

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

I.I.I. Vol⁷⁷. 4036⁷⁶ - 4077.

SAAKNOMMER: CC 482/95

DELMAS

1986-05-02

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRUGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

77

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 77

(Bladsye 4 036 - 4 077)

COURT RESUMES 1986-05-02

OKOBENG STEPHEN MATLHOKO (Still under oath)

FURTHER CROSS-EXAMINATION BY MR BIZOS: Just before I go any further, would you mind telling us when you saw EXHIBIT AM56.
When did you see it?

COURT: For the first time?

MR BIZOS: For the first time.

COURT: He told us he did not see that exhibit. He told us he saw a placard.

MR BIZOS: With that on that? (10)

COURT: I am not sure. It may be the previous witness, but let us just check whether he saw ...

MR BIZOS: I think it was this witness, but the way I understood his evidence, but perhaps he could clarify, that this was placed on a placard.

COURT: Oh yes, I am sorry, yes.

MR BIZOS: That is how I understood it. Yes, that was when Your Lordship raised the question the back and front.

COURT: Yes.

MR BIZOS: When did you see that? Or let us put it - did you see it? (Intervention) (20)

COURT: The evidence is "I am .. 56, het ek gesien dit was opgesit te Huhudi by drie plekke. Dit was 'n groot plakkaat, alles op die een kant, die kleintjies het ek nie gesien nie."

MR BIZOS: Could I - did you see that exhibit at all?

COURT: In this size? -- No, I have not seen it before.

MR BIZOS: Well, did you see anything similar? -- I only saw a big placard which was put up on something.

But what did that placard have to do with that exhibit? --
The placard there had this photo which I see on this exhibit (30)
and the writing similar to this, that is as indicated by the
witness/..

witness, right on top on the right. The UDF letters is what he is pointing at.

Where did you see that? -- In Vryburg.

When? -- I cannot remember when it was when I saw this.

Do you remember the year? -- If I am not mistaken it was 1984.

Why do you say it was in 1984? -- I am not saying it was '84. I say if I am not mistaken it was 1984. It can be that it was in 1985.

It could be that it was in 1985 and you do not remember (10) the month in 1985. -- That is so.

Whether the beginning of 1985, middle of 1985 or end of 1985? -- It can be. As I say I do not know exactly when did I see this.

Didn't anyone, before you came into court, didn't anyone in consultation show you that document? -- No.

Please believe me, I do not want to raise the question of rental in any great detail with you for your area. Do you recall whether or not in 1984 an announcement was made by the Huhudi Civic Association to the effect that the Black residential area of Huhudi at Vryburg are not obliged to pay any other fees and (20) charges other than those stated in Government Notice 304 of 26 February 1982? Do you recall that? -- Yes, I recall that.

And they further announced that those residents who have paid more than such fees and charges are entitled to be credited with the excess that they have paid and have such excesses deducted from fees and charges that they will pay in the coming months. -- I only heard about that, that that was what was said. I was not at that meeting.

Yes. You see, you did not really attend all the meetings, and you have picked up little bits here and little bits there. (30) As far as those people were concerned that did go to those

meetings/..

meetings of the Civic Association, are you able to admit or deny that this is what they were advised on the advice of senior and junior counsel. Not us. -- That is true.

That is true? You see, I am going to suggest to you that instead of going about it through the courts, through the courts on testing the validity of this, the officials and the town council in 1984 ..

COURT: Town council or community council?

MR BIZOS: Community council in 1984 decided that they had better ways than the courts to get the rent. -- I do not know whether you are putting that to me as a statement or if it is a question on which I have to answer. (10)

COURT: Well, it would seem that this is the first part of a long question. So, just reserve your rights in the meantime.

MR BIZOS: Now, what was done was that threats were issued that whoever does not pay the increased rental would be ejected without notice. Was that the policy? -- I did not hear about that.

You cannot deny it? -- No, can I agree with that.

Yes. That anybody who did not pay the increased rental would find themselves moved. (Intervention) (20)

COURT: Moved to?

MR BIZOS: To the new place. I cannot pronounce it.

COURT: To Pudimo.

MR BIZOS: To Pudimo. -- Who was issuing these threats? The community council or who?

Well, the officials. -- I have not heard about that, therefore I am not in a position to dispute that or admit it.

And that if they wanted to listen to the lawyers from Johannesburg they would be endorsed out of the area. -- I did not hear about that one as well. (30)

Didn't you feel that in this dispute in 1984 that you as councillors/..

councillors and leaders of the community were to give some guidance to the community and to the officials as to how this should be - this difference of opinion should be settled peacefully? -- What dispute are you talking about now?

COURT: Were you ever informed by the Huhudi Civic Association that you as a council, that they had obtained legal advice that the increase in rentals was illegal and that you were to do something about it? -- No, I never saw anything like that.

MR BIZOS: Well, were any complaints of the Huhudi Civic Association ever referred to your council? -- Yes, there was a (10) letter which was addressed and taken to the chairman of the community council.

Was it discussed in the council? -- Yes.

COURT: About what was the letter? -- It was an enquiry from the civic association saying that we have waited for quite a long time for development in the township and there is nothing happening, we would like to know as to when, if ever, is any development to be expected in this township.

Is that in the line of services? -- Yes.

MR BIZOS: Was never any complaint referred to your council (20) in relation to the amount of the rent or the legality of the rent?-- No, I can not remember that.

You see, I am going to suggest to you that whatever steps the civic association took in relation to the council, in relation to the officials, the attitude of the council and the officials was that you have no business to talk. -- That is not true.

COURT: Is it put that the Huhudi Civic Association approached the council on this rent increase and the legality or validity thereof?

MR BIZOS: My Lord, I have a letter which I intend putting to (30) the witness dated before this opinion was given, which I intend putting/..

putting to the witness. I have not yet been given any document written document. I am informed that this was conveyed to the officials. I have not yet seen any document, My Lord, because - but the letter I have precedes ..

COURT: But I am talking now about the council. I do not know what the position is as far as the officials are concerned, but this is a councillor.

MR BIZOS: Apparently it was directed to the ..

COURT: Administration board.

MR BIZOS: To the administration board. Now, was - perhaps, (10) My Lord, in fairness I should give Your Lordship the date of the opinion which is 18 September.

COURT: Of 'eighty?

MR BIZOS: '84. I want to show you a letter dated 4 June 1984. Was this letter ever brought to your council's attention?

COURT: It is addressed to?

MR BIZOS: The Regional Manager, NCDB, Vryburg. Probably Northern Cape Development Board.

COURT: And from?

MR BIZOS: The Huhudi Civic Association and dated 6th .. (20)

COURT: 4th.

MR BIZOS: No - I beg your pardon - 4 June 1984. The date has not come out on some of the copies. I think that the one given to the witness which I will ask Your Lordship to receive has got the date clearly on. -- I have not seen this document before.

I do not know whether Your Lorship wants to receive it, because I am going to put to the witness ...

COURT: Not at the moment. If you are going to prove it eventually then that is a different matter.

MR BIZOS: I will prove it. (30)

COURT: Then you can prove it in the normal way. If he has not seen/..

seen it, I am not taking it in.

