleiding van die klagtes wat ingekom het van wie ook al, van watter wyk, wat die Raad sou besluit onder die omstandighede.

MNR. HANEKOM : Is die vergadering ordelik uiteen? -- Ja.

Wat was u indruk van die vergadering? Is die mense (30) tevrede uiteen of ontevrede uiteen? -- Die gehoor was tevrede

... / gewees

gewees, want toe ons die plek verlaat het, was ek in die geselskap van 'n gedeelte van die gehoor en ons het normaal gesels. Daar was niks vreemds nie.

'n Rukkie na die vergadering, met 'n rukkie bedoel ek 'n paar dae na die vergadering, het u een dag 'n pamflet in die hande gekry? Kan u onthou? -- Ja, toe ek teruggekom het van die werk af, het ek 'n pamflet gekry.

Hoe het u dit gekry? -- Met my aankoms by die huis, het my eggenote 'n rapport aan my gemaak dat 'n sekere vrou hierdie pamflet daar gebring het. (10)

Wat het die pamflet gesê? -- Al kan ek nou nie presies onthou wat alles op die pamflet was nie, was daar heel bo-aan geskryf Asinamali.

Wat was die belangrikste wat u kan onthou van die pamflet? -- Dat ons nie betaal nie.

Ek toon aan u 'n pamflet, dit is AN(15)(5). Hy is nog nie vantevore ingehandig nie. -- Dit was 'n soortgelyke pamflet soos hierdie een BEWYSSTUK AN(15)(5).

En dit is 'n uitnodiging na 'n vergadering op 12 Augustus 1984 by die Anglikaanse Kerk? -- Ja, dit was so. (20)

U kon nie - kon u uit die pamflet aflei wie die pamflet uitgee? -- Nee, daar word geen melding daarvan gemaak nie.

HOF : Waarvoor staan Ha re na Tjelete? -- Dit beteken 'n persoon het nie geld om te betaal al is dit vir wat nie.

Waar staan dit in die vertaling, mnr. Hanekom?

MNR. HANEKOM : Ek moet bieg, ek sien dit nie in die vertaling nie.

HOF : Ek weet nie of ek reg is of verkeerd nie, dit is nie my funksie om hierdie goed te vertaal nie, maar dit wil voorkom asof dit uitgelaat is. (30)

MNR. HANEKOM : Dit wil so voorkom. Ek sal ingaan daarop.

... / HOF

HOF : U moet asseblief die vertalings nagaan.

ASSESSOR (MNR. JOUBERT) : Watter taal is Ha re na Tjelete?

MR BIZOS : We can save a lot of time if we admit that it means that we have no money in Nguni and Sotho.

HOF : Not in Nguni. Asinamali is Nguni. Ha re na Tjelete is in Tswana and Sotho.

MR BIZOS : They are both on the pamphlet. On my copy any way.

COURT : It is merely a question of the translation being correct.

MR BIZOS : Of the correctness, but if Your Lordship is (10) please to note that that is what it means. We can save our friend the trouble.

MNR. HANEKOM : Dankie.

MR BIZOS : It was probably assumed that it has acquired a universal meaning in the case.

MNR. HANEKOM : Het u na die vergadering gegaan op 12 Augustus? -- Nee, ek het nie.

Is daar enige rede voor hoekom u nie gegaan het nie? -- Dit is as gevolg van die inligting wat ek in die geheim bekom het in die omgewing daar dat ons, die raadslede, nie daar- (20) heen moet gaan nie, ons word nie daar benodig nie. Ons teenwoordigheid is nie daar welkom nie.

Het daar enigiets by u huis gebeur na 12 Augustus 1984, na die vergadering? -- Nee, daar het niks gebeur nie.

Op 29 Augustus 1984 is daar 'n vergadering gehou deur raadslede in Bophelong? -- Ja, daar was 'n vergadering daar gehou.

Was u op die vergadering? -- Ja, ek was daar.

Was u binne-in die saal of buitekant? -- Ek was buitekant gewees.

Wat het u buite gedoen? -- Ek het na my voertuig gekyk. (30)

Kon u sien of hoor wat binne-in die saal gebeur? -- Nee,

... / ek

ek kon niks hoor wat daar gebeur het nie.

HOF : Watter raadslede was saam met u daar buite? -- Caesar Motjeane, K.J. Dhlamini, Chakane, Motsele.

