

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

I.I.B. Vol. 102. Pg. 5037-5096.

SAAKNOMMER: CC 482/85

DELMAS

1986-06-05

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRUGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

102

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 102

(Bladsye 5 037 - 5096)

COURT RESUMES 1986-06-05.

IN COGNITO WITNESS NO. 19 (Still under oath)

MR BIZOS: My Lord, copies have been made of EXHIBITS AAQ42 and AAQ43 which I ask for leave to hand in.

CROSS-EXAMINATION BY MR BIZOS RESUMED: Just to complete what I was putting to you yesterday, are you also aware that an attempt was made to murder Mr Nkabindi's 16 year old son? -- No, I do not know about that.

What I am going to put to you is that most certainly from 1985 there is a group in your community which we call the (10) vigilante group, not in the sense that Your Lordship explained to you yesterday but in this sense, this group is organised without legal authority professedly to keep order and punish crime when no law enforcement apparently exists in the community. Do you know of such a group? -- As I have already said that some of the things are happening after I had left, that means after I had left the township, therefore there are certain things that I do not know, whether they exist or not.

Yes. May I say, My Lord, that the definition that I have given is from an American dictionary and apparently it is an (20) American originated expression.

COURT: Well, it may well be that my definition is incorrect, but I did not look it up.

MR BIZOS: No, I am not saying it is incorrect. It is probably the primary meaning. It is a primary meaning, but it has acquired a secondary meaning given in Webster's dictionary. Your Lordship is quite correct that that is the primary meaning, to be vigilant, to look after, to look after one things, but apparently this vigilante came especially - groups organised to terrorise and control Negroes and abolitionists during the civil war. That (30) is when the vigilante groups came into existence and that is the sense/..

sense in which we use it and it is used in the newspapers and in publications.

COURT: Not to control Negroes I take it.

MR BIZOS: No (laugh), but apparently that was - it was actually as a result of the breaking down of law and order during the civil war and after the civil war, people resorted to self-help.

COURT: Now, could you just give me the date again when you left the township. -- 19 November 1985.

MR BIZOS: Well, I am going to suggest to you that this group actually claims responsibility openly for the death of Chief (10) Maesa and others. -- My Lord, those are things that happened during my absence, when I am no longer in the township. I am therefore not in a position to tell His Lordship as to how it started and what was happening because of my being absent.

When you first came into the witness-box you spoke of "our enemies." It was during the preliminary hearing. -- That is true. When I said that it was with reference to the Action Committee which had threatened to kill us because they said they were going to kill us.

We will examine whether there were any threats by the (20) Action Committee to kill you, but were you referring to the members and those connected with the Action Committee as "your enemies"? -- When I was talking about enemies, referring to the Action Committee as our enemies, it is because of what they have said, that there was some enmity between us and them as a result of what they said to us. That is prior to the happenings referred to by the Defence, because of their having said they were going to kill us and then our property, ourselves - that is the time I was referring to when I was talking about "our enemies."

I am going to put to you that no member of the Action (30) Committee ever threatened you, but that you yourself regard anyone

who is/..

who is opposed to your decisions as the head of the council as your enemy. -- I would like to explain that. I am sorry that I will have to take you back, but I find it necessary to explain this because it is not as a result of what is being put to me that I am talking about these people as enemies.

COURT: Yes, very well, if you want to explain.

MR BIZOS: I merely put to you that they deny it. If you want to give us a long story, I do not suppose anyone can stop you.

COURT: Before you give your answer just remember that the statement by counsel to which you are required to comment is that (10) you regard anyone opposed to your views or decisions as head of the council as your enemy. You can say yes or no to that or you can give a long explanation and we will be no further. -- What I want to put to this Court for the Court to know what was happening why I say I never considered anybody who is against me as an enemy, as a leader of the people, for instance Maesa once came to my house. He swore at me and said if I do not resign as a councillor they are going to burn my house, I did not react against him immediately there. Instead I summoned the police. He was swearing at me for quite a long time, for instance I had to (20) summon the police by 'phone. Until the police came there he was still there busy swearing at me. Even the police heard him swearing at me. My wife wanted to use water as a result of this swearing on which I said to her "Look, you cannot involve yourself in things in which I am involved as a leader of the people. You go out of this room to the kitchen." When this happened there were other men present.

Now, let us just cut this short. The question is whether you regard anyone opposed to your decisions as head of the council as your enemy. Your answer seems to be no. -- Yes, that is so. (30)

MR BIZOS: I am not going to start all over again about the two meetings/..

meetings that we have spoken of. I am just referring to them in order to place my question in perspective. Listen to the question and try and answer it directly, please. Do you recall attending any meeting of the Action Committee after you were accused of working with the "boers" for the second time? -- If my memory serves me well it is when we went to them and as I have said originally we went to them to go and explain about the expiry of the term.

Do you say that you attended a public meeting in relation to the expiry of your term? -- No. I mean a meeting between (10) the community councillors and the Action Committee.

Can I please have absolute clarity, do you deny that you attended any public meeting where a lot of people were present when the term of your office was discussed? -- If I remember well I did attend a meeting on invitation which meeting was held with the community, that is after the burning of the houses, where the councillors had to go and explain ...

ASSESSOR (MR KRÜGEL): After the burning of the houses? -- Burning of the houses, yes, where councillors were invited to come and explain the situation because it was being alleged that the (20) councillors - we allowed the Sothos who were employed by the mines to come and take occupation in the township as part of the community or subtenants. The meeting was held in the evening or the night.

MR BIZOS: That was after the question of your term of office was being discussed. Please listen to the question. Do you say that you attended a public meeting at which the term of office of your council was discussed, yes or no? -- Yes, I did.

You say that you did? (Intervention)

HOF: Mnr. Hanekom, is die lid van die pers wat nou hier was (30) wat nie gister hier was nie, bewus van die voorwaardes van die

bevel? U moet daarvan seker maak.

MNR. HANEKOM: Ek sal, soos die Hof behaag. -- My Lord, the meeting I referred to which is the meeting which was held at night where we were invited to come and explain what the situation was pertaining to the subtenants from the mines, was held after the question of our term had been discussed.

COURT: But on the same day? -- No.

MR BIZOS: Did you go to a public meeting at which your term of office was discussed? -- I am very sorry to have misunderstood the question. I will have to explain this. His Lordship (10) will remember I spoke of an invitation letter which was delivered at my residence late when I was not home. This letter was inviting us to a meeting, therefore a meeting was held without us attending that meeting. We later got to know that at that meeting the term of our office was discussed. I did not personally attend that meeting.

You see, I am going to put to you that in your evidence-in-chief you gave His Lordship completely the wrong impression of what the community wanted. It was His Lordship who asked you what was the Action Committee's attitude, did they not want a (20) council at all or didn't they want you as a council and the answer was "they did not want us as a council at all", do you recall that?

COURT: They did not want a council.

MR BIZOS: Did not want a council.

COURT: Not us as a council, a council.

MR BIZOS: A council at all.

COURT: Yes.

MR BIZOS: A council.-- That was what I said.

And the impression that you gave most certainly to me was that you were present at a meeting, public meeting, where all (30) this was discussed.

COURT/..

COURT: When was that? In the evidence-in-chief?

MR BIZOS: Well, where he speaks about the persons who were present, who his chairman was - "Called a meeting of inhabitants to say council's term is finished, before this not known of mistake, we tried to speak to the chief magistrate and he referred us to the Action Committee. We were not accepted by the Action Committee, there is no discussion."

COURT: Yes well, that is when they went to them. Just previous to that he has dealt with the meeting, the "Leandra Action Committee het toe na aanleiding van die kennisgewing vergadering (10) byeengeroep van inwoners en gesê die termyn het verstryk" but he did not say he attended it.

MR BIZOS: Well, My Lord, this is why I put it as an impression.

COURT: Yes well, put it to him.

MR BIZOS: Let me try and cut it short. Look, I am going to put to you that your evidence in relation to the attitude of the Action Committee was incorrect because at a public meeting held on 21 October 1984 it was resolved ...

COURT: Action Committee?

MR BIZOS: It was held by the Action Committee but it was a (20) large public meeting. It was resolved by the people, all the people there present that a call should be made for your resignation and there should be an immediate re-election.

COURT: What do you say? Do you know about this resolution or is it not true? -- Just give me some time to think back what was happening. -- I wonder if this is clear to everybody that all that was being said is based on the initial talk that the councils are not wanted.

No, what council is putting to you, he says you are incorrect when you say that the Leandra Action Committee wanted no (30) council at all, because on 21 October 1984 at a public meeting

it was/..

it was resolved that you should resign and that there should be an immediate re-election. -- May I explain that?

Yes. -- In answer to that question I am going to explain as follows. What happened is the public meeting referred to was addressed by the Action Committee with reference to the document referred to earlier as being incorrect pertaining to the term of office and in the addressing of the public there the Action Committee was putting us on the bad side of the whole thing towards the community in our absence.

ASSESSOR (MR KRÜGEL): "Us" meaning? -- "Us" meaning the (10)  
council.

COURT: Yes? -- As a result of which then we came to know about it and decided to call a meeting on 28 October 1984 at which meeting it was intended to explain to the community what the position is even with reference to the term of office which was being put to the community as to what the term of office was, relating to this document which was used in addressing the community.

MR BIZOS: I would like to please show you a carbon copy of a letter. Was the original of this sent to your council? --- This is true. We did receive the original of this copy before me here. This was received by us after this meeting they held. We had this letter with us to go and discuss it and make it clear to the people at the meeting.

Yes, thank you for the time being. Your answer that you received the letter is sufficient for my purposes.

INTERPRETER: I beg your pardon, My Lord, the witness - I stopped him. He still wanted to add something and then he is now asking me whether he can continue because I have stopped him initially. I do not know whether ...

MR BIZOS: Yes, I think that I must take control of this question.

COURT: Let me just explain to you this, that there are two (30)

advocates/..



advocates in this court. What the one forgets to ask you the other one is supposed to ask you. So will you just answer the question and if you can answer it with yes, you do answer it with yes or no. If you have to explain you can explain, but do not give an unnecessary explanation.

MR BIZOS: Your Lordship will see that there is AAQ44.

COURT: AAQ44 will be the letter from the Leandra Action Committee to the Leandra Community Council dated 15 November 1984.

MR BIZOS: Do not let us deal with the complaints that are listed here, forget about that. Please have a look at the last para-(10) graph.

"Now, Sir, for all stated above the residents of Leandra Black township resolve that an immediate re-election date be announced and that the present Community Council not to participate in any community administration. A petition has been signed in case of a future proof from the Residents' Committee."

Did you read that paragraph? -- Yes, I did.

Do you agree that that paragraph is inconsistent with your statement to His Lordship that the Action Committee did not want the council system at all? Do you agree or disagree? -- My Lord, I find myself in a very difficult position here in answering the question put to me now the reason being that I am being restricted to a certain portion of the letter on which an answer is expected from me whereas there is something I could make reference to in order to answer that particular question which question is asked for, that is for instance under 3(b) I wanted to quote that in order to answer the paragraph referred to here, but now my answers are being limited.

Well, I have asked you whether you agree that the last paragraph is inconsistent with what you told His Lordship. Is it consistent/..

consistent - is that paragraph consistent or inconsistent with what you told His Lordship? -- That is why I asked the Court to be allowed to elaborate first on something before answering to this question because then if I were to answer on this only the way it has been put to me, it will be as if I am running away from a certain point where I was trying to keep myself safe and which is not the position because if I were to start with that section then it will make clear why I say that.