MR BIZOS: As Your Lordship please. What I was hoping to save time, My Lord, because it actually conflicts with the witness's evidence as to the attitude of the rent as a whole. This is why I thought that I would ...

COURT: Well, you can put it to him in any event and it may be that he agrees.

MR BIZOS: Well, I will read to you the letter - do Your Lordship Assessors want copies, My Lord?

COURT: Are you going to read the whole letter? (10)

MR BIZOS: Yes, because it summarises ..

COURT: Well, I will listen when you read it. We have got a copy.

MR BIZOS: As Your Lordship pleases. It summarises the position instead of ..

"This letter comes to you at this time when the residence of Huhudi are out of desperation justly moving to a point of interpreting any move by the NCDB in collaboration with the Community Council as a deliberate psychological push-over to Pudimo as a founded suspicion." (20)

COURT: Could I just ask a question on that paragraph. Is the NCDB the Administration Board as we have called it or is it something different? -- It stands for Northern Cape Development Board.

Is this the board that administers Huhudi? -- Yes, that is so.

MR BIZOS: Well, do you agree that there were such suspicions at the time and whatever the board was doing it was really trying to force people to move to Pudimo. -- By whom?

Was there a suspicion in your community that everything that was being done, was in order to force people to move to Pudimo? Including the increase in rental. -- I am not clear. I un- (30)
derstand what you are saying, but I am not clear whether now you are/..

are saying who - I want you to say who was creating a suspicion to the community.

Would you agree with the chairman of your council, who has already given evidence, that there were suspicions in your community to the effect that everything that was being done by the board, by the authorities, was either direct or indirect pressure to move the community out of there to Pudimo? -- Yes, I quite agree with that. Now I understand the question.

So, do you agree that in so far as the first paragraph of this letter expresses that view that it correctly represented (10) the view of your community? -- Yes, I understand that and I agree with that.

Good. Do you agree that the perception of your community was really holding the development board responsible and it says in collaboration with the community council? Listen to the question. Do you agree that your community really considered the development board as the person who ran the show and not the council itself? -- Yes, I agree.

Then the next paragraph:

"The recent rent hikes to be effected as from (20)
1 July 1984 announced by the community council are an exception to the above rule. The community council, as characteristic of it, has literally failed to explain to the residents how the increase was calculated, that is what measures did they, together with the NCDB, use to reach the R5,50 conclusion."

Do you agree that this was the perception in your community? I am not asking you whether you agree that the perception was correct or not but whether you agree that that was the perception in your community? -- Yes, I agree. (30)

"In a public meeting convened by the community council

on 24 April 1984/..

on 24 April 1984 vague, unsatisfactory responses were given to the residents on the rent question."

Do you agree that that was the perception in your community? -- To be honest with this Court, during this meeting on 24 April 1984 it was well attended by elderly people and the youth and the only people who in fact indicated a dissatisfaction about all what was being said there, was the youth.

Well, what do you mean by the "youth"? -- By that I mean the people who did not have houses registered in their names, in fact people who were living with their parents in these (10) houses ranging from the age between 16 and 20.

Did they have a right to be at the meeting? -- They were at the meeting. I believe they have the right to be at the meeting because everybody attends a meeting.

Yes. Do they have the right to express their opinion? -- It is quite correct.

Was their opinion listened to? -- Yes.

Were some of them entitled to vote? In the council elections anyway. -- That I do not know, whether they had any right to vote at the elections of the council or not. (20)

Yes, because you really do not have any election experience. Anyway ...

COURT: How do you put that? Were there no elections in 1978?

MR BIZOS: But he was not involved in '78.

COURT: Well, maybe he is a voter.

MR BIZOS: Well, how come you do not know - what is the age limit of people that can vote for the council, do you know? -- According to my knowledge people from the age of 18 are entitled to vote.

Be that as it may, this letter goes on to say - (30)

"We demand a detailed written explanation on the
issue/..

issue of rent before it takes effect in July."

Was that ever brought to your council's attention, that the civic association wanted a detailed written explanation on the issue of rent before it takes effect in July? -- Yes, we came to know about that.

If the letter was not brought to your attention that request or demand was brought to your attention? -- Yes, we came to know about it.

COURT: How did you come to hear about it? -- We came to know about this because of the difference in payment for water used(10) People who had water in their yards were paying R4 and those who did not have water in their yards were paying R2 for the water used. It then happened that the municipality decided that the people who were having water in their yards, are going to pay more, that is double the amount they are paying, meaning R8 for the water used by them. Then there was the feeling that that was too much for the people to pay for water used, the increase on the water was not reasonable, then at the time of the discussion of that, that it be brought down .. My Lord, in discussing the question of water somebody raised a point saying that the (20) Huhudi Civic Association is objecting about the increase which was put to us as the increase of water which we had already discussed and agreed upon, that it will be increased by R2 for the first six months and then thereafter again the additional R2. So, it was brought to our notice as if the complaint referring to this date of July was with reference to the water which had been discussed already.

MR BIZOS: Do you remember what His Lordship's question was?

COURT: Actually it is an answer to the question because the question was how was this demand brought to your notice so he (30) explains that at a meeting where they discussed the water rates somebody/..

somebody said that Huca objects to the increase in water rates, but they had already discussed that and decided it was not reasonable so anyway they did not do much about it, but why are you bothered about a demand made to the regional manager of the NCDB with a copy to the minister of Development and the chief director but no copy to the councillors? Now, why are you objecting to them not taking up the demand? If they do not even get the courtesy of a copy of the demand.

MR BIZOS: Yes well, because it goes to show, as I will develop..

COURT: Well, it goes to show, Mr Bizos, that they were entirely ignored by Huca. (10)

MR BIZOS: Because the association itself was ignored.

COURT: That may well be.

MR BIZOS: But I will come to that. I will come to that. You say that the demand made by Huca was mentioned at this meeting? -- Yes

Let us just take the next paragraph and finish with this letter then I will deal with the relationship.

"Subsequent to the meeting a pamphlet was distributed by the council in which vague mention was made of increases for the workers at their working places, (20) an unfounded claim. There is no way in which the underpaid workers can be scrued their meagre wages .." shrewd ..

I do not know what the word means.

"If the council and the NCDB had probed into the salaries of the workers in Huhudi we challenge them to reveal their research results to the community."

Was it ever brought to your notice that details were required?

-- No.

"Our position is such that the residents' feelings be respected and until the case has been straightened no (30) resident should be forced to pay the increased rent."

Do you/..

Do you agree that the stated position of Huca was that the increased rent should not be paid? -- Yes, I agree with that.

And it goes on -

"That although anybody can pay it that will be out of tradition of fear and in no way a positive response to the increase or an understanding or acceptance of the explanation given by the council."

Do you agree that that was the position that was taken by the civic association? -- Yes.

Now, I want to bring to His Lordship's attention through (10) you - I am sure that you will remember it - how this complete lack of communication came about. What was the attitude of the officials to the delegates that had been elected in order to make representations to the authorities about the removal? How did the officials feel about these delegates? -- To be honest it appeared as if the delegate is not being affected by the officials.