MNR. HANEKOM : Was daar ook nog ander wat u nie kan onthou nie of is dit al raadslede wat daar was? -- Daar was wat heen en weer beweeg het, dit wil sê in- en uitgegaan het.

HOF : Ons het gehoor die saal het twee hoofdeure. Is dit korrek? -- Ja.

Die een front aan die een straat en die ander een front aan die ander straat en die strate kruis mekaar? -- Ja, dit(10) is so.

K149 Hierdie mense wat u hier genoem het Dhlamini, Motsele en Motjeane, was hulle saam met u by die een deur, aan die een deur se kant? -- Ja, ons was aan dieselfde kant, net 'n entjie voor naby die bome.

Was mnr. Jokozela op die vergadering? -- Nee, ek het hom nie gesien nie.

MNR. HANEKOM :

Wat het toe gebeur by die vergadering? -- Terwyl ons daar buite was, is die volgende ding wat ek opgemerk het dat die ligte afgegaan het. (20)

Wat se ligte? -- Die ligte in die saal.

Ja? -- Mense het uitgevlug en mekaar gestamp as gevolg waarvan ek my voertuig geneem het en weggery het daarmee.

Het u alleen weggery of is u vergesel van polisiebegeleiding? -- Op die tydstip wat ek weggery het, was ek alleen gewees, maar terwyl ek aan die wegry was, was daar al van die persone wat die polisie gaan haal het, want die polisie was alreeds naby gewees.

HOF : Kom die polisie toe aan toe u wegry? -- Ja, toe die polisie daar aankom, het ek weggery. (30)

MNR. HANEKOM : Het die polisie in voertuie daar aangekom? --

Dit is reg.

Hoeveel voertuie? -- Ek het 'n Jeep gesien en 'n gryserige een.

HOF : Wat is 'n gryserige een? -- Hy lyk soos 'n Kombi. Dit is so 'n lang ding.

MNR. HANEKOM : Het u net die twee polisievoertuie gesien? -- Ja, net daardie twee.

Het u polisiemanne by die saal gesien voor daardie twee polisievoertuie aangekom het? -- Nee, ek het geen polisie gesien nie. (10)

Weet u of daar die aand by die saal klippe gegooi is? -- Ja, klippe was gegooi.

Op watter stadium? -- Wat gebeur het, is dit het plaasgevind onmiddellik toe die ligte afgegaan het en die mense uit die saal gevlug het. Toe ek dit sien, het ek in my voertuig geklim en weggery. Met die wegry, in die nabyheid van die winkels of die koopsentrum daar, is waar ek goed besef het dat klippe nou hier gebruik word.

Is u voertuig getref deur klippe? -- Ja, dit was getref.

Hoe ver is die winkelsentrum waar u voertuig raakgegooi (20) is van die saal af? -- Dit is nie baie ver van die saal af tot by die winkels nie. (Getuie dui distansie aan)

HOF : U sal ons 'n bietjie meer besonderhede moet gee. Wat van 'n sokkerveld? -- Nee, ek loop nie daar nie.

Kom u nie by sokker nie? -- Nee.

Wat is u sport? -- Nee, daar is geen sport vir my nie.

MNR. HANEKOM : Weet u waar die winkelsentrum van Checkers hier in Delmas is? -- Nee, dit is te ver.

As u van hierdie hof af na Checkers toe moet gaan, is dit halfpad of drie-kwart? -- (Getuie dui weer eens 'n distansie aan) (30)

HOF : Honderd meter.

MNR. HANEKOM : Het u daardie aand van 29 Augustus nadat u van die saal af weggery het, 'n vergadering gehou met ander raadslede? -- Nee, ek het mos weggery op daardie stadium.

Waarheen het u gegaan? -- Direk huis toe.

HOF : Was raadslid Mokoena by die vergadering op die 29ste? -- Nee, ek het nie sy voertuig daar gesien nie, tensy hy met 'n ander voertuig gery het, maar sy voertuig was nie daar nie.

MNR. HANEKOM : Die onluste het ons gesê was op 3 September. Kan u onthou of u die Saterdag voor daardie Maandag, 1 September, enige pos ontvang het? -- Ja, ek het 'n geskrif gekry in die posbus.

Wat was dit? -- Ons praat mos van die 2de, nie waar nie?

Wanneer het u die geskrif gekry?

HOF : Die 2de is Sondag. Saterdag is die 1ste. -- Ja, dit is die Saterdag wat ek 'n geskrif in die briewebus gekry het.