Let us have your answer, whatever it may be. -- My Lord, for instance what I want to refer to here is the complaint refer- (10)  
ring to the R35. If they were being fair they were supposed to have made mention of this fact that originally there was agreed on R50 by the temporary council but as a result of the negotiations by the council it was brought down to R35. That is a proof to me that in fact these fact are busy fighting the councillors because this was brought to the notice of the community that as a result of negotiations by the council it came down to R35, the community is aware of that, but instead they put that as a complaint and end up with the last paragraph referred to. That shows you now how bad they speak of us when they come to the (20)  
community.

COURT: Now I want an answer to the question - you wanted to give an answer to the question by giving an explanation first and then the answer. In future you will first answer the question and then you can give any explanation. Now answer the question. The question is is or is not the last paragraph of the letter inconsistent with your statement to me that these people did not want a re-election of a council. -- I am now getting confused. What is the question in fact here? What is it that I have to answer to? (30)

The question is you told me in evidence-in-chief that the

Action/..

Action Committee did not want a council at all. Now, counsel puts it to you that this paragraph does not bear you out. -- My Lord, one can expect that to be contradictory to what I have said because these are two different people from two different stages or platforms. Now what this person says here in this last paragraph, he is saying that because these persons want to be on the safe side. I was not saying what I said here because I was accusing him falsely.

MR BIZOS: Do you agree that when you went to the board and the magistrate you found copies of this letter at the magistrate's(10) office and at the board, because the Action Committee had actually sent copies of this letter to the people in authority? -- That is true.

And do you agree that the chairman, Mr Nkabinde, signed both as chairman and apparently on behalf of the secretary as well? -- Yes.

You see, I am going to put to you that your evidence to His Lordship that they were against the council system and that they were not prepared to co-operate with the authorities, was not correct. That your evidence was not correct. -- Yes. (20)

Well, I wonder whether you understood it. I do not think that you intended making the concession, but I do not want to take unfair advantage of you. Do you agree now that you have seen this letter and the fact that it was sent to the board and the magistrate that there should be a re-election, do you agree that the chairman of the Action Committee reporting on what happened at the mass meeting, wanted the council system and apparently were prepared to co-operate in order to improve the situation for themselves and their people? -- Not knowing whether he wanted a re-election before time. (30)

I am going to put to you Mr Nkabinde did not have any meetings  
private/..

private or public with you after February 1984 and what you have described as implied threats about meeting with an accident, that your evidence in that regard is not correct.

COURT: It is February 1985.

MR BIZOS: The last meeting between the two was - did I say '85?

COURT: '84.

MR BIZOS: '84? I beg Your Lordship's pardon. That was the meeting after the Witbank visit. -- What is he alleging? When last - what year was it?

COURT: '84. -- My Lord, in 1984, February, is the period (10) during which we went to Witbank.

That is right. -- And came back and wanted to make a report back but before we could do that they held a meeting.

Yes. Now, counsel puts it to you that that Witbank visit, at that time, that was the last time you and Nkabinde met. -- No, that is not so.

MR BIZOS: I now want to deal with your meeting of 28 October 1984. Do you agree that there had been no serious difficulties or trouble or violence in your community prior to 28 October? -- I agree.

Did you have any reason to believe that there would be (20) any sort of serious difficulty or any disorder at your meeting of the 28th? -- Yes, My Lord, as a result of the happenings shortly before this day.

Well, was there a very large police presence on the 28th? -- They were travelling in a big vehicle. I cannot say how many were they.

Probably known as a Hippo. -- Yes.

Do you recall that even before Mr Nkabinde turned up to this public meeting, there were people who were not going into the meeting but standing outside and wanting to know who had (30) called the police and what are the police doing at a public meeting/..

meeting? (Intervention)

COURT: I understood that he was not there at the time. When he arrived Nkabinde was already there.

MR BIZOS: My Lord?

COURT: When he arrived, this witness, Nkabinde was already outside the hall preventing people from entering, so he would not know what happened before Mr Nkabinde arrived.

MR BIZOS: I see. Well, My Lord, I did not remember that detail. I am sorry. Are you able to admit or deny that in fact people before Mr Nkabinde's arrival at the meeting had stood outside (10) the hall wanting to know what the police wanted there and who had called them? -- That I won't be able to dispute, My Lord, but if people wanted to know about that because I was coming when asked they were going to get it from me.

But apparently you were not there until quite a large group of people were outside the hall. -- That is correct.

Then .. -- May I say something?

Of course, yes. -- Even though I only arrived there a bit late other councillors were present there and even the members of the councillors' wards, that is the committee members of the (20) councillors' wards were also present there. They could have asked from them. They would get the answers.

Do you recall whether Mr Morajane was there with a loud-hailer. -- Yes, I do.

COURT: Was Mr Morajane a councillor? -- Yes, My Lord.

MR BIZOS: Do you recall whether or not there were approximately 200 people outside the hall saying to Mr Morajane that "If you are responsible for the calling of the police here, you tell them to go away and once they have gone away we will come into the meeting." -- I would not know what happened before my arrival (30) at this meeting, but what happened is the following: The morning

of/..

of this meeting at about 07h00 Morajane telephoned me and informed me about some disturbance which was taking place pertaining to this meeting as a result of which then I instructed him to take the loud-hailer and still announce the meeting, that this meeting is going to be held despite the disturbances referred to by him.

COURT: What type of disturbance are you talking of? -- The disturbance I am talking about it was a report made to me by him, Morajane, saying that Nkabinde has informed the people, namely the community, that they must not go to the meeting because otherwise if they were to go to that meeting there is some danger (10) or a mishappening is going to take place.

MR BIZOS: Well, I did not ask you anything about that. We would have to ask Mr Nkabinde whether anything like that happened or not, but what I want to ask you is this, that at the meeting itself was the attitude of the people outside the hall that if you would tell the police to go away we will come into the hall. It is no good you asking us to come into the hall for the meeting to start whilst the police are here.

COURT: No, his answer to that was I won't know. Do you want it all repeated again? (20)

MR BIZOS: No well .. At the time that you came .. I am sorry, My Lord.

COURT: Yes.

MR BIZOS: At the time that you came were there not people still outside the hall? -- There were people outside the hall. They were being disturbed by Nkabinde and his army from entering the meeting.

You see, using that sort of language is not going to help us ascertain the truth, because if there was an army there I am sure that the many people in the Hippo would not have allowed (30) it to operate. -- I am sorry. I used an incorrect word.

Yes/..

Yes. You see, it may, however, give His Lordship some idea of your strong feelings against Mr Nkabinde. Do you recall seeing Mr Nkabinde going over to speak to the police officer who was apparently in charge of the situation? -- No, I do not know before my arrival, but I cannot recall that during my presence.

Do you agree that by the time this meeting was taking place on 28 October 1984 it was being contended by members of the Action Committee that you no longer had the right to hold office? -- I cannot dispute that, but we were there because our term of office had not expired. (10)

Anyway, whether correctly or incorrectly doubts were being expressed about your legitimacy. -- If that was the position, that our legitimacy was being doubted by the community, I would have expected the community not to have taken heed to my invitation to this meeting, but because of the fact that they attended a meeting which I called to be convened there, it meant to me that I was being accepted and there was no such perception.

Because, you see, I am going to suggest to you that there were many more people outside than inside the hall and that there were placards saying "These councillors are not our leaders." (20)

COURT: Now, at what stage? When the meeting started or when he arrived or right initially, because normally people are outside and they move in. When the meeting started were there more outside than inside?

MR BIZOS: Yes, before the meeting started there were more people outside than there were inside.

COURT: But now how long before?

MR BIZOS: Well, we do not know precisely when this witness arrived but let me just try and put it ...

COURT: Well, he arrived just before the meeting started. (30)

MR BIZOS: Did it come to your notice that there were over 200 people/..

people outside with placards that these councillors are not our leaders? -- No, that is not so. May I just complete this?

Yes. -- Why I say that I saw these people. As I have already said in estimation I would say they were between 20 and 30, that is the people who had the placards, and the other people, when I came there, entered the hall.

COURT: Do you say that there were 20 to 30 people with placards? Were there 20 to 30 placards or were there a group of 20 to 30 people and some placards? -- My Lord, there were some placards amongst the people referred to as 20 to 30. (10)

MR BIZOS: Are you aware whether at any stage those placards were removed by the police from the people who were carrying it? -- Yes, that is during the time when I was inside the hall. I could see the police receiving the placards.

They asked and the people handed them over? -- I am not able to say what was happening there because all I saw was the handing over. As whether they were asked to hand over or not, I am not able to tell.

If I were to put to you that Mr Nkabinde will say that he was the only member of the Action Committee there, what will you say to that? -- I would not agree with that because there is another person whom I can mention in name who was also of the Action Committee. In fact I took them to be from the Action Committee, all of them, because they were together, that is the two and the others. (20)

Who do you say the other person from the Action Committee was? -- Sipho Radebe.

Do you say that he was an office-bearer of the Action Committee? -- No, I am not saying that he was an office-bearer. What I am saying is he is a member within the Action Committee. (30)

So, you are not able to deny the suggestion that Mr Nkabinde

was/..



was the only person there known to you as an office-bearer of the Action Committee? -- No, I cannot dispute that.

Do you recall what the age group of the people that had the placards and was outside the hall was? Can you give His Lordship some idea? -- I am not in a position to give them an age group. All I can say is I went past there and I could see them and went in. Their height is about that of Mr Nkabinde. I do not mean the age, their height.

For what it is worth Mr Nkabinde is a shortish man. -- I am not disputing that. (10)

Well, if I were to suggest to you that this group that had gathered outside were mainly youths from about the age of 17 to the earlier twenties, what would you say to that? -- I won't dispute that.

Do you recall that at one stage they started singing "Siyaya Pretoria". -- That was sung inside the hall.

You also told His Lordship in your evidence-in-chief that whilst they were there they sang Nkosi Sikelele I'Africa. -- Yes, I did say that they sung a number of songs inside the hall.

Did you not hear any singing outside? -- On my arrival (20) there was no singing at all, but when the meeting was closed and dispersed then there was some singing. When people went out after the meeting was closed the very people who were singing inside the hall went out singing.

Before there was any singing in the hall, did anyone ask about the presence of the police? -- Yes.

Was an answer given? -- When I was still trying to give an answer to that they then started singing.

Was it you who tried to give an answer or did Mr Skosana give an answer? -- Skosana had finished addressing the (30) meeting there. It was during my time of address.

Don't/..

Don't you recall Mr Skosana tried to persuade the young people that the police had a job of work to do and that they should be left outside and ignored and that the business of the meeting should go on? -- I cannot recall that, nor am I in a position to dispute it, to say that that was not said by him.

Do you recall whether in response to that members of the audience tried to get a decision from the meeting that the meeting wanted the police to go away? -- No, that did not happen.

Well, what was the response to - well, you do not remember Mr Skosana saying that. (10)

COURT: Well, your difficulty is, Mr Bizos, he came at a late stage. It may have happened all before he came. They had been busy for some time.

MR BIZOS: It is possible.

COURT: When he came there the man was speaking.

MR BIZOS: You see, I am going to put to you that the disorder at this meeting came about as a result of the division of opinion as to whether the police presence was proper or not when people were going to discuss their, what they considered their domestic affairs. -- I did make it clear here before this Court that (20) when I was addressing the meeting there the community which attended the meeting was listening to me, it was quite, until at some stage when these people came into the hall running and singing and asked me this question that the meeting was disrupted.

Asked you which question? -- When this person, Sipho, asked me about the presence of the police, as to why were the police present there, and then they again after the question by Sipho, they themselves started singing and not the people who were originally there from the community.