I hope that you have been honest in everything and that what you have just said was just a matter of speaking. -- No, it was just a matter of speaking.

Yes, I accept that, yes. You were not reluctant to (20) mention the fact that the officials did not want the delegates? -- That is true.

What was the feeling of your community in relation to this rejection of the delegates that it had elected at a mass meeting to represent - together with your council - to represent together with your council its interests? -- We were all not happy about the attitude of the board towards the delegates which were chosen by the community to accompany the council to the board because these people were chosen by the community to go and see if the council has overlooked something which was in the interest of (30) community and we were quite happy to be with them so that they

could/..

could draw our attention on certain facts which have been left out. Now, the board's attitude towards these people created a very bad feeling between the board and the community, that is why I said earlier that at the report-back meeting to the community by Galeng, Galeng made it clear to the community that the council, that is the community council, was doing his utmost to achieve their goal.

Without wishing any disrespect to you or to your fellow-councillors, would you agree that generally speaking the delegates were somewhat younger, somewhat better educated, formally (10) educated? -- I quite understand the question, My Lord. I find it a bit difficult to answer the question except to explain and say as far as formal education is concerned from the delegation there were people who were not having higher academical qualifications than myself for instance and again there were some of them who were older than us. So it is not quite correct saying they were younger and better educated formally.

All right, I will accept that, but did the officials consider the delegates as cheeky? -- I am not again in a position to say with certainty whether that was their attitude because (20) at a meeting, which I did not attend, in Kimberley a report was made to me that they were refused permission to say anything altogether. Maybe for that meeting it is justified to say they were labelled as cheeky people, but at the meeting where I was no, nothing was said which I could justify having meant to say that they were cheeky.

In this unfortunate three-partied negotiations, was the impression, clear impression given to the delegates that they were not wanted? -- Again it is not being put to me by whom, but according to my experience and what I saw happening there, (30) I will say that the board did not welcome the presence of the delegation/..

delegation.

Did the delegates speak to you as a councillor or to the other councillors along the lines, gentlemen, if we are not wanted why don't you take up the stand as well. If you do not want the delegates we will not speak to you either? Why must you turn the delegates away? Was that the feeling that developed? -- I would not say whether that was raised by the delegates to the council or to any other person or not, but to me as a person, a member of the council, nobody ever said that to me. I am therefore not in a position to answer on that. (10)

When would you say that communication between Huca and the council broke down? -- I am not quite certain but if my memory serves me well, it was during the year 1983 when our chairman wrote to the secretary of Huca inviting them to a meeting with the council in which meeting the programmes of the township were to be discussed. In reply to the letter it was said - that letter was addressed to the secretary, Khasu, of Huca. Now, in reply it was said that the constitution of Huca does not allow Huca to hold meetings with the councillors. It is only then thereafter that I realised that there were no meetings and (20) that is why I say to me it was then apparent from then that there was no good relationship or communication between Huca and the community council.

Incidentally I just want to put to you, do you remember that yesterday you gave us a long story about a nursery school meeting. -- Yes.

I do not want you to repeat it, please, but I only want to ask you was that not after the removal threat had been removed? That is after October 1984. -- That is after that, yes.

I want you not to repeat the whole story, unless you (30) find it necessary to do so, did not Mr Hoffman Galeng say that he felt/..

felt that he, as the chairman of a body that really concerned itself with the education of the pre-school aged children, was being frustrated in the work that he had to do in that body by the councillors on the body? -- Not in this meeting I was talking about yesterday.

Yes well, you see - I do not want to go into all the details but I am going to tell you that - was Mr Dikhole the treasurer of this community that had to pay the employees? -- That is so.

And they were not paid timeously and according to Mr Hoffman - apparently in Mr Hoffman's view deliberately so that his(10) position as chairman would be subverted. -- No, that is not true. I do not know what his feeling was about his position being subverted but I do not think that is true. For instance the meeting I was talking about yesterday, we were all aiming at electing him as a chairman again, the reason being that we were happy about what he was doing for the community as a chairman of the Methodist school.

But in any event this was towards the end of 1984 when the reputation of community councils was not very high, generally was not very high. -- Yes. (20)

And it was not in 1983 as you said to His Lordship yesterday. -- Yesterday I made myself clear saying I cannot quite remember whether it was in 1983 or 1984.

Would you agree that for over ten years at least your whole community was most suspicious of anything that the administration or development board may have wanted to do? -- I agree with you there. The prime reason for that being the removal of the community to Pudimo which place was not being accepted by the community to move to.

COURT: But was the idea that the community would commute (30) to their work from Pudimo to Vryburg? -- That is so.

Was/..

Was there transport? -- That was one of the main reasons for our objecting because we first enquired if there was going to be transport. It was said yes. Now, the next question was if there is transport are we going to have sufficient money for fares to travel between Pudimo and Vryburg, are the people not going to suffer because of that?

MR BIZOS: You see, you were asked about the contents of some of the pamphlets yesterday and you expressed your view in respect of some of the things contained. Would you not agree that there were very strong feelings against the board? -- I quite agree (10) with you. The reason being this, prior to the establishment of the civic associations, in the long run towards that, just before the establishment of the civic association, the board did not want us as well, the reason being that we are resisting the removal to Pudimo.

You see, this business of increase in rent, increase in services, asking for money for lodgers' fees was the ...

COURT: Sorry, sorry, increase of service charges or increase of services?

MR BIZOS: Charges. I am sorry, service charges. Increase (20) rent, increase of service charges and charging for lodgers' permits, were the people generally speaking suspicious that these increases were to build houses at Pudimo? -- That was our feeling.

Did you yourself believe it to be true? -- Yes, that was the feeling even up to myself. I remember at some stage we even went to speak to the president of Bophuthatswana as to whether they did agree that this money be used for putting up houses at Pudimo which is in his area because Pudimo falls under him. Another reason which was in fact a strong one to us, to believe that this money was going to be used in putting up houses at Pudimo, was (30) that there no development at all in Huhudi at that time.

Did/..

Did some of the articulate people in your community see it as completely unjust that lodgers should have to pay a fee? -- That is so.

Were comparisons drawn that they did not know of any White people that pay extra rates and taxes or any other charges because they had lodgers in their houses? -- That is so.

And in fact there was so much objection to this lodger permit that I am told that in 1979 it was actually stopped. -- That is so.

But then ..

(10)

COURT: Was it then reinstated?

MR BIZOS: Reinstated. But then in 1981 the council was pressurised by the officials to re-introduced - well, it was re-introduced and it was said by the councillors that they were forced - well, persuaded to do it by the officials. -- That happened before I was in the council myself but I was present at a meeting where this was re-introduced. The introduction of the whole thing was there is a lot of influx people coming in to Huhudi or the district of Vryburg as a result of which the board feels that people coming into Vryburg will have to acquire (20) accommodation and have a proof of accommodation. In order to have a proof of accommodation these people will have to pay some lodgers' fees, that they are people who are residents in this area although they do not have their own houses or places except being lodgers. Now, what happened later is that when the community agreed that that can be done, it again occurred to us, the community, that the idea of introducing this by the board is to try and keep our number limited in a small number so that by the time we are to be moved to the new place we are not too many to be removed. (Interruption) (30)

COURT: Mr Bizos, you opened the tap, are you going to close it.