MNR. HANEKOM : Dit was 1 September 1984.. Wat was die geskrif? -- As ek nog reg onthou was die inhoud van daardie geskrif dat 'n vergadering gehou gaan word by die Anglikaanse Kerk die 2de, waar daar resolusies geneem sou word en besluite geneem (20) sou word oor wat op die 3de sou gebeur en verder word dit daar bekend gemaak in hierdie geskrif dat daar mense nie werk toe moet gaan die Maandag nie. Besighede sou gesluit wees. Dit is omtrent al wat ek kan onthou.

Was dit in die vorm van 'n pamflet of 'n handgeskrewe stuk? -- Dit is iets soortgelyk aan hierdie een wat nou net aan my getoon was.

HOF : Die een wat getoon was, was AN(15)(5).

MNR. HANEKOM : Het u na die vergadering gegaan op 2 September? -- Nee, ek het nie na daardie vergadering toe gegaan nie. (30)

HOF : As u sê dit is iets soortgelyk aan die dokument wat

aan u getoon was, bedoel u wat die inhoud betref of bedoel u wat die vorm betref? -- Ek praat van die vorm en die grootte.

Dit is 'n dokument van ongeveer 8cm x ongeveer 15cm.

MNR. HANEKOM : Daardie nag van 2 September 1984, het u 'n besoeker ontvang of nie? -- Dit is nie 'n kwessie van dat ek 'n besoeker gekry het daardie nag nie, maar 'n persoon wat op straat was en daar verbygegaan het, het op my geskreeu en my naam genoem en toe ek luister, sê die persoon aan my, terwyl hy nog in die straat is, "Mofokeng, jy moet nou bewus hiervan word dat Dhlamini se huis te Vergenoeg met klippe bestook (10) word en dit word aangeval.

Het die persoon nog iets gesê of is dit al? -- Dit is al wat die persoon gesê het en hy is toe verby. Ek kon nie eers daarin slaag om met hom te gaan praat en uit te kom uit die huis en met hom gaan praat nie, want hy is net verby.

Het u die persoon gesien in die straat? -- Ja, ek het hom gesien met die straat afstap.

Het u hom geken of nie? -- Nee, dit was donker gewees.

Hoe ver was mnr. Dhlamini se huis van u huis af? Hoeveel straatblokke? -- O, dit is baie ver. Vreeslik baie, baie (20) ver.

Hoe het u gedink na watter Dhlamini is verwys? -- Ek het geweet want daar is 'n Dhlamini wat 'n lid was van die Raad en aangesien dit gesê was dat die dag, met verwysing na die dag van die voorval, ons dag was, het ek geweet van watter Dhlamini praat hy.

HOF : Watter dag? Die dag van die 2de of die dag van die 3de? -- Nee, nie net die twee dae nie, maar eintlik in daardie week, soos dit beweerd was. Dit was ons dag gewees, naamlik die 2de en die 3de. Ons het enigiets verwag. (30)

Wat bedoel u met ons dag. Dit is sekerlik nie u

... / verjaarsdag

verjaarsdag nie? -- As gevolg van die inligting wat ons bekom het waar ons met die mense in die geheim gepraat het en dat daar gefluister is partykeer, sou ons, die raadslede, gedood word, aan die brand gesteeek sou word ensovoorts. As ek praat van dat dit ons dae was, praat ek van dit was gedurende daardie tydperk wat ons enigiets van hierdie dreigemente waarvan ek reeds gehoor het, te wagte was.

MNR. HANEKOM : In watter gebied het raadslid Dhlamini gewoon? -- Vergenoeg.

MR BIZOS : In the absence of any identification as co- (10)
conspirators of any of these whisperers, I submit that the evidence is not admissible in relation to any of the main matters. If it is led in order to prove some state of mind on behalf of the witness at some later stage, it is perhaps admissible on that basis, but we just want to make the position clear.

COURT : The objection is noted. Actually your point of view is noted.

GETUIE STAAN AF.

HOF VERDAAG. HOF HERVAT. (20)

K150

SIMON PHOKOJOE MOFOKENG, nog onder eed

HOF : Ek wil net op rekord stel dat BEWYSSTUK AN(15)(5) se grootte is 11cm x 22cm. Die vorige mates wat gegee is, is verkeerd.

ONDERVRAGING DEUR MNR. HANEKOM (vervolg) : Mnr. Mofokeng, ons het voor die verdagting gekom by die einde van die gebeure op 2 September 1984. -- Ja, dit is so.