Are you able to tell His Lordship whether Mr Nkabinde (30) was in the hall at this time or at any other time on that day? --

I am not/..

I am not in a position to distinguish that, as to whether he was there or not. All I can say there were people in the hall.

You see, I am going to put to you that Mr Nkabinde did not come into the meeting and in so far as your evidence-in-chief suggests that he was there, that is incorrect and also .. What do you say about that? (Tussenbeide)

MNR. HANEKOM: U Edele, die getuie se getuienis was nooit dat mnr. Nkabinde in die saal was nie.

HOF: Nee, ek het ook nie daardie indruk gehad nie.

MR BIZOS: My Lord, the note that I have from which I deduce (10) this is that there were the members of the Action Committee "en sy mense."

COURT: Well, the speaker was Siphon he said, in chief.

MR BIZOS: Well, I will leave it at that, because this is what I deduce. He did not mention it by name. He said members of the committee - the members of the Action Committee "en sy mense."

ASSESSOR (MR KRÜGEL): He said specifically "Ek het Nkabinde in die stadium nie gesien nie, maar ek het aanvaar hy was daar."

MR BIZOS: Is that what he says about "sy mense"?

ASSESSOR (MR KRÜGEL): No, I am sorry, I am a wee bit further (20) on now.

COURT: Yes, the note is "net daarna het die lede van die Action Committee die saal ingekom. Hulle vra wat soek die polisie buite, Siphon vra dit. Toe ek begin antwoord dat hulle niks daar te doen het nie, het die mense 'n geraas gemaak en begin sing." He mentioned - but you are quite correct, Mr Bizos. The impression may be created that he was part of the Action Committee coming in.

MR BIZOS: As Your Lordship pleases. Anyway, you now say that - once we agree that you did not see him there, we do not have to debate it any more. You see, I am going to put it to you (30) that you are correct, that the singing of the people interrupted

your/..

your meeting and that it broke up but I am going to suggest to you that nobody jumped out of windows. -- Except the people I referred to, the members, not the community.

Why would they jump out the windows? -- That is what I think the idea was. I am not saying that is so. I thought perhaps they had in mind that if they were to jump through, out of the windows then the people were going to follow, but most unfortunately the people did not follow and that is why they had to return back into the hall again.

COURT: Were the windows high or not? -- No, they are not very (10) high. It is an ordinary school window.

MR BIZOS: Do I understand you correctly that the group of singers, so to speak, jumped out of the window and then jumped back into the hall through the window again? Do I understand you correctly? -- No, in returning to the hall they did not jump through the windows. They came through the door.

Tell me, this Siphos that you are referring to, is that Mr Siphos Radebe? -- Yes, he is known as Siphos Radebe or Siphos Skosana.

On what basis do you say that he is a member of the (20) Action Committee or associated with the Action Committee? -- Well, it is because he is in the company of Nkabinde and others.

Is there a Siphos Skosana and Siphos Radebe? Are they two different people? -- No, what I said is the Siphos Radebe I am talking about is known as Siphos Radebe or Siphos Skosana.

You see, what I am going to suggest to you that if this was in fact Siphos Radebe and/or Siphos Skosana, they are not very likely to have been associated with Mr Nkabinde or the Action Committee because they are the two of the 22 people of this vigilante group that Mr Nkabinde had to make a Supreme Court (30) application that they should not approach his place.

COURT/..

COURT: Wait a moment. They are not two, they are one according to this witness.

MR BIZOS: No, My Lord, they are two separate respondents on our papers.

COURT: Yes? -- Well, I would not be able to answer on that. I am talking about what happened during that time.

MR BIZOS: Do you know whether the people that disrupted your meeting, whether they went away in groups in different directions singing? -- It was one group.

Well, do you know whether the group split up? -- That I (10) am not able to tell because I did not go on with them.

Do you know whether anyone of these smaller groups was dispersed or whether an attempt was made to disperse them with tear-gas from the Hippo or other police vehicle? - Yes, that I heard about.

Do you know - I think you gave the times, I do not want to ask you again - well, at what time more or less was the meeting disrupted? Do you remember? -- I cannot quite remember as to what time it was, but I estimate it to have been at about ten.

C321 Do you know at what time your house was attacked? -- Even(20) on that I am not in a position to tell as to what time it was and in fact all I can tell the Court was we left this place of the meeting from Mr Nkosi's house who is also a councillor. We were not long there when this happened.

I am going to put to you that Mr Nkabinde was not wearing a UDF shirt on that day. -- I did mention here that he had a yellow shirt, which is a UDF shirt.

Did it have anything written on it, this yellow shirt? -- If my memory serves me well there is a circle on the front (indicates) with some drawings or people figures in the circle (30) itself.

Well, I put/..

Well, I put it to you that he was not wearing this and you said he was, but anyway I want now to turn to 19 November 1985. At this time was the waiting place that we spoke about yesterday in existence? -- During which time?

19 November when your house was damaged, 1985. Yes, your house was actually damaged on the 20th. We are talking about the day before, the 19th. -- 28 October 1984 my house was attacked.

COURT: Yes, that is correct and you told us that a year later, on 19 November 1985 it was damaged again. -- Yes.

MR BIZOS: Do you recall that during the 19th there was a very (10) large scale police activity in your community?

INTERPRETER: I take it during the 19th ..

MR BIZOS: The day.

ASSESSOR (MR KRÜGEL): Has it got anything to do with the waiting place?

MR BIZOS: Waiting place, yes.

COURT: No, you put it that the waiting place existed on the night before the attack and now you are busy with the large scale police activities on the day before the 19th.

MR BIZOS: Well, I am sorry. (20)

COURT: So, is the waiting place relevant?

MR BIZOS: Yes, it is.

COURT: Are you saying that before his house was attacked there was large scale police activities at the waiting place?

MR BIZOS: That was the intention.

COURT: You have got it now. -- The question is not clear.

Well, it means that there were lots of police about on the day before your house was attacked. -- No, I am not aware of that.

MR BIZOS: You were not aware? Well, you must have been one of the very few in South Africa who was not. (30)

COURT: Well, it does not help to comment in that way, Mr Bizos, because/..

because I am not aware that anything happened on that day either. So it makes two of us.

MR BIZOS: Well, I am sure though, My Lord, on that day Your Lordship would have been aware of it.

COURT: It may well be, I do not know.

MR BIZOS: You see, I want to show you that it was the main story in The Star newspaper, headed "Police officer to pay for funerals, Eviction threat, Four shot dead in Leandra unrest", The Star dated 20 November 1985. -- The 19th?

Just read the report. You are the chairman of this (10) community and tell us whether you knew about it or heard about it or became aware of it or were concerned about it. -- I have seen it but you confused me by not putting it in the proper way to me, if I may explain now after have read it.

COURT: Yes, please explain. -- The night of 18th a report was made to me by Mr Skosana about what was happening within the community in the township saying that the fighting had started as usual, that was when he suggested that we must try and get away. Because this happened at night. I could not do anything, but what I am trying to say is I do not know what happened (20) but I got to know as a result of the report made to me by Mr Skosana.

MR BIZOS: Let us just - you see, you gave this evidence about the attack on your house on the night of the 19, 20 November 1985 presumably for some purpose. -- No, My Lord, not that I had a purpose but I was asked as to whether the last attack on my house was in 1984 as a result of which then I had to explain and make mention of this attack.

Yes, do you agree that on the 19th and before the 19th, your community was torn asunder as a result of the notices to re- (30) move people living in the waiting place. -- I do not agree with

that/..

that because it was for the community to come back to us and say now we are being evicted from here, because we are the people who had given them that place as a place of accommodation.

Do you know that four members of your community were killed?  
-- Yes, I know about that.

Do you agree that killings by the police, whatever the circumstances may be, generate a tremendous amount of anger amongst people? -- Yes, I agree.

COURT: Were these killings at the waiting place? -- No, it was not at the waiting place. (10)

Now where were these deaths? -- If my memory serves me well there are some children who were found in the building of the beer-hall, by that I mean that is where they got injured.

MR BIZOS: Is that correct - let me remind you of at least one important detail which must have come to your notice. Was not the first victim a woman who was drawing water from a tap? Let me add that she was not a victim of the police shooting, but by a citizen. -- Let me put it this way, the area in which we live there is quite big and I am right at the far end of the township from where this incident took place. I came to know or it (20) was heard that a woman was busy drawing water as it is being put to me, when this occurred to her.

A White person shot her from a bridge or from the road running over the area whilst she was drawing water down at the bottom. -- That is what was heard.

And did that lead to generalised unrest? -- I do not know whether that was as a result of the shooting by the White man but I only got to know about this at about 22h00, that there was a fighting going on in the township. I do not know whether that was a result which caused that. (30)

And according to your information was this woman shot dead  
at the/..



at the tap in the waiting place? -- No. No, she is not from the waiting place. She was from the old township section which is not far from where we started to extend the township with a new waiting place.

Your house was not the only place which was damaged during this night. Was there a general breakdown of law and order after this woman had been shot dead? -- I do not dispute that.

COURT: But were your neighbours' houses damaged or was yours picked out?-- What I am going to say is this, in the immediate vicinity where I live my house was the only one which was (10) damaged and then Morajane's house which is also far away from mine was also damaged and then again at a different area altogether Skosana's house was also damaged.

MR BIZOS: For the sake of completeness policemen's houses were also damaged. -- Yes, this extended up to the police houses.

And the beer-hall? -- Yes.

Did the police pay for any funerals? -- No, I am not able to tell that. I do not know.

Thank you, My Lord, I have no further questions.

HOF VERDAAG VIR TEE. HOF HERVAT. (20)

IN COGNITO-GETUIE NR. 19 (Nog onder eed)

MR BIZOS: My Lord, I want to draw your Lordship's attention that accused no. 1 has gone off to the doctor. There was some misunderstanding about the time, but ...

COURT: Has he now gone off?

MR BIZOS: He has gone off.

HERONDERVRAGING DEUR MNR. HANEKOM: Aan die begin van u kruisverhoor het u gesê baie inwoners van u gebied werk by Sasol en Secunda. -- Ja.

Het die organisasie Sasol vir sy werkers huisvesting ver-(30)skaf in u gebied? -- Nee.

Dan het/...

Dan het My Geleerde Vriend dit aan u gestel dat in daardie tyd, 1984, was u gemeenskap, die Leandra-gemeenskap en Huhudi-gemeenskap, van nasionale belang, die hele land het daarvoor geskryf in koerante. -- Ek weet nie waaroor dit gegaan het nie. Daar was so 'n vraag gewees, ja.

U antwoord was gewees dat u weet nie hoe werk die koerant-mense nie. Wat ek vir u wil vra was u bewus, het uself in koerante gelees dat daar so baie geskryf is oor u gemeenskap? -- Ongelukkig nie. Ek het nie daarvan gelees in die koerante nie.

Dan op 'n vraag het u gesê daar was moeilikheid in 1985 (10) in die sogenaamde "waiting place" en u het gesê dit is deur 'n betreder veroorsaak, 'n "trespasser", onthou u dit? -- Ja.

Is dit dieselfde insident as die 19, 20 November 1985-gebeure wat ons hier op die einde van die kruisverhoor behandel het, of is dit 'n ander insident? -- Ja, dit is.

Is dit dieselfde insident waarna u verwys het? -- Ja.

Wat het u bedoel dat die moeilikheid deur 'n betreder veroorsaak was? Wie was die betreder? -- Daarby het ek bedoel dat ons het mense gehad daar by die wagplek, intussen het daar 'n ander persoon daar kom betree, met dié bedoel ek dat 'n per- (20) soon wat ons nie van geweet het nie, het ook daar kom woon en toe die persoon nou later 'n rapport gaan maak het by Ampie Maysa het hy daar gaan sê dat hy alleen word uitgesit as gevolg waarvan toe Maysa 'n vergadering geroep het om dit te bespreek.