MR BIZOS/..

MR BIZOS: Well, I am reluctant to interrupt the witness for fear .. -- What I am trying to make clear is this, it was not the board who introduced this lodger's permit but the community accepted it, when it was put forward.

Without suspicions?

COURT: Well, he has already said, Mr Bizos, then we thought it is used to limit our numbers so that not too many will have to be moved later. If you want the speech all over again you could have it.

MR BIZOS: No, I do not think I need the speech all over again. (10)

You see, were people who were actually born there and the right to be there, threatened that if they do not register as lodgers they will be moved out of the area? -- That was before 1981, yes. In 1981 it was not the position, only who had come into the township or the area, were to pay lodgers' permits and not the people who were born there.

You see, what I want to suggest to you and I will ask you to please try and answer as briefly as you possibly can, is that until the question of your removal was settled in October 1984 nobody in your township really regarded any increase in rent (20) or service charges for the benefit of the community. -- That is so.

Also the attitude of the board to the civic association and the board's insistence that the civic association should not be side by side in representing the people of the township, led to an alienation between the civic association on the one hand, the officials and the council on the other over and above any objections in principle to the council's system by the association -- I did not understand that question clearly.

I am sorry, it is ...

COURT: Are you withdrawing the question? (30)

MR BIZOS: No, My Lord, I will try and ...

COURT/..

COURT: Then you will have to repeat it.

MR BIZOS: I will have to repeat it and possibly split it up. Is it true that some people, and especially those in the civic association, have objections to the council's system in principle? -- That is true.

COURT: Will you relate this to 1984, please?

MR BIZOS: Yes, yes. As Your Lordship pleases. This was the position in 1983/84, even earlier than that. -- I only came to realise that properly in 1983.

Yes. Well, let me just ask you briefly, do you agree (10) that there are members of your community who believe that the council system was being used as a substitute for meaningful political rights? (Intervention)

COURT: The council system?

MR BIZOS: Yes.

COURT: There is no town council in Vryburg, is that what you are putting?

MR BIZOS: No, no, did I say town council, My Lord?

COURT: No, no, the council system.

MR BIZOS: The community council system, My Lord. (20)

COURT: Yes, very well.

MR BIZOS: Did I say council ...

COURT: No, no, the council system. So far we have heard of the council system introduced on 1 January 1984 as being no proper substitute.

MR BIZOS: Yes.

COURT: Now we are hearing something else.

MR BIZOS: No, My Lord ...

COURT: I have no objection, Mr Bizos, as long as we just have clarity. The whole community council system is an improper (30) substitute for meaningful political rights?

MR BIZOS/..

MR BIZOS: Yes, My Lord, including the urban councils that were before it, even more than their successors. -- Just repeat that again. I would not like to answer this question unless I am clear on it.

Let us start it from another angle.

COURT: It may also be that the witness has not heard this before.

MR BIZOS: I will be surprised on my instructions if that is so.

COURT: Yes, please repeat the question then.

MR BIZOS: How did you feel, you personally, never mind anyone else, how did you feel that you did not have the vote to send (10) somebody to parliament, in 1983? -- My feeling was I wanted somebody who was elected by myself to go and present my case whenever there is something to be said about me as a Black person in parliament, let it be done by a person elected by myself. In fact up to now, as I am standing here, that is my feeling.

Did you think that you were alone in this feeling in 1985 or was this feeling shared by members of your community as a whole? -- My Lord, I had in mind that the whole community is having the same feeling like myself.

Even in Vryburg? -- That is so. (20)

Do you agree that there was a substantial body of opinion in your community that by having community councils for Blacks with limited powers and subject to the approval of the minister and the officials, was really an attempt to substitute for that which you wanted or rather for that which was wanted by those members of the community?--Do you expect me to answer from my own feeling?

Well, let us have your own feeling. -- I will answer that question by saying my belief was that we are having the community council just like the council of Vryburg which will have to (30) do about things that are affecting the community in the township in which/..

in which we are serving. I never had in mind that the community council has got something to do with politics or it was playing part in political matters.

If anyone in authority said to you as a Black man that you do not have to have the vote to send somebody to parliament to speak on your behalf, you have to be satisfied for the foreseeable future with your council's system, would you accept it? -- I would not accept that.

Now, would you agree that in your community some people, like Mr Hoffman Galeng and others, felt that by taking part in(10) this community council system it gave an opportunity to those in authority to say no, the Black people are satisfied with what they have got, they do not want any more? -- I agree with that.

That they were saying - do you respect that point of view? -- We differ there when we come on that point. What I believe is we must have our Black people representing us in the townships where we live, who will have to do with our demands, who will have to meet whatever demand is put forward by the community, unlike if we have Whites again who will ignore the demands of the people and pertaining to parliament and politics I do not think it (20) is justified for me to say that community council is standing in the way of electing a person who will represent us in parliament.

All right, that was your point of view. What I am asking you is do you agree that there was a considerable body of opinion in your community that did not agree with you that the community council is something that can really help you? -- Yes, I agree with that.

Now, in the Northern Cape there is a considerable Coloured population. -- That is so.

And you had, as an example, among your Coloured neighbours (30) there, how the politics of boycott might really help you to

advance/..

advance. Do you want me to explain that? -- Please explain. I do not understand that.

You know that before the Tricameral Parliament came into being there was the Coloured People's Representative Council.

-- Yes, I know about that.

Do you recall that there was a deliberate campaign to boycott that as a body and bring it to an end, destroy it? -- Yes.

And there were lots of campaigning in the Northern Cape in the '70's that this sort of body is to be boycotted and that nobody should have anything to do with it. Is that not so? (10)

-- Yes, that is so.

COURT: Do you remember it? Don't just agree because counsel says so. Do you remember it? -- No, I remember that.

MR BIZOS: Newspapers read by your community? -- They do read newspapers though I am not in a position to tell what percentage of the people read newspapers. We are not so well educated in that area.

Yes, but the educated ones read newspapers and discuss their contents? -- That is so.

C241 COURT: We are now talking not only of the sports pages. -- (20)

I quite understand that, that is why I answered I do not know how many of the people read the newspapers because some you will find that he has got a newspaper but he has got a particular interest in something in that paper.

MR BIZOS: Did you and your community know that this politics of boycotting a council that did not have sufficient powers, could bring some beneficial results? As it did with the Coloured people who are represented in parliament now? -- I am now lost. I am really lost now. I cannot follow what you are putting to me.

You told us that you knew that the Coloured people (50) boycotted the Coloured People's Council. -- Yes.

You also/..

You also heard that that body was made meaningless, was abandoned. -- Yes.

And once it was abandoned the Coloured people got something better than what was offered. -- Yes.

Do you recall whether your community was aware, in 1983, that Coloureds were going to be given representation in parliament, Indians were going to be given representation in parliament, but the Blacks were not going to get it? -- Yes, I am clear on that. I remember.

Well, let us start with your own personal attitude, how (10) did you feel about that? -- I felt that I was also justified to have someone in parliament who will represent me because my feeling was I am just as well a human being like each and every person who is being represented there.