Ons kom nou by die oggend van 3 September 1984, die Maandagoggend? -- Ja.

Net voordat ons daarmee aangaan, wat was u beroep op (30)
daardie stadium? -- Ek was werksaam by Cargo Carriers.

... / In

In watter hoedanigheid? -- Bestuurder van 'n voertuig.

Het u daardie Maandagoggend, 3 September 1984 werk toe gegaan? -- Nee, ek het nie.

Waarom nie? -- As gevolg van die feit dat daar dokumente was wat versprei is, met die inhoud daarvan wat beweer het dat daar gemarsjeer sal word die dag na Houtkop toe en dat ons gehaal sal word om deel te neem, het ek besluit om tuis te bly sodat, indien hulle daar gaan aandoen, dat hulle my tuis vind.

Wie is die ons? -- Dit was op 'n papier duidelik gestel dat raadslede gehaal sal word om deel te neem aan hierdie (10) marsjering van die mense. Eintlik sal hulle heel voor moet wees om die optog te lei na die kantore toe.

Wanneer het u die papier gesien? -- Die papier was verkry die Sondagaand.

Het u self so 'n papier gekry? -- Ja, in die straat. Ek het dit gekry.

HOF : Was dit in posbusse gesit of het dit in die straat gelê? -- Dit was op die straat gewees, waar ek dit opgetel het.

MNR. HANEKOM : As u dit moet beskryf, was dit 'n pamflet of 'n plakkaat of wat was dit? -- Dit was 'n klein pamflet. (20)

HOF : Hoe vergelyk dit met die dokument wat u al gesien het? -- Dit was kleiner as daardie een, eintlik dunner ook.

Die dokument wat nou getoon is, is AN(15)(5).

MNR. HANEKOM : Het daar op die pamflet gestaan wie hom uitgee? -- Nee.

Vertel asseblief vir die Hof wat het u waargeneem die oggend van 3 September 1984 by u huis? -- Die oggend het ek opgestaan, gewas en toe klere aangetrek. Toe het ek daar gesit. My vrou was besig om tee te maak. Toe sy die teepot gevat het om dit te gaan uitspoel buite met die oog om tee daarin te (30) maak, het sy 'n klomp mense gewaar... (Hof kom tussenbei)

HOF : U moet net vir ons vertel wat u self gesien het, asseblief. -- Wat ek gesien het, is. As gevolg van die rapport wat ek gekry het, is ek na buite toe. Toe ek buite kom, het ek 'n klomp mense gesien wat toe hulle my gewaar het gevlug het.

MNR. HANEKOM : Was dit groot mense of jong mense? -- Die groot aantal mense in hierdie klomp was die jeug, alhoewel daar groot mense ook by was.

Waarheen vlug hulle? -- In die rigting van die hoofstraat waar hulle gaan staan het.

Kon u sien waar hulle gaan staan het? -- Ja, ek kon (10) sien, alhoewel dit nog baie ver was vanwaar ek gestaan het.

Wat gebeur toe? -- Terwyl ek so staan en kyk daar, het ek opgemerk dat die mense aan weerskante van my huis in verskillende om loop. Met dit het ek besef dat as die mense dit so doen, gaan hulle my huis omsingel, dat ek in die middel moet wees. Ek het toe besluit om te vlug.

Het die mense wat so in die strate weerskante van u huis gekom het, goed by hulle gehad? -- Toe ek vir die eerste keer daar by hulle te voorskyn gekom het, het hulle klippe in hulle hande gehad. (20)

U sê u het besluit om te vlug. Laat ek net eers dit kry, het u kinders gehad wat ook in die huis was? -- Nee, net my eggenote was in die huis. Daar was nie kinders daar nie.

Het u kinders? -- Ja, ek het.

Waar was hulle? -- Hulle was by my ouers se huis. Dit is eintlik waar my kinders woon.

Toe u besluit om te vlug, wat het van u eggenote geword? -- Op die stadium wat ek weggehardloop het, was sy besig met die telefoon. Sy was nie daarvan bewus dat ek alreeds gevlug het nie. (30)

Waarheen het u gevlug? -- Ek het in die rigting van Pick 'n

Pay gehardloop.

Is dit na die Blankewoongebied se rigting toe? -- Ja.

Watter Blankegebied is dit? -- Dit is 'n nuwe gedeelte van 'n woonbuurt in 'n voorstad in Vanderbijlpark. Ek kan nie sê wat die naam van die plek is nie.