Ja, en watse moeilikheid het daaruit gevloei? -- Dit was na aanleiding daarvan dat die bakleiery toe begin het daar.

Terwyl ons by die aspek is wil ek verwys na die berig van die Star van 20 November 1985 wat aan u getoon was deur My Geleerde Vriend. Ek wil uit die berig uit voorlees en vir u vra of u daarmee saamstem of nie. U Edele, ek het die probleem dat (30) dit was nie 'n bewysstuk gemaak nie en ek het net een afskrif

gekry/..

gekry. Ek kan ongelukkig nie ...

HOF: Nee, lees maar voor, ek kan hoor.

MNR. HANEKOM: U Edele, ek sal graag wil vra dat dit ingaan as 'n bewysstuk.

HOF: Wel, waarom moet dit 'n bewysstuk wees as die getuie dit nie gesien het nie? Dieselfde geld vir u as wat vir mnr. Bizos geld, maar u kan maar lees om op te klaar.

MNR. HANEKOM: Die berig begin "Four people were shot dead, three seriously injured and scores arrested in Leandra on the Eastern Transvaal yesterday as violence erupted after the threatened (10) removal of shack dwellers in the township."

HOF: Net 'n oomblik. Kan u dit goed volg of wil u hê dat dit getolk moet word? -- Ja, ek volg dit baie goed.

MNR. HANEKOM: Nou, is dit die waarheid, was daar gedreig dat sogenaamde "shack dwellers" in die woongebied verskuif moes word? -- Dit is nie die waarheid nie.

Dan gaan die berig aan "Trouble began early yesterday after residents had stayed away from work in protest against eviction notices served on people living in shacks along the national road." Is dit die waarheid of nie? -- Dit is nie die waarheid nie. (20)

"Houses belonging to policemen and councillors and the beer-hall were attacked and extensively damaged." Is dit korrek of nie? -- Dit het gebeur, ja.

Is daar in daardie aanvalle enige ander persone se huise aan-geval behalwe raadslede en polisiemanne se huise en die biersaal? -- Nee, nie wat ek van kan onthou nie. Daar is nie.

Kon uself enige rede bepaal waarom net die raadslede, die polisie en die biersaal uitgesonder was vir die aanvalle? (Inter-vention)

MR BIZOS: My Lord, is the witness then asked to express an (30) opinion?

HOF: Wat sê u, mnr. Hanekom?

MNR. HANEKOM: U Edele, ek vra of hyself kon vasstel?

HOF: Nou hoe kan hy dit vasstel behalwe deur hoorsê?

MNR. HANEKOM: Miskien was dit ook nie hoorsê nie.

HOF: Wel, dan moet u vir hom vra of dit sy eie kennis is. Ek wil feite hê.

MNR. HANEKOM: Ek sal dan net die vraag anders formuleer.

HOF: Veral aangesien ons nou al hoeveel maande buite die akte van beskuldiging opereer.

MNR. HANEKOM: Soos dit u behaag. Ek sal die vraag anders for- (10)  
muleer. Het u eie kennis gehad oor waarom slegs die raadslede en die polisie se huise en die biersaal aangeval was? -- Ek sal nie in staat wees om oor die biersaal te kan sê nie, maar wat betref onself, dit wil sê die raadslede en die polisie, dit is omdat ons eintlik nie aanvaar is om met die gemeenskap te wees nie.

In die berig word melding gemaak dat op 19 November 1985, nadat die moeilikheid daar begin het, is daar 'n vergadering gehou tussen die inwoners en die veiligheidsmagte en lede van die Hoëveldse Ontwikkelingsraad. Weet u van so 'n vergadering (20)  
wat belê was? -- Ja, ek weet daarvan.

Het u die vergadering bygewoon? -- Nee, al was ek genooi deur die stasiebevelvoerder, ek het gesê ek is bang om daarheen te gaan.

Is dit dan reg, was u genooi na die vergadering? -- Ja, ek sal so sê, want ek was by die polisiestasie gewees waar ek tuis was destyds en die polisie het my daar laat weet dat hulle op pad is na die vergadering toe. Ek het gesê nee, ek gaan nie daarheen nie.

Waarom was u bang om te gaan? -- Omrede dit die dag was (30)  
wat die voorval plaasgevind het dat ons eiendomme aan die brand

gesteek/..

gesteek was.

Die uitsettingskennisgewings wat hier ter sprake was, het u kennis gedra daarvan?

HOF: Dit is onder die "Slums Act"?

MNR. HANEKOM: Dit is so. -- Nee, ek dra geen kennis daarvan dat sulke kennisgewings uitgereik was nie.

U was seker nie teenwoordig toe enige van die vier mense wat die dag gedood is in die onluste - u was nie teenwoordig by enigeen van die gevalle nie? -- Ek was nie teenwoordig nie.

Ek wil vir u vra wat die gemeenskap, wat die opinie van (10) die gemeenskap was, of dit ooreenstem met wat ...

HOF: Ek stel nie belang in die opinie van die gemeenskap in November 1985 nie, na aanleiding van 'n koerantberig in die Star nie, nie die minste nie. Die vraag word nie toegelaat nie.

MNR. HANEKOM: Soos dit die Hof behaag. Dit was wel aan u gevra deur My Geleerde Vriend of van die mense wat doodgeskiet was in 'n biersaal doodgeskiet was, het u kennis gedra daarvan? -- Na dit gebeur het, het ek daarvan gehoor.

Goed, dan kom ons terug na u getuienis in kruisverhoor oor raadslid Mdati se bedanking. Watter rede het hy aan die (20) raad voorgehou vir sy bedanking? -- Hy het my genader en vir my gesê "Kyk, as gevolg van hierdie huidige toestand en die atmosfeer en hierdie praatjies dat ons beseer gaan word en ons eiendom beskadig gaan word en na aanleiding daarvan dat van jou eiendom alreeds beskadig is deur verbranding, ek kan nie meer hou nie om by te bly". Hy het toe verder vir my gesê dat hy nou 'n brief gaan skryf en sy bedanking indien volgens die regulasies, wat hy wel gedoen het.

Het hy enigsins melding gemaak dat hy ook bedank omdat u briewe wat u van die Action Committee sou ontvang nie aan hom of (30) aan die raad voorgelê het nie? -- Nee, geen melding daarvan

was/..

was gemaak nie. Sedert die tyd wat ons saamgewerk het, daar was nie eers een keer waar een van hulle dit openbaar het dat hulle nie tevrede is met die tipe behandeling wat hulle kry nie.

U het gesê nadat die foutiewe kennisgewing, BEWYSSTUK AAQ42, wat gesê het dat die termyn van die raadslede 'n jaar sou wees, die foutiewe kennisgewing, u het dit met die landdros gaan bespreek. -- Ja, die raadslede het die landdros daaromtrent gaan spreek.

Watter landdros was dit? Watter distrik s'n? -- Evander.

Kan u onthou of dit voor of na 9 September 1984 was, dié (10) besoek? (Tussenbeide)

HOF: Wat is 9 September 1984?

MNR. HANEKOM: U Edele, volgens BEWYSSTUK AAQ43 is dit die datum waarop die Action Committee 'n brief aan dieselfde landdros gerig het oor dieselfde aangeleentheid.

HOF: Ja, goed. -- Voor 9 September?

MNR. HANEKOM: Dit is reg, 1984. -- Ek kan nie meer presies onthou nie, maar dit was gedurende daardie tydperk.

U het op 'n vraag van My Geleerde Vriend gesê dat mnr. Nkabinde, Abraham Nkabinde, se huis ook gebrand het en dat dit (20) hier in begin 1986 was, onthou u dit?

HOF: Hy het gesê Nkabinde se pa se huis is gebrand wat deel is van dieselfde kraal waar Nkabinde ook bly.

MNR. HANEKOM: Soos dit die Hof behaag. -- Ja, dit is wat ek gesê het.

Dra u enige persoonlike kennis van die omstandighede van die brand, wie daarvoor verantwoordelik was en onder watter omstandighede die brand gestig is? -- Ek dra geen kennis daarvan nie. Dit is juis die punt hoekom ek gesê het dat deesdae is ek nie in daardie gemeenskap nie. Ek woon iewers heen. (30)

Dan gaan ek verwys na AAQ44, dit is die brief wat die

Leandra/..

Leandra Action Committee geskryf het aan u raad op 15 November 1984.

HOF: Het u 'n afskrif? -- (Tolk: Nee, ongelukkig nie.)

MNR. HANEKOM: Het u raad, nadat u hierdie brief ontvang het, 'n antwoord daarop gerig aan die Action Committee? -- Ja, ons het in die sin, na ons 'n gesprek gevoer het met die landdros, het ons teruggekeer na die gemeenskap met die oog om 'n vergadering met hulle te hou of bymekaar te kom met hulle. Dit is die aksiekomitee wat ons moes daar gesien het en met hulle die gesprek uitvoer aangaande die tikfout wat na verwys word en die inhoud van (10) hierdie brief sou ons daar bespreek het.

Is dit toe gedoen? Het die bespreking plaasgevind? -- Nee. Met ons aankoms daar, was ons nie aanvaar deur Nkabinde nie, met die gevolg kon ons nie die gesprek uitgevoer het om dit uiteen te sit nie.

Het u mnr. Nkabinde persoonlik genader en gesê u wil so 'n vergadering met hom belê? -- Ons het hulle per brief versoek as 'n komitee van hulle om by ons te kom as 'n komitee van die raad om hierdie ding te kom bespreek. Hulle het na ons toe gekom op uitnodiging van ons. (20)

Hoekom het die bespreking toe nie plaasgevind nie?

HOF: Het ons nie die hele stuk getuienis in hoofgetuienis al gehad nie?

MNR. HANEKOM: U Edele, ek dink nie dit het duidelik uitgekome dat dit by hierdie geleentheid was nie.

HOF: Gaan maar voort. -- Wat hy daar gesê was "As julle nog praat in die hoedanigheid van raadslede, dan aanvaar ek niks wat julle aan my wil sê nie."

MNR. HANEKOM: Is die twee groepe toe daarna uiteen? -- Ja.

Wat paragraaf 2 van hierdie brief, AAQ44 betref wil ek (30) net hê u moet sê of u daarmee saamstem of nie. Daar word gesê -

"During/..

"During the Community Council's stay-in it has done no good to the entire community, ut est the bad reallocation of the families in the new townships."

Stem u daarmee saam? -- Ek stem nie saam nie.

"Divorcees are not accommodated, females with children are denied houses in the new township on their own rights."

Stem u daarmee saam? -- Nee, ek stem nie daarmee saam nie, want al die mense is aanvaar. Hulle het huise of hulle is in die huise.

Dan die volgende paragraaf 3 sê: (10)

"All the community grievances that were submitted to the council, none of them had been reported back."

En dan word daar 'n klomp griewe opgenoem. Stem u saam dat u nie aan die - dat u raad nie aan die gemeenskap teruggerapporteer het oor hierdie sake nie? -- Ek stem nie saam nie. Dit is juis die punt wat ek vroeër gesê het in antwoord dat ek weer van paragraaf 3 sal moet begin voor ek 'n vraag antwoord, want die gemeenskap het die R35 aanvaar wat oorspronklik hoër was. Dit kon dus nie reg gewees het nie.

In paragraaf 4 word gesê - (20)

"The Leandra Community Council has shown to the community that they are not the true leaders of the community by failing to attend several meetings arranged by the Residents Committee to discuss community grievances."