Did you personally resent this new constitutional dispensation that was introduced in 1983? -- Yes.

Did you express your resentment? -- Well, I did not have anywhere where I could express my resentment.

Well, on your council for instance. -- As I have already earlier said that as far as I know in a council you only dis- (20) things that are affecting you locally in that area and not national things.

So, would you agree that you felt unhappy at being excluded in 1983? -- Very much so.

Would you say that the vast majority of your community actually resented and considered it an insult at being excluded? -- I will say all the Black community as a whole felt insulted about that.

You yourself may not have voiced your grievance in relation to that, but do you agree that the civic association did? -- (30) I would not like to agree on something which I do not know.

Do you/..

Do you know that many meetings, many speeches, many statements were made by Black people throughout the country condemning the new dispensation? -- Yes, I agree.

Now, I want to ask you this, you already told us yesterday that you are not a person who is afraid to take the public platform and express your views about matters that you feel strongly about. Why didn't you in 1983 take the platform again and say that this new dispensation is a bad thing? It is an insult to me as a Black person. It is an insult to my brothers and sisters.

COURT: Do not write his speech for him now. Just ask him why (10) he did not stand up and say something about it.

MR BIZOS: As Your Lordship pleases. Why didn't you? -- You mean during 1983?

As soon as this dispensation came up, why didn't you go to the platform and let what was in your heart out in the manner in which you had done about the removal and about the independence of Bophuthatswana and the other things that you had done? -- My feeling was that the council, that is the community council there, is there for the community in the area where it is. Now, talking about my political feelings, what my feeling was politically (20) with reference to this particular case, this I could have said to my party, which is Shupa Shingwa Party, that is where I discussed my political view up to now.

What I want to ask you is this, the question was not why didn't you speak on the council only, why didn't you go to any public platform to express your views? Any public platform. -- Well, I did give my views at the platform of Shupa Shingwa Party.

Did you? Did you really? -- Yes, that is so.

When did you speak against the new dispensation? At a public meeting?-- I was trying to remember, since this thing of the (30) removals that we were busy with, we did not hold much public

meetings/..

meetings in Shupa Shingwa Party but I remember some time in 1984 when a meeting of Shupa Shingwa Party was held at a place called Moroleng that is where I made my views clear to the public who attended that meeting.

That is far from your community? -- That is so.

In your community itself, as a leader of your community, did the fact that you became a councillor prevent you in your own mind from speaking out against this dispensation in your community? -- No, that is not the reason. As I have said we had to do with the removal for most of the time there which was (10) the main subject whenever - if there was a discussion and the riots in that area, therefore I had no time, because of that to..

There were no riots in 1983 .. -- To address whatever meeting on this issue.

There were no riots in 1983. -- I have said earlier we were very busy in trying to stop the removal.

You see, you were trying to stop the removal before you became a councillor also, but you took public platforms then to discuss other national issues. -- That is so.

In your own community. -- That is so. (20)

The moment you became a councillor, whatever private reasons you may have, you never again took a public platform to criticise government policy. -- No, that is not true.

In your community - in your community, did you take the public platform to criticise government policy? -- In 1983, although I cannot remember exactly when in 1983, we had a Shupa Shingwa meeting in Huhudi where I took a platform and discussed political issues and addressed the meeting while I was already a member of the council, that is the community council.

Let us try and broaden it a bit, would you agree that (30) your feelings about being excluded on national political issues is shared/..

is shared by your fellow-councillors as far as you know? -- Very much so.

Can you tell us how many of your fellow-councillors took to the public platform to condemn the system in 1983?

COURT: Which system?

MR BIZOS: The Tricameral ..

COURT: Yes? -- I spoke about a meeting in 1983 which was held by the Shupa Shingwa Party. Dikhole, myself and Makhube are members of that party. It was at that meeting that we all three took part in discussing political matters in the party. (10)

MR BIZOS: In the party, a public meeting? -- Yes, it was a public meeting.

In your community? -- Yes, which was held at the Huhudi hall.

In which the Tricameral system was criticised and said to be unacceptable to you and the two persons that you mentioned. -- That is so.

COURT: I will take the adjournment now. Mr Bizos, in any event, how far is this leading us because it is clear from all the evidence so far that the councillors did object to government (20) policy, the policy being that of the removals which was also government policy.

MR BIZOS: This may be, but it is on a broader basis.

COURT: Well, anyway we have got the answer now. You can go on with this after the tea adjournment.

COURT ADJOURNS FOR TEA. COURT RESUMES.

OKOBENG STEPHEN MATLHOKO (Still under oath)

FURTHER CROSS-EXAMINATION BY MR BIZOS: Irrespective of your own personal view after you became a councillor, do you agree that there is a perception in your community that when people (30) become councillors they opt out of the struggle so to speak?

COURT/..

COURT: Is that now pertaining to 1984 or to today?

MR BIZOS: '83/'84. -- Yes, but they are divided. Not all of them.

Yes. No, I accept that. There are some people who do not, but there is a perception in your community. -- That is so.

Let us just - perhaps it is unfair of me to want to - being a councillor to want me to pin you down to your own personal views but do you agree that many people who use expressions such as that we are part of the struggle for liberation, we want full political rights, that people, once they get elected onto a council, they find themselves in a difficulty to identify themselves completely with those calling for full political rights? -- The people there are divided into two. Some are the way you put it to me, but some not. (10)

All right, let me just take a further example, in your political party, you have raised your fist and said "Amandla", didn't you? -- Up to now I still do it.

COURT: Yes, and on what occasion? -- At our political meetings.

Now, what does it signify to you? -- It means we want freedom

MR BIZOS: Wouldn't you feel embarrassed if the officials of the board with whom you have to work, saw you raising your right hand and shouting "Amandla"? -- At which meeting? The community council meeting or the political meeting? (20)

Any meeting. -- Well, in the community council meeting, we do not discuss political matters which can lead to that being done.

At your political party meetings have you sung freedom songs? -- Yes, "Nkosi Sikilele Africa".

COURT: Is that the only one? -- Yes, that is the only one we sing.

Do you regard it as a political song? -- According to our party this "Nkosi Sikilele Africa" is taken like a prayer. (30)

Is it/..

Is it not referred to as the national anthem? -- It is referred to as the national anthem, but we call it a prayer as well.

MR BIZOS: Would you agree that there was a substantial portion of your community that believes, rightly or wrongly, that the moment a man becomes a community councillor, he is lost to the struggle, the struggle for freedom? -- Yes, that is so, although of course I still believe they are also lost in the sense that the Whites, even if they do have their representatives in parliament, they still have their councils.

Yes, that is correct, but I do not want to debate that (10) with you any further, but let me ask you this, this business of fighting for liberation and taking part in the struggle, this is language that you yourself have used at political meetings. -- I am still using them up to now.

COURT: What exactly do you say? -- What I say is we want our freedom in order to have our own representatives in parliament and we want to take part in whatever is being prepared for South Africa because it is our country as well.

MR BIEOS: Do you want to say even in what the powers of the community councils ought to be? --- Do you mean additional (20) powers?

No, you want a say in what the law that provides for community councils or town councils should be, you want a say in that as well. -- That is so.