Waarheen gaan u toe? -- Van daardie vroumens se huis het die polisie my kom haal.

U het ons nog nie gesê van 'n vroumens se huis nie. U het gesê u was op pad in die rigting van Pick 'n Pay? -- Ek is na 'n Blankehuis waar ek ingegaan het, waar 'n Blankevrou my(10) in 'n motorhuis toegesluit het en die toe die polisie telefonies ontbied het.

Het die polisie u daar kom haal? -- Ja, die polisie het my daar kom kry.

En is dit reg, is u saam met die polisie na die polisie-stasie in Sharpeville? -- Ja, dit is so.

Het u weer u vrou gesien? -- Met my aankoms by die polisie-stasie het ek 'n versoek gerig aan luitenant Manyedi om 'n ondersoek in te stel, want toe ek weg is van my huis af, het ek nie geweet wat later kon gebeur het nie. (20)

Het die polisie u vrou gaan haal? -- Ja.

Het u saamgegaan of by die polisiestasie agtergebly? -- Die polisie het alleen soontoe gegaan.

Het hulle u vrou terugbring na die polisiestasie? -- Ja, sy is daar aangebring.

Was sy beseerd? -- Nee, sy was nie beseerd nie.

Wanneer het u vir die eerste keer teruggegaan na u huis toe? -- Eers die Dinsdag.

HOF : Dit is nou die volgende dag? -- Ja, die volgende dag.

MNR. HANEKOM : Wat sien u daar? -- Ek het opgemerk dat die(30) huis uitgebrand was. Daar het nie meer 'n huis bestaan nie.

... / Dit

Dit was net 'n gebrande struktuur plus die motorhuis wat ook uitgebrand was en drie voertuie wat ook uitgebrand was.

Al drie u voertuie? -- Ja, al drie van hulle.

Was al drie op die erf gewees, Maandagoggend, 3 September?
-- Ja, dit was op die erf gewees.

Wat het u totale skade ongeveer beloop? -- Ek skat dit omtrent daar by R20 000,00.

Die Maandagoggend, 3 September toe u van u woning af weggevlug het, was daar op daardie stadium polisiemanne in die omgewing? -- Nee, daar was nie polisie nie. (10)

Is u op enige stadium terwyl u 'n raadslid was enigsins self gedreig deur enige persoon? -- Daardie vraag is nie vir my duidelik nie. Wat is die vraag?

Is u op enige stadium terwyl u 'n raadslid was - op enige stadium voor of na 3 September 1984 op enige wyse deur enige persoon gedreig? -- Ja, ek het verskillende telefoonoproepe ontvang.

Voor ons daarmee aangaan. Wanneer min of meer was dit?
-- Om en by 18h00.

Op watter datum ongeveer? -- In hierdie weke net voor (20) die datum van die onluste het ek baie van hie die telefoonoproepe ontvang. Dit wil sê die weke voor die 3de.

3 September 1984? -- Ja, 3 September was die dag van die onluste. Ek praat van weke voor daardie dag wat ek daardie telefoonoproepe ontvang het om en by 18h00 waartydens daar dreigemente teenoor my geuiter was.

HOF : Hoeveel oproepe het u ontvang? -- Op 'n slag, byvoorbeeld die dag as die oproepe deurkom, sou dit twee of drie oproepe gewees het. Ek het ook nie die stem herken van die persoon wat gepraat het nie. (30)

MNR. HANEKOM : Kon u agterkom of dit elke keer dieselfde
... / persoon

persoon is wat bel of was dit verskillende persone? -- Volgens wat ek gehoor het, sal ek sê dit was dieselfde persoon gewees wat Zulu en Sotho gebesig het tydens hierdie dreigemente, maar anders sal ek sê dit was dieselfde persoon gewees.

Wat was die inhoud van die dreigemente gewees? -- Die persoon het gesê ons, die raadslede, maak misbruik van ander mense of die gemeenskap se krag.

Nog iets of is dit al? -- (Verskoon my, eintlik het hy nie gesê dat ons die mense se krag moet gebruik nie. Die uitspreek van die woord deur die getuie was so swak gewees, dat dit (10) eintlik vertolk was as krag, maar eintlik wat hy bedoel is dat ons die huise van die gemeenskap onttrek, dit wil sê die mense wat huise besit word van hulle eienaarskap ontnem.)