Stem u daarmee saam? -- Nee, ek stem nie saam nie.

Ons kom by die vergadering van 28 Oktober 1984. Hoeveel polisievoertuie was die aand buitekant die saal waar die vergadering plaasgevind het? -- Dit was een groot voertuig.

Hoeveel polisiebeamptes was by die polisievoertuig? -- (30)

Dit was net Lesley-distriktpolisie en ek glo nie dit is meer as

tien/..



tien nie.

Het die polisiemanne wat u sê nie meer as tien is nie, daar rondgeloop tussen die mense wat die vergadering bygewoon het of was hulle in die voertuig gewees? -- Hulle was almal in die voertuig gewees behalwe op een stadium toe een met hulle daar gaan praat het en toe die dokumente van hulle ontvang het.

Hoe ver was die voertuig van die saal waar die vergadering gehou was geparkeer? -- Dit was net buite die perseel naby die omheining van die skool.

HOF: Die dokumente wat ontvang is, is dit die plakkate? -- Ja. (10)

MNR. HANEKOM: Toe uself by die perseel aangekom het, het enige persoon daar buite vir u gevra wat die polisie daar soek of nie? -- Nee, niemand het my daar buite gevra nie.

Nadat u mnr. Nkabinde, Abraham Nkabinde, buite die vergaderingsaal gesien het voor die vergadering, het u hom daar na daardie aand weer op enige stadium gesien? Of daardie oggend liewers. -- Ons het nie weer mekaar gesien nie. Ek sal vir u sê toe ons daar uiteen is, dit wil sê die vergadering, dit was nie meer so goed gewees nie. Ek het hom nie gesien nie.

Het u mnr. Nkabinde die dag vir die eerste keer die UDF- (20) T-hemp sien dra? -- Nee, dit was nie die eerste keer nie, want hy het al vir ons vantevore gesê dat hy 'n lid is van die UDF.

HOF: Nee, maar dit is nie die vraag of hy dit gesê het nie. Die vraag is of hy al vantevore 'n UDF-T-hemp gedra het? -- Ja, ek het hom al gesien.

MNR. HANEKOM: Toe u van mnr. Nkabinde se "army" gepraat het, het My Geleerde Vriend dit aan u gestel dat dit toon u "strong feelings" teenoor mnr. Nkabinde. Wat sê u daarop? U het nie toe daarop geantwoord nie. -- Ek het om verskoning gevra en verder gesê dat ek 'n woord gebruik het wat ek eintlik nie moes gebruik het nie. Daarby het ek net bedoel die getal mense daar. (30)

My Geleerde/..

My Geleerde Vriend het dit aan u gestel dat mnr. Nkabinde by die Hooggeregshof aansoek gedoen het om sekere mense sy perseel te belet, waaronder ene Siphon Radebe en Siphon Skosana.

(Tussenbeide)

HOF: Wag nou eers. Wat is u vraag nou?

MNR. HANEKOM: Die vraag is weet u na wie in die stukke verwys word wat My Geleerde Vriend na verwys het? -- Hy het gepraat van die Siphon wat ek van geweet het wat in Nkabinde se geselskap was destyds.

HOF: Ja, dit is wat die advokaat van gepraat het. Wat is (10) die vraag? Hoe moet hy nou sê of 'n Siphon Radebe dieselfde Siphon Radebe is wat in stukke is wat hy nie gesien het nie wat hy van praat? Daar kan honderd van die mense wees. Gaan aan.

MNR. HANEKOM: Soos dit die Hof behaag. Dra u enige persoonlike kennis van 'n groep wat die aand of die dag van 28 Oktober na die vergadering met traangas uiteengedryf is deur die polisie? Het u dit self gesien of nie? -- Ek het dit nie gesien nie, maar ek was daarvan gesê deur die polisie.

Dit is al, dankie, U Edele.

ASSESSOR (MNR. KRÜGEL): Net om absoluut seker te maak, (20) mnr. Morajane, is hy ook 'n raadslid? -- Ja.

U sê daar was 240 vrypageienaars van persele, ongeveer. -- Ja.

Dit is die persele wat later oneien is. -- Ja.

En dat daar baie mense is wat as huurders op die persele was. -- Ja.

Soms tot soveel as 28. -- Ja, daar was baie huurders.

Hoe groot was die persele? -- Ek sal nie kan sê hoe groot nie, maar hulle was groot gewees.

U weet seker nie hoeveel hektaar nie, maar ek kan vir u (30) 'n idee gee, is dit so groot soos 'n straatblok elk of is dit

kleiner/..

kleiner? Hier in Delmas. -- As ek nie 'n fout begaan nie, die standplase het gewissel van grootte, hulle het verskil.

Behalwe die ongeveer 240 standplase, was daar enige ander akkommodasie voorsien aan mense wat in die woonbuurt gewoon het? -- Nee, al hierdie mense het net daar gewoon by die standplaaseienaars as huurders.

Was daar enige onregmatige plakkery rondom hierdie woongebied van die standplaaseienaars? -- Nee.

In 1974. -- Nee. Al die mense het op die standplase gewoon.

En het daardie posisie voortgeduur tot in 1981? -- Ja. (10)

En u sê daar was ongeveer 14 000 mense? -- Ja, dit is wat ek gesê het.

HOF: Is daar net een Swartwoongebied bekend as die Leandra-woongebied of is daar nog 'n klomp ander in die omgewing? -- Dit is net een.

Bied hy nou woonplek vir die mense wat by Sasol en wat by Secunda werk? -- Nee, die posisie is dit is die inwoners van Leandra wat werk gekry het in Sasol en Secunda wat dan oorspronklik hier woon. Dit is nie dat dit is mense wat van buite af gekom het nie. (20)

Waar woon die mense wat in Sasol werk en wat in Secunda werk hoofsaaklik? -- Die inwoners van Lesley gaan soek werk by Sasol en Secunda.

Dit het ek baie goed verstaan. Ek wil weet of die mense voorsiening gemaak het vir Swartwerknemers by Sasol en by Secunda en of hulle by Leandra moet kom bly. -- Hulle het hulle eie plek.

FURTHER CROSS-EXAMINATION BY MR BIZOS: Are there buses riding from Leandra to Sasol and Secunda every morning? -- Yes.

Many buses? -- Yes.

And do they take workers to Sasol and Secunda and do they bring them back in the evening? -- Yes, the people who are living

there/..

there.

And the people that are working at Sasol and Secunda, were some of them born there and were they married there and they lived there in Leandra for a long time. -- Yes.

Can you please tell us whether there are hundreds or thousands of people that commute from Leandra to Sasol and Secunda?

COURT: Let us take it the other way round, how many buses run?

MR BIZOS: How many buses run in the morning and how many buses would come in the afternoon? -- There are many. It cannot be less than ten if I am not mistaken. (10)

Putco buses? -- No.

Some other transport company that runs similar size buses.

COURT: Does it matter whether it is petrol buses or diesel buses?

MR BIZOS: No, My Lord, I just wanted to get the size.

COURT: A normal big size bus? -- Yes.

MR BIZOS: Yes, I understand that the regulation is about 90 seated and about 30 to 40 standing.

COURT: And two tyres on each side at the back.

MR BIZOS: Well, with respect, My Lord, Your Lordship ...

COURT: Mr Bizos, you can ask the witness how many he thinks a (20) bus takes, but do not let us get into much detail, please.

MR BIZOS: How many - do a hundred and ten and a hundred and forty people ride on each bus either way? -- Approximately 80 plus passengers per bus.

And in addition to the people that work for Sasol and Secunda itself, during the period of development of Secunda, did many of your people, of your community work for the contractors and for the ancillary works that were going on? -- Yes.

COURT: When did that finish? When was Secunda finished? -- I cannot say as to when it was finished. (30)

MR BIZOS: And just finally, that it is not only the people that actually/..

actually worked in Sasol - in the Sasol undertaking and the Secunda undertaking, but do the people work in shops and do they clean the offices of the firms around them and do they help to perform other services for the communities that have sprung up around the large factories? -- Yes.

COURT: Do they take the same ten buses or do they take other buses? -- They are using the same ten buses. My Lord, I do not want to pin myself to ten. I am saying that there are buses ten plus.

MR BIZOS: Yes, and also there is a good fleet of Kombi's (10) that comes and goes all around? -- Yes, there are Kombi's.

Is the Sasol/Secunda area the sort of bread-basket of the actual working people of your community? It is where they get employment. It is their main place of employment. -- Yes.

More people work there than any other place? -- Yes.

VERDERE HERONDERVRAGING DEUR MNR. HANEKOM: Geen vrae.

GEEN VERDERE VRAE

ARTWELL DUMISANI SIJADI

MNR. FICK: Hierdie getuie sal getuig oor daad 66, dit is bladsy 267, dit is paragraaf 3 van die wysigings en paragraaf 5 van (20) die besonderhede op bladsy 77.

ARTWELL DUMISANI SIJADI v.o.e. (Deur Tolk)

HOF: Hoe oud is u? -- 21.

ONDERVRAGING DEUR MNR. FICK: U was stigterslid van die Tsakane Youth Club in Tsakane? -- Ja.

HOF: Waar is Tsakane?

MNR. FICK: Dit is die Oosrand.

HOF: By watter dorp, stad? Kom ons vra die getuie. Is Tsakane n Swartwoongebied? -- Ja.

Wat is julle naaste groot stad of dorp? -- Brakpan. (30)

MNR. FICK: Hierdie Youth Club is gestig op 6 April 1984. -- Ja.

Hierdie/..

Hierdie Youth Club, watse soort klub was dit? Is dit 'n politieke organisasie, was dit 'n kulturele klub, watse ding was dit?  
-- It was a cultural organisation.

Waar het hierdie klub sy byeenkomste of vergaderings gehou?  
-- Community Hall.

In Tsakane? -- Ja.

Hierdie klub, was dit geïnisieer deur u en ander persone of was dit deur enige ander instansie geïnisieer? -- Ek en die ander het dit geïnisieer.

Op Woensdag, 27 Maart 1985, na 19h00 het u by die huis (10) gekom waar u woon. Is dit korrek?

HOF: Hy kom elke aand tuis. Gaan u hom nou omtrent elke aand vra?

MNR. FICK: Nee, U Edele, net die besondere dag se gebeure. Die besondere dag, dit was Woensdag, 27 Maart 1985, het u by u huis gekom? -- Ja.

U moeder het toe 'n rapport aan u gemaak in verband met persone wat daar by die huis was. -- Ja.

Kon u moeder vir u sê wie die persone was wat daar was? -- Nee, sy het gesê sy ken nie die persone nie. (20)

U broer, was hy ook by die huis toe u daar kom? -- Nee, hy was nie tuis nie, hy was by die sokkerveld.

Het u later vasgestel wie die persone was wat by u huis was? -- Ja, as gevolg van wat my broer aan my gesê het.

Hy het 'n naam aan u genoem. -- Ja.

U het die persoon se naam wat aan u genoem was - kan u vir die Hof sê wie is dit? -- Ja, dit is Suthunyane.

Hierdie persoon, het u hom geken? -- Ja, ek het.

Weet u of hy 'n lid van enige organisasie is? -- Ja.

Van watter organisasie? -- Destyds was hy 'n lid van COSAS.

Weet u van watter dorp was hy? Was hy ook van Tsakane of van (30)

'n ander ..

n ander plek? -- Van Tsakane.

Hierdie Suthunyane wat aan u genoem was, het u hom gaan besoek of raak geloop?-- Ek het hom raak geloop.

Die volgende dag? -- Ja.