Yes, and some of your people rejected these community councils because they had no say whatsoever in the law in terms of which they were created. -- That is so.

Now, although you appear to be the exception, because you are also a member of a political party, do you agree that generally speaking, in the country, that generally speaking community (30) councillors and Black town councillors do not take part in the struggle/..

struggle for liberation.

COURT: Before you answer that question just tell me whether you are au fait with the general position in the country. -- My feeling up to now is that there are some changes but which changes have not come to what we want, that is a freedom for all.

MR BIZOS: Perhaps - may I, My Lord?

COURT: If you can do better, yes.

MR BIZOS: Do you agree that you are the exception rather than the rule among councillors in being both a councillor and a member of a political party? That you are an exception rather than the (10) rule. -- I do not know how to answer that one because I am not aware what the position is about other councillors compared to my position.

Would you consider, would you consider a person who only concerns himself with his own affairs and not the affairs of his community, his town, his country, would you consider a person who is not interested in politics at all, in the national politics of the country ...

COURT: Well, you have started on the basis of the town.

MR BIZOS: I am sorry. Just cancel all that. I am sorry. I (20) became confused myself which happens from time to time. Let me put it this way, do you agree that there is a perception in the community, or a part of the community in South Africa, the Black community in South Africa ...

COURT: Can this witness tell me what is the perception of the Black community in South African? He can surely give me his idea of the perception of the community of Huhudi.

MR BIZOS: Yes.

COURT: But on what basis can I take cognisance of what he tells me, the perception of the Black community in Queenstown is. (30)

MR BIZOS: As Your Lordship pleases. I will change the question.

In your/..

In your community do people feel or do some people feel that if you take part in the council system, in the council system, it tends to side-track, side-track you from taking part in the struggle for freedom? -- Yes, there are.

Now, is it not in that sense that people or a portion of the community feels that if you take part in the council system you sell-out and became a puppet of the Whites, you are no longer concerned with gaining the freedom that you tell us that you are striving for. -- In answer to a previous question I said there are those who will have that perception and I further say that(10) in my view they are lost because what I know is if one is involved with the community council then that person has got to do with things that are local in that area pertaining to the community and that is not a national political organisation. Again I will say people's views are divided, not everybody is saying that.

We can accept that, the views are divided. Now tell me, you told us that up to the time of this nursery-school meeting which you now agree was towards the end of 1984, you considered Mr Hoffman Galeng as a friend. -- That is so.

And you have even gone further and said that even at (20) the end of 1984 you considered him a competent and worthy person to be entrusted with the chairmanship concerned with the education of children. -- That is so.

It follows therefore that anything that he may have said to you when you were first elected at the council was certainly not a threat by him to you. -- No, I never said so. I never said he was threatening me.

Nor that his organisation was threatening you. -- As far as these organisations are concerned I will say they were threatening me. This I infer from the incidents which happened to me imme-(30) diately after they had meetings. As a result of that that is why

I am/..

I am saying his organisation was threatening me unless of course it can be made clear by explaining to me as to what that meant, that there be incidents after each meeting.

Yes, we will come to the incidents and the meetings and their possible correlation. We are talking about the time that he spoke to you that he considered it wrong that you should be on the council, long before there was any trouble. (Intervention)
MNR. HANEKOM: U Edele, ek dink ons moet die getuienis net regstel. In '82 toe hierdie gesprek was, was Huhudi Civic Association volgens getuienis nog nie gestig nie, het toe nog nie (10) tot stand gekom nie.

COURT: And what is more it was not alleged by the witness that Galeng spoke of stone-throwing. It was alleged that Khasu spoke of stone-throwing.

MR BIZOS: Well, in the presence of ...

COURT: Yes, but then you must put it correctly.

MR BIZOS: Anyway, in so far as you are saying what was said at this meeting when you became a councillor, you did not take it as a threat at all. We will leave it at that. -- No.

COURT: What did you think the reference to stone-throwing by (20) Khasu was supposed to mean? -- I did not consider that as to come to a conclusion as to what he meant by so saying because I had already said to him in reply to what he has said that I do not believe that stone-throwing can solve our problems.

Yes. -- And as a result we agreed that we were going to meet again and therefore I did not consider to give it a thought again because I was expecting to meet them later.

MR BIZOS: You see, I am going to put to you that there was no talk of Dr Motlane or stone-throwing. -- That is now devoid of any truth. (30)

COURT: Now, what is devoid? What counsel is putting to you, that there/..

there was no talk or the talk of Dr Motlane and stone-throwing? Which one is not true? -- What I am saying is what is put to me there was no talk like that. Now, when I say that I mean there was such a talk. If a person says there was no such a talk then that person is not telling the truth.

MR BIEOS: What I want to ask you is, and even on your own version, even in your own version and I want to give you a couple of examples in the spirit in which it might have been said, do you agree that politicians often say if this does not happen disaster will come about, or if you do not listen to me the consequences will be to horrible to contemplate, to ghastly to contemplate. -- (10)
Yes, I agree with that.

And was that the sort of discussion that you were having with the people that you say? -- The truth is that was said.

Can you please tell His Lordship when you say the UDF came into the presence of your community?

COURT: Do you mean when they held the first meeting?

MR BIEOS: Either their first meeting or their first pamphlet, when did the presence of UDF come to your community? -- I think it was during the year 1983. (20)

You think. Do you know whether it was '83 or '84? -- I say that was in 1983.

Yes, what was the first presence of the UDF in your community? -- By documents which were written UDF, even at my shop. There was a document put up there.

When was that? -- I cannot remember the date exactly, that is what day of the month it was and what month it was.

Or what year? -- That was in 1983.

Beginning of the year, middle of the year, end of the year? -- I cannot quite remember. (30)

Do you know, when you saw this document for the first time, whether/..

whether there had been any formal connection between the UDF and any local organisation or whether the UDF or some person put up a UDF document? When you know when there was any formal connection between any local organisation and the UDF in your community?

-- If my memory serves me well, from the document I saw the following names appeared: Galeng, Khasu and Tau. Those are the people I knew whose names appeared on that document.

No, what I wanted to ask you is do you know when any local organisation affiliated to the UDF? -- Even though I do not know when it was but I heard about that already then. (10)

COURT: You had then, by that time, heard of an affiliation between a local organisation and UDF? -- That is so.

MR BIZOS: Now, I want to tell you what the chairman of your council told His Lordship about the attendance of councillors at meetings of the local organisations such as the civic association, that although there were very distinct feelings that councillors would not be welcome at this meeting, there was nothing to prevent him, your chairman, in his opinion, from attending the meeting. Would you agree with that? Before you answer I am talking about '83 and the first half of 1984, and for certainly (20) before 1985 when things really got - in the middle of 1985, the middle of 1985 when things got out of control then. Would you agree with that. -- That is so.

Would you agree that your community together with other communities, like other communities, has a new responsible element in it? -- Yes, I agree.