Het die persoon nog iets gesê? -- Die meeste van die tyd het hy daardie soort dreigement uitgevoer.

Is u inderdaad gedreig deur die persoon met enigiets? -- As ek reg onthou, op 'n stadium het daardie persoon gesê dat hy my saam met die huis sal aan die brand steek binne-in daardie huis.

Het u probeer vasstel wie die persoon is? Het u vir (20) hom gevra "Wie is jy?" -- Ja, ek het probeer om hom te vra.

En wat was sy reaksie dan? -- Dan sê hy "Moet nie dit vir my vertel nie, voetsek." Dan sit hy die telefoon neer.

Het u die oproepe ernstig opgeneem? -- Ek het dit eintlik nie geglo nie.

Het u enige stappe geneem na die oproepe? -- Nee, ek het geen stappe geneem nie, want ek het gedink dit is 'n persoon wat gevoel het dit is nou sy kans om my te vloek oor die telefoon. Nou ja, daar is niks wat ek besluit het om te doen nnie.

Het u enigiemand vertel daarvan? -- Ja, byvoorbeeld as (30) ons sommer net gesels oor die algemeen, as mense oor die

... / algemeen

algemeen bymekaar gekom het of raadslede het ek daarvan melding gemaak dat ek sulke tipe telefoonoproepe ontvang het.

Die pamflet wat ek aan u gewys het van Asinamali wat praat van 'n vergadering op 12 Augustus 1984 by die Anglikaanse Kerk, weet u na watter kerk daar verwys word? -- Ja, ek weet waar is die Anglikaanse Kerk in Sharpeville.

Wie is die predikant daar? -- Dit is predikant Moselane.

Dit is beskuldigde nr. 3? -- Ja.

Afgesien van hierdie kennisgewing wat u gekry het van 'n vergadering op hierdie Sondag, 12 Augustus 1984, het u op (10) ander maniere bewus geword dat daar ook ander vergaderings op ander naweke gedurende Augustus gehou was? -- Ja, daar was vergaderings wat gehou was.

Het die Lekoa Raad hierdie vergaderings bespreek? -- Ja, ons het.

Het die Raad enige standpunt ingeneem of 'n besluit geneem daaroor? -- Die besluit was, dit word in die hande van die Stadsklerk gelaat wat om te doen aangaande hierdie vergaderings.

Weet u of die Stadsklerk enigiets gedoen het? -- Sy (20) verslag was dat die vergaderings wat gehou word is nie 'n slegte tipe vergadering nie en daar is dus geen manier waarop hierdie vergaderings gestop kan word nie.

Het u dit as 'n Raad so aanvaar of het die Raad self ander stappe geneem? -- Destyds het ons stilgebly daarvan. Die vergaderings het voortgegaan. Dit wil sê die hou van vergaderings het voortgegaan.

HOF : Sê vir my net, wanneer ongeveer is hierdie kwessie van die hou van vergaderings deur ander mense bespreek in die Raad dat dit verwys is na die Stadsklerk? -- Dit was 'n (30) spesiale vergadering wat ons gehou het.

Is dit lank voor 3 September? -- Ja, dit is lank wat hierdie vergadering verby was dat die 3de gekom het.

Was dit voor of na daardie verslagvergadering wat u moes hou op die 5de? -- Voor die 5de was daar nog nie vergaderings gewees wat ons eintlik moes bespreek het in hierdie spesiale vergadering nie. Dit is eers na die 5de wat hierdie vergaderings plaasgevind het wat ons dan later moes bespreek het in die spesiale vergaderings.

Sou u sê een week of twee weke na die 5de? -- Omtrent twee weke. (10)

MNR. HANEKOM : Om net duidelikheid te kry. Wat was die uitkoms van hierdie spesiale vergadering wat u nou net van gepraat het? Wat het die Raad daar besluit? -- Daar was 'n spesiale vergadering gewees aangaande die Raad oor sekere ander aspekte. Hierdie aspek was net daar genoem omdat die vergadering alreeds gesit het en toe was dit ook maar net daar bygevoeg. Nie dat die vergadering spesiaal vir hierdie aspek gesit het nie.

HOF : Is daar nou by hierdie vergadering besluit oor die aspek dat die saak word verwys na die Stadsklerk vir 'n verslag? -- Ja. (20)

MNR. HANEKOM : Weet u van enige vergadering wat gehou was tussen die raadslede en 'n groep predikante in die Vaal Driehoek? -- Ja.