Het u met hom gepraat in verband met die rapport wat u moeder aan u gemaak het? -- Ja, ek het.

Laat ek vir u so vra, het u vir hom gesê wat u moeder vir u gesê het? -- Ja, ek het.

Wat het u vir hom gesê? (Intervention)

MR BIZOS: Perhaps, My Lord, the time has come - as far as we (10) remember this Mr Suthunyane is not a named co-conspirator. We might have missed it, there are many, but is Your Lordship going to allow conversations conducted by witnesses, by persons on the basis that they are said to have been members of COSAS? Whether they are named co-conspirators or not.

COURT: I do not know where this is leading to but the witness is entitled to tell the Court what he said to somebody. How can one stop that? I do not know whether it is relevant until I have heard what the story is.

MR BIZOS: As Your Lordship pleases, but in so far as we are (20) going to hear any conversation between the two.

COURT: Well, it may well be that he said to him "Well, come along." I do not know.

MR BIZOS: Well then perhaps we may be able to object on the ground of irrelevance, but be that as it may, My Lord, I would ask that, with the greatest respect, some stricter control should - well, we will certainly intend that unless a person is a named co-conspirator we submit, with respect, that extra judicial conversations in the absence of the accused who are named co-conspirators ... (30)

COURT: I have this difficulty with that objection, Mr Bizos,

say/..

say for example he says well, I discussed with Mr So and So that we would go and do this and this and then on the next day in doing this and this we met so and so and so and so is a co-conspirator, why wouldn't the first part of the discussion not be allowed?

MR BIZOS: As historical, My Lord, but ...

COURT: As historical. Now, it may well be that this is historical. I think that you must accept that the bench will be able to discern what is relevant and what is not relevant, but we cannot decide that in advance.

MR BIZOS: I am sure, My Lord, but what the nature or rather (10) the reason why I stood up through Your Lordship to sound a note of caution because up to now it has been taken for granted that everything that is said between or amongst people will just go into the record and on somehow or other basis we will try and sort it out at the end. In the interest of curtailing possibly the amount of evidence that is led, we submit with respect that it may be as well that the State ought to be reminded of the rules of evidence in this regard.

HOF: Mnr. Fick, ek kan u nie keer om die getuienis te lei nie, want ek weet nie waarnatoe dit lei nie, maar ek dink wat (20) mnr. Bizos sê het 'n groot mate van waarheid in, want elke sin wat u op rekord plaas lei tot 'n ondersoek en ellemal kruisondervraging om dit te weerlê omdat die Verdediging nie weet hoe relevant dit gaan wees uiteindelik nie. Dus u moet asseblief net relevante getuienis voor ons plaas anders mors ons ontsettend baie tyd.

MNR. FICK: Wat het u moeder vir u gesê? (Tussenbeide)

HOF: Wat het sy moeder vir hom gesê is ontoelaatbaar. U kan vir hom vra wat hy vir die man gesê het.

MNR. FICK: U Edele, dit is korrek. Hy sê hy het vir die (30) persoon gesê wat sy moeder gesê het ...

HOF/...



HOF: Ek wil nie weet wat sy moeder gesê het nie. U kan vir hom vra wat hy vir die man gesê het.

MNR. FICK: Wat het jy vir die man gesê? -- Ek het van hom gevra hoe dit gekom het dat hy na my moeder toe gaan, want hulle het geweet waar om my te kry by daardie tyd wat hulle na my ma toe gegaan het.

Gaan voort. -- Na aanleiding waarvan hy toe aan my gesê het in die eerste plek het hulle na my moeder toe gegaan om haar te gaan waarsku.

Het hy gesê om wat te gaan waarsku? -- Sy sê dat toe (10) hulle by haar gekom het, het hulle aan haar gesê dat ek het nou net drie dae oor dat ek moet bedank by die Youth Club.

HOF: Wag nou net so 'n bietjie. Mnr. Fick, hoe is dit nou toelaatbaar?

MNR. FICK: U Edele - dit is nie wat ek bedoel het nie. Ek wil by u weet, het hy verder gesê in verband met wat het hy u gewaarsku? Waarom het hy gaan waarsku? Nie wat u ma gesê het nie. -- Hy het vir my gesê wat die rede was.

Nou sê vir die Hof. -- Die rede was omdat die Tsakane Youth Club kon gebruik gemaak het van die Tsakane-gemeenskapsaal en (20) wat toe gebeur het, is dat elke keer wat COSAS gaan vra het vir die gebruik van hierdie saal, hulle was nie toestemming verleen om dit te doen nie.

Wat het hy verder vir u gesê? -- Ek haal aan: "Further on he said we are a puppet body because we are working together with the Administration Board."

Wat het hy nog vir u gesê? -- Op die einde van die geselskap daar het hy vir my gevra "Hoe het dit gekom dat jy na my toe kom en nie na die ander mense toe gaan wat ook teenwoordig was gister nie." (30)

Het hy vir u enige name genoem wie nog teenwoordig was, die gister/..

gister wat hy van praat? -- Ja, hy het die name genoem.

Wie het hy genoem? -- Msiya is een van hulle, Pankrishas Nkhonza.

Het u verder met hom enigiets gepraat in verband met die voorval? (Tussenbeide)

HOF: Hoe is hierdie getuienis relevant, mnr. Fick? Vertel my dit asseblief, voordat u 'n woord verder vra. Hoe is hierdie gesprek tussen hierdie man en iemand anders relevant by wat ek moet beslis?

MNR. FICK: U Edele, die Staat sal nog getuienis aanbied van (10) wat by die huis gebeur het toe die man nou nie daar was nie, dat hy is van 'n Youth Club, dat die persoon het daar by die huis gekom en gedreig dat die huis sal gebrand word as sy ma hom nie so ver kry om te bedank nie.

HOF: Nou, kom ons aanvaar dit nou so, hoe bring hierdie - ek het geen getuienis voor my dat hierdie man hierdie man gedreig het nie.

MNR. FICK: Nee, dit is korrek, maar die Staat sal daarna nog die getuienis aanbied van die persone teenoor wie hierdie persone wat hy nou noem wat hy gaan konfronteer het, die woorde geuiter (20) het, die dreigemente.

HOF: Kom ons aanvaar dit is so, hoe help hierdie gesprek u?

MNR. FICK: U Edele, in die sin dat hierdie persone het hulle kant van die saak aan hom gestel en vir hom gesê wat die rede is waaroor hulle hierdie dreigemente ...

HOF: Ek het nog nie gehoor wat die rede is nie.

MNR. FICK: U Edele, die "puppet" - dat hulle 'n "puppet organisation" is.

HOF: Ja goed, gaan voort.

MNR. FICK: Het u enige van hierdie ander persone gaan besoek (30) wat aan u genoem is deur Suthunyane? -- Ja, Pankrishas het ek gaan

besoek/..

besoek.

Dieselfde dag of die volgende dag? -- Die volgende dag.

Het u hom ook gekonfronteer met wat Suthunyane aan u gemeld het? -- Ja.

En wat u moeder aan u gemeld het? -- Ja.

Wat het hy vir u te sê gehad? -- Hy het aan my gesê dat die dag wat ek van praat, dit wil sê die Woensdag, was hy nie by gewees nie.

Hy het ontken dat hy daar by was? -- Ja.

Laat ons dit net verder kry, hierdie persoon wat u nou (10) van praat, Nkhonza, is hy 'n lid van enige organisasie? -- Ja.

Watter organisasie? -- Hy was destyds al lid van COSAS.

Was hy 'n gewone lid? Het hy enige amp bekleed destyds? -- Destyds was hy die sekretaris van COSAS.

HOF: Van die hele COSAS of net van 'n tak? -- Vir die tak.

Watter tak? -- Tsakane.

MNR. FICK: Het hy enigiets verder aan u gemeld behalwe dat hy ontken het dat hy teenwoordig was by die gebeurtenis wat Suthunyane van praat? -- Ja.

Wat het hy vir u gesê? -- Wat hy gesê het soos die mense (20) daar by my woning was hulle kan die huis aan die brand steek, ja.

Het hy uitgebrei daarop? (Tussenbeide)

HOF: Wat bedoel u met hulle kan die huis aan die brand steek?

Bedoel u hulle is in staat om dit te doen of hulle sal dit doen?

-- Dat hulle die huis aan die brand sal steek as ek nie bedank nie.

Dit is nou u ma se huis? -- Ja.

MNR. FICK: Wat was u reaksie daarop? -- Ek het toe nie verder geantwoord daarop nie.

Het u daarna ook vir die man Mosiya wat genoem was deur (30) Suthunyane, gekonfronteer in verband met die bewerings? -- Ek het

hom/..

hom ook raak geloop.

HOF: Mosiya, wat is sy van? -- Ek weet nie wat sy van is nie.

MNR. FICK: Eerstens wanneer het u hom raak geloop? -- Die Vrydag laat in die middag.

Dit is nou die Vrydag onmiddellik na daardie Woensdag wat u by die huis gekom het en die inligting ontvang het? -- Ja.

Weet u of hy aan enige organisasie behoort? -- Ja.

Van watter organisasie was hy of is hy lid? -- Hy was destyds ook 'n lid van COSAS.

Was hy 'n gewone lid van COSAS destyds? -- Ek weet nie. (10)

Het u aan hom ook gemeld wat aan u gerapporteer was deur u moeder? -- Ja.

Wat was sy reaksie op die? -- Ek sal sy eie woorde aanhaal. Hy het gesê die rede daarvoor is dat hulle se "spirit" was "high".

Het hy aan u enige ... (Tussenbeide)

HOF: Wat beteken dit, as 'n mens se "spirits high" is? -- Nee, dit weet ek nie.

MNR. FICK: Het hy aan u enige verduideliking gegee waarom hy nou sê hoekom was hulle "spirit high"? -- Nee, hy het nie 'n rede verskaf nie. (20)

Het u verder met hom gepraat oor hierdie voorval? -- Nee, ek het hom daar gelaat.

Hierdie Tsakane Youth Club bestaan hy nog? -- Nee, hy bestaan nie meer nie.

Wanneer is hy ontbind? -- 19 April.

Watter jaar? -- 1985.

Het u hom self laat ontbind, was daar 'n rede waarom hy ontbind het, wat het gebeur? -- Daar was 'n rede vir die ontbinding daarvan.

Laat ons hoor. -- Die rede was toe hierdie Youth Club (30) begin het, dit was met die oog dat al die jeug van Tsakane deel

moet/..

moet neem aan die jeugklub. Toe dit duidelik was vir ons dat daar is mense wat nie daarvan hou dat daar 'n jeugklub bestaan het, dit wil sê mense wat nie van ons gehou het in die jeugklub nie het ons toe besef dat die doel van ons kan nie deurkom nie, ons moet beter maar los.

Nou voor hierdie datum wat die rapport aan u by u huis gemaak is deur u moeder, 27 Maart 1985, hoeveel lede het hierdie Tsakane Youth Club gehad? -- Ek sal nie kan sê hoeveel mense nog aktief was nie, maar volgens die registers was ons 212.

Het julle vergaderings gehou na daardie datum, Maartmaand, tot voor die ontbinding in April? -- Ja. (10)

Hoe was die bywoning van julle vergaderings na daardie datum van die rapport ...

HOF: Is dit vergaderings of byeenkomste?

MNR. FICK: Laat ons eers hoor, was dit vergaderings wat julle gehou het of was dit byeenkomste? -- 'n Byeenkoms.