And more particularly irresponsible youngsters who apparently pick up stones, who pick up stones, and attack people such as yourself. -- I am going to answer that question only respect of Huhudi where I was. Each and every time this would happen (30) after the meeting of the youth, Huhudi youth, or civic association

or UDF/..

or UDF that stones were thrown by the element referred to by the Defence. Why did this not happen then that the very same element does the same thing after a meeting which was held by a council or any other person in exception of the three mentioned by me, that they must do the same thing.

Now, what I am going to suggest to you, and I am going to confine myself up to the middle of 1985 and not after the vigilantes and others took over. You see up to them I am going to tell you, I am going to put to you that there was no correlation whatsoever between meeting-holding and attacks on councils. (10)

-- My Lord, I was in Huhudi that is why I said it is strange to me that each time after a meeting of the three organisations mentioned by me then there was some stone-throwing and I was one of the victims. Why is it that there was only these incidents of stone-throwing only after the meeting of these three?

Let me just try and show you how illogical your conclusion is. Up to and including 16 June 1985, how many attacks were there on your house? You have already told us two. Do you agree with that? Including the ...

COURT: Wait a minute, Mr Bizos. Ask him the question and wait (20) for the answer and do not tell him what he has already told you. If you accept what he has already told you then you go on from there.

MR BIZOS: Do you agree that up to July 1985 there were only two attacks on your house, on your version? -- At the house, yes, but at the shop many times.

Well, you now say the shop was many times before that. Now, I am going to put to you that during the period 1983 to 16 June 1985, there were dozens of meetings of the civic association, the youth organisation and sometimes with guest speakers from (30) the UDF. -- That is so.

When/..

When do you say the first ever attack was made in either your shop or your house? On your own version. -- The first attack on my shop, if not May it was June 1983 because I remember pertinently immediately after that incident I went to Galeng to go and ask him is this now nice that these people from the meeting immediately after attending a meeting, then attack my property like that on which he replied and said I will talk to them, these youngsters are stubborn.

I am going to put to you - I think that Mr Galeng is no longer here. Unfortunately I cannot get an instruction on (10) that, but I am going to put to you that attacks on councillors properties in Huhudi started in 1985. In other words that means then if that is what you put to me at the time on previous occasions when they attacked the property they were not attacking the property but attacking me.

Well, I am going to put to you that there were no attacks. -- That is not true.

I am going to put to you further that since mid 1985, as a result of the suspicions and misunderstandings that have been created you, your relatives, the use of your vehicles are (20) attacking all and sundry that you think to be associated with the civic association. -- It is may be that you are talking about what is going to happen in future. Up to now so far what you are putting, if you allege that that is what had happened before, then there is no truth in that.

Are you saying that you have no knowledge whatsoever of any burning or damaging of any civic association members' property? -- Are you talking about a particular house of a person who is a member of the civic association are you talking about the general knowledge which I have about houses which were set (30) alight in Huhudi.

No, I am/..

No, I am asking you whether it has come to your knowledge that property belonging to members of the civic association has been damaged? -- What I know about is that houses were set alight in Huhudi, not knowing and not being able to say whether there was any discrimination of setting them alight according to their organisations.

That members of your family and the use of your vehicles have formed themselves into an organisation known by the popular name of the A-team. -- To me - what you are putting to me is really just this - I understand you to be telling this Court about (10) a miracle which I do not know about in Huhudi.

Well, perhaps you are deliberately closing your eyes and ears to that. -- Well, in that what you have said now, I am just as good as you are doing it because I am talking about houses which were set alight in Huhudi and you are closing your eyes to the houses, you are telling me about a house, you are talking about which was damaged in Huhudi.

I did not confine it to one house, but be that as it may, I am also going to put to you that they have their head-quarters at a house which is known ... (20)

COURT: Is this now the A-team?

MR BIZOS: The A-team.

COURT: And are you saying that this gentleman in the witness-box is involved with the A-team?

MR BIZOS: My Lord, I put it no more than that his vehicles and his relatives are known to be actively involved.

COURT: Well, I wrote down that you said that the A-team was formed by you and your family.

MR BIZOS: No, My Lord, I did not intend to say that.

COURT: If I have written it down incorrectly then it is my (30) mistake, but if you put it wrongly you better put it correctly.

MR BIZOS/..

MR BIZOS: Yes, that members of your family use your vehicles in an organisation which is called the A-team, you have a house to which you take people away where they are assaulted. -- There is no truth in that as all because members of my family are staying with me at this address 2003. In fact I am owning two houses. The people occupying the other house are sub-tenants and there are no A-team at all.

No, I did not say it was at the house in which you are staying. What I am going to put to you is that it is well-known that people are taken to this house by members of your family in (10) your vehicles in which they are interrogated, assaulted and sometimes are even handed over to the police at this house. -- I think it can also help me a lot if you could just identify the house to this Court, which house it is, so that I must also know where my family members take people to assault them.

COURT: As head of the family I think he is entitled to know.

MR BIZOS: He is entitled to know. It is in my notes, and my instructing attorney thinks that he can find it quicker than I can.

COURT: It seems to me your plans do not come together, Mr Bizos.

MR BIZOS: Yes, it happens, My Lord, when we have to investigate matters from so far away and we do it as quickly as we possibly can. The name of the woman to whom the house belongs is available. Anyway, you say that you do not know about it at all? -- There is no such, not at all. (20)

And what I am going to put to you finally is that as a result of your suspicions and the lack of trust that has been created between the two factions in the community, the evidence that you had given which is denied by Mr Hoffman Galeng is not correct. -- How do I know if Galeng was saying that when you (30) call Galeng to a privacy and talk to Galeng instead of bringing

him here/..

him here in front of the Court to come and say whatever he is saying to this Court.

I promise to send you an invitation when he is going to go into the witness-box. Thank you.

HERONDERVRAGING DEUR MNR. HANEKOM: Ek gaan verwys na hierdie brief wat deur Huhudi Civic Association geskryf is aan die Noord-Kaapse Ontwikkelingsraad.

HOF: Dit is nou die brief waarna mnr. Bizos verwys het, van 4 Junie 1984.

MNR. HANEKOM: Dit is korrek. In paragraaf 3 van die brief word(10) gesê op 'n openbare vergadering wat gehou is deur die gemeenskapsraad op 24 April 1984 is, dan in Engels "vague, unsatisfactory responses were given to the residents on the rent question." -- Herhaal dit.

Sien u paragraaf 3 van die brief wat begin met "in a public meeting"? -- Ja, ek sien dit.

Daar word gesê dat die gemeenskapsraad 'n vergadering gehou het op 24 April 1984 ...

ASSESSOR (MNR. KRÜGEL): Ons sal die brief maar 'n bewysstuk moet maak as almal na hom verwys of hoe dink u? (20)

COURT: Mr Bizos, we have got so many reference to this letter, we may as well have it as an exhibit.

MR BIZOS: As Your Lordship please, I would welcome that because it clarifies it.

COURT: It will be AAQ35.

MNR. HANEKOM: Vir doeleindes van die rekord dan, ek verwys na paragraaf 3 van BEWYSSTUK AAQ35 en in die paragraaf word gesê dat op 'n openbare vergadering wat die gemeenskapsraad gehou het op 24 April 1984 is vae en onbevredigende antwoorde verskaf op die huurkwessie. Stem u daarmee saam? -- Ek stem nie saam nie. (30) Soos ek alreeds in my vorige antwoord gesê het dat die jeug

was die/..

was die persone wat dit eintlik duidelik gemaak het dat hulle nie tevrede was nie, verder dit was tussen die ouderdomme van 16 en 20 en die senior inwoners het geen aanduiding gegee nie.