Wanneer het dit plaasgevind? -- Na die 5de, gedurende daardie tydperk na die 5de, was daar vergaderings gehou en as gevolg van die vergaderings wat gehou was, het ons besluit om die predikante te nooi en met hulle ook 'n vergadering te gaan hou.

Net voor ons by die vergadering kom. Het die Raad net besluit om 'n groep predikante te nooi of was daar eers (30) afsonderlike predikante genooi? -- Toe ons dit in Sharpeville

... / gesien

gesien plaasvind het, dit wil sê dat vergaderings daar gehou word sonder ons kennis, het ons die onder-burgemeester gaan spreek en hom versoek dat hy die voorval met die burgemeester moet gaan bespreek, dat ons ook ingelig kan word hoekom daar vergaderings gehou word wat ons as raadslede nie eers bewus van is nie.

En as gevolg daarvan, wat het die burgemeester gedoen?

-- Predikant Moselane is toe genooi.

Waarheen genooi en waarvoor genooi? -- Hy is genooi om by Mpataletsane gemeenskapsaal te wees. (10)

Wanneer was dit? -- Die datum het my ontgaan.

In watter maand was dit? -- Dit was voor Septembermaand.

1984? -- Ja, die jaartal is 1984.

Wat was die doel vir die uitnodiging? Waarom moes beskuldigde nr. 3 na die saal toe kom? -- Hy het nie opgedaag nie, met die gevolg dat dit wat ons aan hom wou gesê het, was nie aan hom oorgedra nie, naamlik dat hy nie vergaderings, politieke vergaderings in die kerk moet hou nie. Indien daar enige vergadering is wat hy wil hou, sal hy gebruik moet maak van die gemeenskapsaal. (20)

Nadat beskuldigde nr. 3 nie opgedaag het vir die vergadering nie, wat het die Raad toe gedoen? Is daar 'n verdere vergadering belê? -- Ja, toe hy nie opgedaag het nie, was al die predikante bymekaar geroep.

Het die vergadering plaasgevind? -- Ja, dit was in die saal gewees.

In Sharpeville? -- Ja.

Was dit ook voor 3 September 1984? -- Ja, dit was voor dit gewees.

Het beskuldigde nr. 3 by hierdie vergadering opgedaag? (30)
-- Ja, hy was daar gewees.

Om dit net duidelik te stel, u self was ook op die vergadering? -- Ja, ek was daar.

Het u Raad enigiets aan die predikante oorgedra op die vergadering? -- Ja. Die burgemeester is die enigste persoon wat daar gepraat het, deur te sê dat hy hierdie predikante bymekaar geroep het om hier te kom vergader in hierdie saal met die oog daarop dat daar 'n samespreking gevoer moet word.

Waaroor? -- Dat as daar enige probleme is wat deur die gemeenskap ondervind word of as daar enige ontevredenheid is in die gemeenskap, die Raad is daar, almal is welkom om (10) met sulke probleme na die Raad te kom, sodat ons mekaar kan help met gedagtes en 'n oplossing vind vir daardie tipe probleme wat bestaan.

Is die kwessie van vergaderings op die vergadering bespreek? -- Ja, dit was.

Wat was die bespreking daaroor? -- Die burgemeester het 'n versoek gerig aan al die predikante wat daar bymekaar was dat hulle nie politieke vergaderings in die kerkgeboue moet hou nie. Die gemeenskapsale is daar beskikbaar om enige tipe vergadering te hou. Indien hulle verkies om enige vergadering te hou, sal hulle die gebruik van die sale toeken. (20)

Wat was die predikante se reaksie daarop? -- Hulle was te bly gewees. Hulle het eintlik opgestaan. Dit was 'n teken van blydschap van hulle kant af.

Was almal bly of was daar van die predikante wat nie so bly was daaroor nie? -- Die predikant Moselane was nie bly gewees nie.

Hoekom sê u dit? -- Ek sê dit omdat hy op 'n stadium sy hand opgelig het en toe 'n toespraak gelewer het wat eintlik gemik was op die burgemeester. In sy toespraak het hy die (30) volgende woorde gebruik, dat hy nie gaan ophou met die

... / vergaderings

vergaderings wat gehou word nie.

Is die kwessie - is die mededeling van beskuldigde nr. 3 verder bespreek of het dit net so gebly? -- Dit was nie net daar gelaat nie. Dit was weer duidelik gemaak dat dit 'n versoek was dat indien daar enige probleme is, dat ons bymekaar kom en die dinge bespreek om die probleem op te los en dit is nie 'n kwessie van mense stop, dat hulle nie plekke het waar hulle besluit het om hulle dinge te gaan bespreek nie en dat hulle dit nie kan doen nie.