Kan jy aan die Hof aandui hoe was die bywoning van julle byeenkomste voor hierdie rapport nou aan u moeder gemaak was, daardie datum 27 Maart, en hoe was dit net tot voor die organisasie ontbind het? -- Voor 27 Maart was ons so 212 gewees. (20)  
Na die 27ste het die getal 'n bietjie verminder, ek skat ongeveer na 203.

Wat was die getal gewees toe julle nou uiteindelik ontbind? -- Ek kan nie sê nie, want by daardie tyd wat gebeur het, is hierdie klomp het byvoorbeeld gekom by die byeenkoms en dan die volgende dag kom daardie klomp nie, dan is daar 'n ander klomp wat kom, met die gevolg was dit vir my moeilik gewees om vir u te sê presies hoeveel was ons nog daar gewees.

ASSESSOR (MNR. KRÜGEL): So, as u praat van 212 en 204 dan praat u nie van mense wat die byeenkoms bywoon soos die vraag gestel was nie. Praat u dan van die ledetal? (Tussenbeide) (30)

HOF: Geregistreerde lede. -- Ek praat van die mense wat die byeenkoms bygewoon het. Dit is as ek praat van 203.

MNR. FICK: U kan nie 'n getal noem van hoeveel mense die byeenkomste bygewoon het na daardie datum nie, 27 Maart? Het hulle dramaties verminder, het hulle dieselfde gebly, het hulle meer geword, hoe werk die ding? -- Dié het verminder na 203 toe.

Was hulle nog soveel op die laaste vergadering wat julle gehad het? (Tussenbeide)

HOF: Dit was nie 'n vergadering nie, dit was 'n byeenkoms.

MNR. FICK: Byeenkoms. -- Nee, dit was minder. (10)

Nou, hoeveel was daar? -- Ek weet nie, maar hulle was minder as 203.

Baie minder of 'n bietjie minder? Die helfte minder? -- Hulle was baie min gewees, want hulle was minder as honderd daardie dag.

CROSS-EXAMINATION BY MR BIZOS: You told us that you were a foundation member of this youth club. -- Yes.

But were you an office-bearer? The chairman or the vice-chairman or the secretary or some other office? -- Toe dit begin het, was ek 'n president gewees.

When did you become president? -- From the 6th when it (20) was still the interim committee.

The 6th of? -- April 1984.

And did you remain its president right up to the time of dissolution? -- No.

Well, when did your presidency come to an end? -- 6 January 1985.

What position, if any, did you hold on its committee in March 1985? -- Public relations officer.

Who was the president? -- Elias Matebathe.

Who was the secretary? -- Abe Makhola. (30)

COURT: Elias, what is his surname? -- Matebathe.

MR BIZOS:/..

MR BIZOS: Do you know whether any, whether the president or the secretary, were threatened in March 1985, in any way? Do you know?

-- No, they were not threatened.

Do you know of anyone else that was threatened? Any other member of the committee that was threatened? -- No.

Do you know of any particular reason why you should have been singled out for these threats? -- I do not have a reason.

Perhaps I should ask you this, when were you first asked to give evidence about these events? -- Two weeks ago. I am not sure of the date. (10)

By who were you asked to come and give evidence two weeks ago? -- Two policemen arrived at my residence at about half past five and served me with a summons.

Who were these policemen? -- I know only one of the two. The other one is a stranger to me.

Who is the one that you know? -- Mr Baloyi is known to me.

Is he a member of the local Security Police in your area? -- I do not know at which branch is he attached.

What was the first thing that he asked you, what was the first thing that he said to you? (Intervention) (20)

COURT: Have you got instructions on this, on this whole aspect?

MR BIZOS: Some instructions, yes. -- He only served me with this document. In fact I am the one who started questioning him as a result of the document which was served on me.

Well, what did you ask him? -- My first question to him was this thing that is being handed over to me, what does it concern?

Had you not made a statement about anything about this before? -- I made a statement in 1985.

What did he say when you asked him? -- He said he does not know a thing about that, he is just sent there. (30)

Did you make another statement after this document was served/..

served on you? -- No.

When did you first find out that you were required to give evidence about what you say happened in 1985? -- On Monday, that is this Monday.

By whom were you told what you were to give evidence about? -- This statement was handed over to me by that gentleman seated there.

Which of the two? On your left or on your right? -- On my left.

My Learned Friend Mr Fick. (10)

COURT: The handsome one.

MR BIZOS: Yes. It is your day. -- Yes, it is the one on my left.

All right. He handed to you the statement, but what I would really like to know is for what purpose this statement was originally made. -- No, that I do not know.

But who came to take it from you originally? -- I would like to know what was your previous question just before this one? Was it who came to fetch the statement?

No, no, when the statement was originally taken, for what purpose was it taken? -- They are not the people who took (20) my statement. I went to them.

When did you go to them? -- This incident happened on Wednesday and then on Thursday - on Monday - it was Monday or Tuesday, I am not sure, the following week, I went to report the statement - to report the incident. (Answer given directly by witness.)

To which police station? -- The Springs - I do not know whether it is Springs.

Springs? -- Yes.

Was any action taken as a result of your statement that you made at Springs? -- No. (30)

No action? -- Yes. Can I add something on that one?

Please do/..



Please do.

COURT: Yes, before you start adding something. We have a very good interpreter in this Court. You are at liberty to use him. If you do not use him, do not tell me later on that you were mixed up. -- I apologise for that.

Well, now you can continue. -- This happened on the 27th and then I reported it during the following week. I am not sure whether it was a Tuesday or a Wednesday and then on the 19th before anything happened, it was before I was called, because I had the telephone numbers of the particular police station- (10) where I was on the 19th when the youth club was now disbanded, during the day at about twelve I 'phoned this police station to say to them if the statement I made meant a charge then - because I had just gone there to make a statement and not laying a charge, I beg to withdraw that.

MR BIZOS: Whom did you beg to withdraw? -- I 'phoned and asked to speak to Mr Coetzee as the person who reduced my statement into writing as a result of which I was told that he was not at the office but if there was any message that I would like to leave I can do so, as a result of which then I left a message. (20) After having left the message I then asked who I was speaking to there, that is the person to whom I gave the message and that person said to me "Do not be worried, I will tell him" and then he dropped the 'phone.

Tell me, did you raise the question of the threat against you and your mother's house with your fellow-committee members shortly after 27 March when you say that it was made? -- Yes, I did.

Was their response that they had not been threatened? -- Do you mean after having told them about the threat? (30)

Yes. -- Yes, that is what they said.

COURT/..

COURT: What was their attitude about the threat? -- Their attitude was we are not stopping and we are not going to stop.

MR BIZOS: Did they raise the question "Why have we not been threatened? Why have you been chosen to be threatened and not us"? -- Yes, they did.

Did they express any doubt as to whether in fact you had been threatened at all? -- If they did express that kind of doubt I did not notice that.

My Lord, I am going to ask Your Lordship to take a slightly earlier adjournment for two reasons, firstly because my in- (10)structions are very general, My Lord, in relation to this and I would like to take - and the other is that I am going to ask Your Lordship to take a slightly longer adjournment there was an untimely accidental death of a very close person to Mr Manthata, accused no. 16, and a number of their common friends are here and I understand that some prayer arrangement has been made for during this period. So if Your Lordship pleases to grant us an adjournment at this stage, I think we should be ready by 14h00 to proceed.

COURT ADJOURNS FOR LUNCH. COURT RESUMES.

C323

ARTWELL DUMISANI SIJADI (Still under oath) (20)

MR BIZOS: My Lord, I promised Your Lordship that we would have some of those admissions signed in relation to the tapes. The delay has been, My Lord, as a result - on the basis that they were typed and the basis that I would sign them and we do not usually do that. It is just a formality to have the accused's names typed on the last ...

COURT: Yes, there is no great urgency, but it must not be forgotten.

FURTHER CROSS-EXAMINATION BY MR BIZOS: Just before we put any further details to you, Mr Sijadi, do you agree that Mr (30) Suthunyane has passed away, the one person that threatened you? --

Yes/..

. Yes, I do.

And unfortunately, I am informed, that the person that you referred to as Mosiya is and has been for some time critically ill in hospital. Do you know that? -- Yes, I do.

So, the only person that we can go to in order to find out about your conversation is Mr - I do not want to mispronounce it was it Pankrishas Mkhoza, was it?

COURT: Nkhonza.

MR BIZOS: Nkhonza. -- Yes.

But he denied that he made any threat to your mother and (10) he did not threaten you in any way? -- Yes.

So that, you see, we cannot really, because of these unfortunate events, we cannot really go and ask these people, but let me ask you some questions of a general nature. Do you agree that COSAS and TSYCO were youth organisations in your community from 1984/1985? Sorry, '85. Not '84, just '85. -- Yes, I do agree.

And the young men in your community or many of them, were members of all three? COSAS, TSYCO and the Youth Club. -- The most of these people who became members of the other two (20) organisations were from the Youth Club.

Yes, and there was a substantial body of young people who had been members of the youth club who became members also of COSAS and TSYCO. -- Yes, I agree to that.

COURT: Resigning the Youth Club or staying on in the Youth Club? -- At the beginning they remained members of the Youth Club and at the same time being a member of the congress.

MR BIZOS: In fact I am told that up to January/February you yourself were a member of both COSAS and a member of the Youth Club. -- Yes, that is true. (30)

And everybody was getting on famously together I understand.

-- Yes/...

-- Yes.

And then there was a gentleman who is referred to by the people who give us our instructions as Ngodlane. It is apparently a nickname. -- I do not know whether you mean Ngodlana. Ngodlana is a person known to me.

I see. Well, and then one other name, whose name is apparently also Nhlapo. -- That is surname, yes.

COURT: Is he Nhlapo? -- Nhlapo, yes.

MR BIZOS: Ye is a social worker. -- Yes.

In the employment of the Development Board. -- Yes. (10)

And then he said "Oh no, you have got to chose between the Youth Club on the one hand and COSAS and TSYCO on the other. You cannot be a member of the Youth Club and the other two organisations at the same time." -- If ever he said that I did not come to hear about it so therefore I do not know about it.

Well, do you remember that your own evidence in answer to His Lordship a short while ago was that in the beginning things were happy like this. How did it come about that things were different after the beginning? -- I used to ask myself at the beginning as to how does it come that a person becomes a member of the Youth Congress or at the same time being a Youth Club member, that is being a member of COSAS. That I used to ask them. (20)

COURT: Why did you ask that question? -- I would like to ask the interpreter to repeat what he has just interpreted to the Court.

Yes, please. -- The interpretation was I used to question that at the beginning as to how does it come that the people must be members of the Youth Club and at the same time be a member of the other organisations, namely COSAS or the Youth Congress. It may be that that was not clearly understood by the interpreter or I did not put it clearly. (30)

Yes, will you please explain.-- What I mean is there was  
this/..

this position that a person is a member of the Youth Club and at the same time that person is a member of the Youth Congress. Now what I was questioning once how did it happen or why was it that it was refused later, that a person cannot be a member of both the organisations.

MR BIZOS: Well, let us just take it step by step. COSAS and the Youth Congress had no objection to their members being members of the Youth Club. -- That is not so.

I am going to put it to you that that was the COSAS and the Youth Congress attitude, but the Youth Club started raising (10) objections to its members, the Youth Club members becoming members of COSAS and TSYCO. -- When referring to the Youth Club, are you talking about the Youth Club as a whole or are you talking about a particular person in the Youth Club or are you referring to Ngodlana?

No, generally. -- If that is what is being put as generally, I do not agree with that, during the time when I was a president and later when I was a PRO.

COURT: So, let me just get clarity. Are you saying that it was not the Youth Club's policy that their members could not join (20) COSAS or the congress? -- Just repeat that.