En meer spesifiek die bewering dat die raad eintlik vae en onbevredigende antwoorde verskaf het, stem u daarmee saam of het die raad volgens u oordeel nie vae en onbevredigende antwoorde verstrek nie? -- Dit is nie korrek nie.

En dan net in die volgende paragraaf word verwys na 'n pamflet wat u raad sou versprei het. Is daar so 'n pamflet uitgegee? -- Nee, nie so 'n pamflet nie. (10)

'n Pamflet waarna verwys word in paragraaf 4. -- Nee, daar was geen so 'n pamflet deur ons raad uitgereik nie, tensy dit miskien deur die administrasieraad uitgereik was, maar nie die gemeenskapsraad nie.

Is die bedrag van die huurverhoging wat in die brief gemeld word as R5,50, is dit die korrekte bedrag? -- Ek kan nie meer onthou nie, dus is ek nie meer in staat om vir die Hof te sê of dit die korrekte bedrag is al dan nie.

Kan u onthou of hierdie huurverhoging toe inderdaad deurgegaan het op 1 Julie 1984? -- Ek kan nie meer so goed onthou (20) nie. Soos ek alreeds gesê het vroeër daar was 'n verhoging van 'n bedrag van R4 wat ons verdeel het in twee. Dié sou in werking gestel geword het vanaf 1 Julie 1984, maar ons het dit uitgestel dat daar net R2 in werking gestel word en dan weer na ses maande die ander R2 bygetel moet word.

Hierdie verhoging wat u nou van praat, wat R2 was op 1 Julie 1984 en dan weer R2 ses maande later, het dit deurgegaan? -- Ja, maar ons het dit uitgestel. Die eerste R2 wat betaalbaar was as meer geld of verhoging van die huur, van die water, sou begin het met ingang 1 September, dan ses maande daarna sou daar weer 'n (30) ander R2 bygetel word.

Het dit/..

Het dit dan uiteindelik so gebeur? -- Ja, dit het so gebeur.

En het die mense die verhoogde huur so betaal, die meeste mense van Huhudi? -- Daar is van die mense wat betaal het. Daar is wat nie betaal het nie.

Dit is al, dankie.

MR BIZOS: My Lord, before the Court asks any questions, there are two matters, firstly the name of the woman of the house has become available.

COURT: Yes, put that to the witness.

FURTHER CROSS-EXAMINATION BY MR BIZOS: Do you know Lydia Gaobepe? (10)

-- I know her very well.

Is she related to you? -- No, she is not.

I am going to put to you that it is in the house which she hires where this vigilante group is - conducts its activities. -- I do not know because I am not staying in that house with them, but now the question is seeing that her house was also set alight, where do they live now?

COURT: Can you answer that one, Mr Bizos?

MR BIZOS: I cannot, for the time being and I do not want to take the matter further. The other matter is that we do have a (20) document, the document which is referred to in the letter, but it is in Tswana.

COURT: Which document?

MR BIZOS: In re-examination My Learned Friend referred to the document referred to in the letter.

COURT: I am sorry, I am not with you, which paragraph of which letter?

MR BIZOS: Well, it is referred to as a pamphlet.

COURT: Oh, the written explanation?

MR BIZOS: Yes. (30)

COURT: A meeting? Subsequent to the meeting a pamphlet was

distributed/..

distributed.

MR BIZOS: Yes.

COURT: Yes.

MR BIZOS: You see, I merely want to - you told us that you knew nothing about such pamphlet. -- I have not seen it.

And you do not recall any discussion in your council about it? -- No, I cannot remember anything about it.

Now, I would just want to show you for the purposes of identification whether you have seen this document at all, the document that I tender to you(?). -- Yes, I did see this one (10) but it was not at the council's meeting.

Well, is it a council document? Never mind what it says at the end, Mr Interpreter, what does the witness say? -- If this was at the council's meeting then it must have been a meeting which I did not attend.

COURT: No, where did you see this document? -- I saw it in the township.

MR BIZOS: Well, won't you interested to have a look who had issued it? -- No, I was only interested in the contents of the document as to what does it contain. (20)

COURT: Now, what does that document state, who issued it?

MR BIZOS: Now you can look at the back. -- The signature which appears on the last page of this document is that of the vice chairman, Mr Tiba, vice chairman of the community council.

Could you just have a look at the last page there, please. Examples are given for the increases in 1984 of other things that have been increased. -- I can see here it is written "magala, cement, petrol and diesel."

What is "magala"? It is the only one I do not understand? -- Coal. (30)

Coal? Thank you for that. You see ..

COURT/...

COURT: Mr Bizos, we will have to take that document in as EXHIBIT AAQ36.

MR BIZOS: As Your Lordship pleases. Do I read it correctly with my lack of Tswana that the only thing that they gave as examples as having increased ...

COURT: That document goes into court.

MR BIZOS: I am sorry that we have no copies and no translations.

COURT: It is in order.

MR BIZOS: Right at the end, the increases between - if I remember it correctly - between '82 and '84, My Lord. (10)

COURT: Yes, for cement.

MR BIZOS: The only increase that is shown is for cement.

COURT: That is not correct. It begins at '75 and it starts with cement at R1,25 and it ends at '84 at R4,09, "magala" at R2,02 in '75 and it runs up to R4,13, petrol from 20,9c in 1975 to 60,06c in 1982 and diesel 20,3c in 1975 to 60,06c in 1980.

MR BIZOS: The increase that you were concerned with was between 1982 and 1984.-- Do you mean on that document?

No, the increase of rent. What that document was supposed to justify was an increase in rent from 1982 to 1984. -- As I (20) have already said that I was not present at that meeting. I am not in a position to tell as to what the idea was of that document.

I have no further questions.

COURT: This is now the second witness we have had that you have a further bite at the cherry after the re-examination and even after the Court has asked questions, though not in this instance and that is because your helpers were not quick enough on the draw. I think you must see to it that they are a bit quicker during your cross-examination.

MR BIZOS: As Your Lordship pleases, although the last one was (50) my own initiative.

HOF: Wil u enige vrae vra?

MNR. HANEKOM: Uit die aard van die saak kan ek nie op daardie dokument op hierdie stadium iets vra nie. Ek het nie 'n vertaling nie. Ek kan dan gevolglik niks vra nie.

ASSESSOR (MNR. KRÜGEL): Raadslid, voordat u op die raad gekies is, het u enige ondervinding gehad van plaaslike bestuur?-- Nie veel nie.

Het u sedertdien iets geleer van plaaslike bestuur? -- Ja, baie.

HOF: Kan die getuie verskoon word?

(10)

MNR. HANEKOM: Ek vra dat hy verskoon word.

MR BIZOS: No objection.

HOF: U word verskoon. Baie dankie.

GEEN VERDERE VRAE

HOF VERDAAG TOT 1986-05-05 OM 09h00

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