Het beskuldigde nr. 3 toe aangedui dat hy inval by die (10) voorstel of die versoek? -- Ek het dit nie opgelet nie, want hy het al gesit.

HOF : Is wat u vir my wil sê dan dit, dat julle wou gehad het die mense moet vergader, maar hulle moet nie in die kerke vergader nie, hulle moet in die gemeenskapsale vergader? -- Ja, dit is so.

Wat is die rede waarom u 'n probleem gehad het met die vergadering in die kerke en nie 'n probleem gehad het met die vergadering in die gemeenskapsale nie? -- Wat ons gepla het is die kwessie dat hulle huurgelde daar in die kerke (20) bespreek.

Wat is u standpunt oor die gebruik van 'n kerk anders as vir godsdienstige doeleindes? -- Wat ek aanvaar het, in 'n kerkgebou word kerkdienste gehou.

MNR. HANEKOM : Weet u of daar na daardie vergadering, waar dit nou bespreek is, verdere vergaderings gehou was in die kerk van beskuldigde nr. 3 of weet u nie? -- Ja, die vergaderings het maar voortgegaan wat hulle daar gehou het.

Weet u uit eie kennis wanneer die laaste vergadering voor 3 September in beskuldigde nr. 3 se kerk gehou was? (30) -- Ja, op die 2de was daar 'n vergadering gewees by die

Anglikaanse Kerk.

Dan net die laaste aspek. Het u getender vir van die bottelstore of drankafsetpunte wat beskikbaar geword het in die gebied? -- Nee.

HOF : Daar is ook nie van die drankafsetpunte aan u toegeken nie? -- Nee.

Ken u vir Mkhutu? -- Ek hoor net die persoon se naam.

CROSS-EXAMINATION BY MR BIZOS : Was there a Mofokeng other than yourself a councillor? -- Yes, there is.

Which Mofokeng is that? -- S. Mofokeng. (10)

Tell me, when you were being asked about the use of the church, you said you were asked why did you not want to hold meetings in the church and your answer was because they discussed rent there. -- Yes, that is what I said.

What was the objection to discussing rent in the church? -- The complaint about that was that there was already talk in the community about the question of the rent. The feeling was then that it was advisable that we also be included in the discussion of these rents with the people who were discussing the question of the rent. (20)

So, you did not want any discussion to take place in your absence? -- Not that I did not want that.

Well, what was the objection to discussing rent in the church? -- As I explained that the talk in these meetings which were held in the church had involved a lot of discussions in it. That is the reason.

What was your objection to this discussion taking place in the church? -- It is because the talks I am referring to as a result of the discussions of the rent in the church building were later, after being revealed going to cause a (30) misunderstanding. (The word used can mean a fighting or an ... / argument

argument)

Yes, but let us just clear one thing out of the way. The council was not concerned with the sanctity of the place. Is that right? Let me explain. Did you not think that a priest and his bishop were in a better position to decide as to whether the sanctity ... (Court intervenes)

COURT : That is a different question. The question is whether their concern was really with the sanctity of the place. Then we can go on.

MR BIZOS : Were you really concerned about the sanctity (10) of the place? -- Yes, because we were being discussed there on those premises as a council.

So, if the same discussion had taken place in the communal halls you would not have had any objection? -- Provided we are permitted to be present there and answer to whatever allegation is being said.

But you know, even policemen went to the Anglican Church in Sharpeville according to the evidence in this case. -- Well, I do not know if they were there.

Did any councillor try to go to this church to see (20) what these people were saying about them? -- But there were already rumours and talks that we are not at all welcome at this meeting.

Did you want a place where you could exercise control over these meetings? -- No.

Did you make the halls available to trade unions? -- Yes.

And to the VCA? -- I do not know. What is VCA?

Have you never heard of it? -- No.

Vaal Civic Association you have also not heard about? -- Vaal Civic Association came into existence after the 3rd, (30) during which time I had already left the township.

... / Vaal

Vaal Civic Association came to Sharpeville after 3 September? -- When I came to know about its existence for the first time, yes.

WITNESS STANDS DOWN.

COURT ADJOURNS UNTIL 19 MARCH 1986.

DELMAS TREASON TRIAL 1985-1989

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