Was it the club's policy that their members could or could not join COSAS and the congress? -- Yes, it did not refuse registration by its members to the other organisations.

Now the other way round, what was the policy of COSAS and of the congress? -- According to my knowledge being a member of COSAS or the Youth Congress, you could not be a member of the Youth Club because the Youth Club was a puppet body.

According to COSAS and Congress? -- Individuals.

MR BIZOS: What you are telling His Lordship is that there (30) were individuals in COSAS and individuals in the Youth Congress

who held/..

who held the view that if you were a member of COSAS or the Congress you should not be a member of the Youth Club? Is that what you are telling His Lordship? -- Yes.

When you say individual members, do you mean that that was not the general view of the two organisations but that there were members in it who took this view? -- Yes, that is what I am saying.

All right, so that His Lordship get some idea. Is it correct that COSAS and TSYCO and the Youth Club had lots of things in common for young people not related to politics. You were (10) all interested from time to time in what may be described as the good life. (Intervention)

COURT: That is a big vague.

MR BIZOS: To hold dances and socials and have stokvels and - part of the "lekker lewe". -- I will talk on behalf of the Youth Club, that was so, yes.

COURT: Could I just get clarity now. What was the Youth Club doing? Was it a football club or a tennis club or a social club? What sort of club was it? -- What we were doing in the Youth Club was to play table tennis, involvement in the drama dance - (20) games in fact.

And the other one, TSYCO? -- I am not going to be able to have anything to say about TSYCO because I was not much involved with that.

MR BIZOS: Well, would you not be able to tell His Lordship that members of TSYCO and COSAS were also interested from time to time in having the hall for recreational purposes? -- I am in a position to say that they did ask for the services or to make use of the hall on many occasions. What would be the idea or what were they going to use it for that I am not able to say. (30)

And was permission ever granted to COSAS and TSYCO to use

the/..

the hall? -- They say they did not get permission.

Well, you must have been fairly close to the use of this hall, did you ever see them using the hall? -- No, I have never seen them using it.

Do you recall how many of your members in January 1985 were actually members of COSAS and TSYCO? Can you remember?

COURT: Of both COSAS and TSYCO or either COSAS or TSYCO or both?

MR BIZOS: Or both. Either the one or the other or both. -- There were quite many of them.

COURT: More than half? -- I would not know whether it was (10) more than half or not, because most of the people did not want that it must be known that they were involved in all these organisations.

MR BIZOS: But would you agree that there was a considerable presence of COSAS and TSYCO members in the Youth Club? -- Yes, I will agree to that.

Do you recall whether you got any idea of Mr Nhlapo's attitude to people who were in COSAS and TSYCO? That is the same person whose name - Mr Ngodlana.

COURT: Ngodlana. -- No, I did not. (20)

MR BIZOS: Well, you know - perhaps it is unfortunate, but I must refer to it, do you recall that Mr Nhlapo started taking small groups of members of the Youth Club to various camps? -- Not to camps, but to a camp. That is one camp.

COURT: On one occasion? -- Yes. That is as far as I know.

MR BIZOS: You do not know whether it was more than once, to one camp or to more than one camp from time to time? -- I would not know that because just shortly before the disbanding of the Youth Club I did not have ample time to go to the Youth Club each time there is a come-together of the Youth Club. (30)

Did it come to your notice that a group was taken to the

Zandspruit/..

Zandspruit camp. -- I heard of that.

Did you hear that the group that Mr Nhlapo took there had strong objections to what they considered to be government policy indoctrination at the camp? -- Yes, because I am one of those who had gone there.

And was this taken - this attempt - well, first of all do you agree that there were attempts or they were considered as attempts at indoctrination? -- In the first place when we were taken to this camp we were told that we were getting to this camp Zandspruit for games only, but on arrival there it was (10) not games only.

What else was there? -- We stayed there for five days. There were days for discussion. What I will say is that the primary reason for being there was each time whenever there were these discussions it was said that every person must have a responsibility.

Well, I do not want ...

COURT: Is that government indoctrination?

MR BIZOS: I am sure that that is not what was - were there objections by the group of people that were taken there as (20) to what was being said and what was being taught? -- In the first place what happened there is this, each morning when we got up myself and my chairman would be left behind, then the group of the other members would be taken away and those would be divided into three. That is when they go to talk to them in my absence.

Well, I do not want to burden the record of this case with precisely - you know, a blow by blow account what happened during the five days ...

COURT: Well, it was not a good life it seems to me.

MR BIZOS: Yes. Were there complaints that you were really (30) taken there in order to influence your minds in a manner in which you did/..



you did not want to be influenced? -- My Lord, I will tell you what happened later is this, after some days that we had been there and this is going on, the people, that is the group with whom I was there, would come back to me and just complain and say that this place is not nice any more, we had better go back. Now, each time I want to know why. All they would say is just to go back, they want to go back home. (By interpreter: And then the witness used a township language, that is "bokor" which means people were dissatisfied with all what was happening there, that is why they wanted to go back.) (10)

COURT: So let us go back to the case.

MR BIZOS: Let us go back to the case. When they came back, did the members of this club, spread the reasons for their dissatisfaction? -- No, that I do not know.

Well, you yourself, did you keep quiet about your group's dissatisfaction? -- My Lord, in the first place I expected these people to tell me exactly what was happening, why are they not satisfied about staying over there, but now each time I questioned them as to why are they not satisfied, why do they want to go back home now, they did not tell me, because it was for me (20) to act on the report they give me, but without any report I could not do anything.

Could you please tell us when this camp was. -- I cannot remember what the date was. It was in December 1984.

And were there similar camps in January and February for other members? Or are you able to admit or deny that there were similar camps? -- I only heard about this. I did not have any knowledge of it but it was pertaining to people from the township who were not members of the Youth Club, that they had gone to that place. I am not sure of the time, whether it was (30) February or when, but there was a trip again.

And were/..

And were there similar dissatisfaction ...

COURT: Well, that was for people who were not members of the club, so does it matter?

MR BIZOS: As Your Lordship pleases. You see, because what I am going to put to you is that this club of yours really broke up because of a number of unfortunate things that happened, these camps and you could be a member of COSAS and you could not be a member of COSAS and you could be a member of TSYCO, and you could not be a member of TSYCO and the whole thing became mixed up and that is why the club broke up. -- Yes, I agree. The third (10) part of it is this that I was attending the Youth Club as the president of the Youth Club and say something about the Youth Club not knowing that there are things that are happening, which things I am not aware of.

COURT: Yes, but I am not clear now. I thought you were not the president any longer when it broke up. You were the publicity secretary.

MR BIZOS: PRO, public relations officer.

COURT: Public relations officer. -- I quite agree with that but the duties were not different from those of the president. (20)

Yes, but now what made this club of yours break up? Were there not a number of people who wanted to remain and participate in the good life? -- My Lord, to be honest in fact this is what happened. On a certain day I went to the club myself and told them that this is the end of it, I am through with the club, I have nothing to do with this club any more and I am no longer involved. I do not know whether that was in fact the cause of the disbanding of the club.

Why did you say that? -- When we formed the Youth Clug in Tsakane it was with the view that the youth in Tsakane can (30) go about boasting about having a Youth Club in Tsakane which will/..

will serve their needs, but at this time when I decided now to go and tell them that I am no longer a member, it is because of what I realised what was happening which was that the youth had no interest in the club any more and therefore it did not serve the purpose for which it was formed.

And how long before the 19th is it that you told the club that you are through? -- This is what happened. The morning at about 08h00/09h00 I delivered the information of my decision and later that day, at about 14h00 to 15h00 the whole club, that is the members, came and said "Well, we are also through with the(10) club."

MR BIZOS: How did the people who were members of COSAS and who were members of TSYCO and who were members of the club, feel about the authority's attitude in not granting COSAS and TSYCO the right to use the hall for their drama, for their dances, for their meetings? -- My Lord, I will talk on behalf of the Youth Club. The Youth Club was viewing that as a very bad thing to be happening in the community because in fact that is what resulted in the bad feelings between the COSAS and the Youth Club or the misunderstanding. (20)

I understand that whatever the main purpose of any youth organisation may be, be it COSAS or TSYCO or the Youth Club, drama plays a very important part in the young people's lives.

COURT: Do you mean on the stage?

MR BIZOS: Yes. Well, in fact, My Lord, I will take it a bit further that even daily events are dramatised in - that drama plays an important part in their lives. -- I can agree with you if you refer to the drama on the stage.

Yes. -- But on the daily events off the stage, that one I do not understand. (30)

Yes, perhaps it introduces another - and for drama, whatever type/..

type of drama may be presented on the stage a hall is absolutely necessary. -- Yes, I agree with that.

Did you feel comfortable or uncomfortable about the fact that your Youth Club had these facilities which were denied to your brothers and sisters in the community?

COURT: He has already answered that we viewed it as a very bad thing.

MR BIZOS: As Your Lordship pleases. Well, I will cancel the question. I think that the answer is clear. So, can we have this assume that we because we cannot take any instructions from (10) the two persons that you say threatened you, did in fact threaten you, this club would have gone under whether you had been threatened or not because of the general situation? -- Yes, I agree with that.

And despite this bad situation that came about because of the general circumstances, did you have friends in COSAS with whom you continued to be friends during 1985? -- Yes, quite a good number.

And the same applies with TSYCO? -- Yes.

And you will presumably not say that COSAS as a whole or TSYCO as a whole went about threatening people just because (20) they were members of the club, whatever two individuals may have done? -- My Lord, that is true. In general it was correct. That was the situation, but I would like to go back a little bit to Pankrishas, when I asked him.

COURT: Yes. -- When I asked him but what is it that these people wanted he said he was not there, but then he said further that the truth is necessary, these people were sent to your home. On further questioning him as to who sent them, in reply to that he said they were sent from a meeting, that is a COSAS meeting which was held. (30)

MR BIZOS: When did he tell you that? -- That is the same day when

I was/..

I was asking him.

Did you ask him why you had been chosen and not the chairman and the secretary? -- I did not ask him because I knew already once they talk about the Youth Club then they are talking about me.

But you were not alone in the Youth Club? -- I know that.

Did you consider yourself more important than the president or the secretary? -- They were taking me to be important than the president and the secretary.

Was the president elected by the majority of the members? --  
No. (10)

Did you stand for election or just appointed? -- At the beginning of the year, that is in January, there were some elections. My Lord, yes, there were elections in January and I was elected a president again, but now after the officials were elected, later the committee was sitting. At this sitting of the committee, the committee decided on different ideas and there was a reshuffle of the appointments according to elections.

I want to ask you this, this statement of yours that you have just made, that you were told that there was a decision at a meeting, a committee meeting of COSAS, was that in your statement?  
Was it in your statement? -- To be honest I cannot remember. (20)

And you did not say anything about it in your evidence-in-chief. -- No, I did not.

My Lord, as the person concerned is available, but not immediately available, I was hoping to finish but I think I had better take an instruction from him.

COURT: Had you consulted him?

MR BIZOS: He was here yesterday, My Lord, then we had general instructions. I personally did not consult him, but we had general instructions but we did not know, of course, what the witness was going to say. (30)

COURT ADJOURNS UNTIL 1986-06-06.

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

### **PUBLISHER:**

*Publisher:*- Historical Papers, The University of the Witwatersrand

*Location:*- Johannesburg

©2009

### **LEGAL NOTICES:**

**Copyright Notice:** All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

**Disclaimer and Terms of Use:** Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

### **DOCUMENT DETAILS:**

*Document ID:*- AK2117-I1-13-102

*Document Title:*- Vol 102 p 5037-5096. Witnesses: IC19, Sijadi