

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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SAAKNOMMER: CC 482/85

DELMAS

1986-03-24

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

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NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

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COURT RESUMES ON 24 MARCH 1986.

PATRICIA PHOSISI: d.s.s. (Through Interpreter)

FURTHER CROSS-EXAMINATION BY MR BIZOS: Mrs Phosisi you gave the number of the Mokoena house at which you spent a number of days before 3 September as 12726? -- Yes that is the number I gave but I made a mistake, it is 12778.

12778. Now you see I am going to suggest to you Mrs Phosisi that you have misled the Court completely. Let us just take this bit by bit please Mrs Phosisi. How far do you say you were staying from the lane that leads from the (10) tarred road into the lane leading to Caesar Motjeane's house, how far?

COURT: No, the lane of the street?

MR BIZOS: The lane, how far away from the point where the lane joins the tarred road, how far from that point? -- That is the second house from the lane.

Now you see I want to tell you, I want to tell you that you realised when I told His Lordship yesterday afternoon, I am sorry, on Friday afternoon, that the reason why we wanted the address was in order to check whether you are telling (20) the truth or not, you realised that you had been untruthful? -- As I say I made a mistake in giving that number because I know the house. I did not know exactly what the number is. On checking my books for the number I discovered that the number I gave here is not correct.

Have you been back during the weekend? -- Back to?

Have you been back to that area during the weekend? -- No I have not been there.

Right. Now you gave the number 12726 twice, once in English and once in Afrikaans. Do you agree that that is (30) at least a kilometre away from this corner? -- Do you mean the/.....

the number I had given you before?

Yes. -- Well I do not know exactly where the house is.

Alright. But you see I am going to suggest to you that you picked up information from somewhere that there is a Mokoena family living somewhere near this corner? -- That is not so.

No, no, I am going to put to you that there is a Mokoena family living near the spot where the lane joins the tarred road. -- The only Mokoena I know there is the Mokoena where I was which is the second house. (10)

Now you see I am going to put to you that there is in fact a Mokoena family living near there but they have told...

COURT: Just a moment, are you disputing that the Mokoena's live in the second house?

MR BIZOS: There is a Mokoena family living there who do not know her at all.

COURT: At the second house?

MR BIZOS: Near the second, well at one, there is in fact a Mokoena living at 12778 but they have told Miss Nichols that they do not know this woman at all, and that they had no (20) person visiting them for any time during that weekend. Now let us have a look who is telling the truth, the Mokoena's who have spoken to Miss Nichols or you. Please tell us how you are related to the Mokoenas who live at this place, at 12778? How are you related? -- The relationship is my sister-in-law is married to the Mokoenas.

No please tell us the name of your sister-in-law who is married to any relative of the people living at 12778? -- She is known to me as Makie.

What are her full names please? -- Yvonne Makie Phosisi. (30)

Does she stay there? -- No she is not staying in that

house./.....

house.

Right. And how, well if she is a Phosisi she is related to you? -- She is in fact from my in-laws, she is one of the members of the family to my in-laws.

To whom is she married on the Mokoena side? -- I do not know exactly to whom is she married because when I came to this family I was told that there is a sister by this name who is married to the Mokoenas. Now who the person is she is married to I am not in a position to tell.

Have you ever met her husband? -- No. (10)

Please give me the full names of the man of the house that lives at 12778? The full name, I ask the question again Mrs. Phosisi, the full name of the Mokoena that stays at 12778, please give us the full names? -- Boetjie Mokoena. I do not know his Christian name, he is only known to me as Boetjie Mokoena because otherwise we were calling each other, or when I addressed him I used to call him "Brother-in-law".

What is the full name of the mistress of the house? -- Matumelo.

Have they any children? -- Yes they do. (20)

How many? -- Four.

What are their names? -- Dumelo is the elder one.

Yes? -- I do not know the names of the other three because in fact I used not to frequent the place, therefore I was not used to them in order to know their names proper.

You see I am going to put to you, I am going to put to you that you were not in that house during that weekend or at any other house but you just took a chance by giving a wrong number to the Court, that nobody would check? -- I was at that address. I left on Sunday the 2nd, going to that address. (30)

What is the occupation of the master of the house, Mr

Mokoena?/.. ..

Mokoena? -- Messelaar.

What is the occupation of his wife? -- She is a housewife.

Were you there with her all the time? -- Yes we were together.

For how many days? -- Six days.

For six days. Did you ever ask her whether she had ever worked? -- No I did not ask about that.

Did you ever ask her whether she was born there or where she came from? -- She is from Evaton.

Yes. Well most of the people who are in Sebokeng came (10) from Evaton but any other personal details that she gave you? -- No I did not question that.

You did not question that. And where did Mr Mokoena come from? -- I have not asked him about his place of origin, as to where he comes from.

What school do the children go to? -- In Sebokeng, though I do not know the name of the school.

Can you give us the approximate ages of the children? -- I would not be sure about their ages but I estimate the eldest to be eighteen. (20)

COURT: Eighteen? -- Eighteen, one eight.

Yes? -- The one after that one I estimate as fifteen.

Is the eldest a boy or a girl? -- The two elder ones are boys.

Yes? -- The third one which is a girl is about twelve and the fourth one which is also a girl is about between four and five.

MR BIZOS: When did you last see them? -- I last saw them the day when I left.

Did you not ever visit them again to say thank you for (30) putting you up or anything like that? -- I have not had time

to/.....

to do that although I did phone them to say I will one day come over to thank them for what they did for me.

And since 1984 you have not had an opportunity of doing that? -- That is so.

I see. What made you go to your book to find out whether you were mistaken about the address or not? -- After having given this number it occurred in my mind to try and be sure of the number I have given and I felt I was doubting if this was the correct number. As a result of which then I decided to check the number and only to find that I did in fact make(10) a mistake.

Where did you check it from? -- From my books and the telephone directory.

Oh you looked, when did you do that? -- On Saturday.

Why? -- As I have already said some doubt occurred in my mind about this number, as to whether it was correct or not as a result of which then I decided to check the number.

Now let us take this point of observation of yours.

COURT: Just before we get to the point of observation are you disputing that the home, the mistress of the home is Matumelo,(20) that the children at Tumelo, that the ages are 18, 15, 12 and 4 to 5, that there are two boys and two girls?

MR BIZOS: I have no specific instructions in relation to that because we came here convinced that we had to face a situation that this house was a kilometre away but we will take instructions on it.

COURT: Well actually not Mr Bizos because I took the trouble, going through a long drawn out process to determine exactly where the house is and I know exactly where it is and so do we all. So you could not have thought it was a kilometre away,(30) the house she was speaking of.

MR BIZOS:/.....

MR BIZOS: No My Lord the number that she said in chief and in cross-examination is a kilometre away.

COURT: I know about the number but I took the trouble of finding out where exactly this house was in relation to the lane.

MR BIZOS: Yes but My Lord that presupposed

COURT: So I take it that your informants also checked out that particular house of which she was speaking?

MR BIZOS: Yes My Lord but we did not know that this woman was going to say that she was at 12778, once she had said twice under oath that she was at 12726, and we were surprised (10) that we were led to this.

COURT: Yes very well. Go ahead.

MR BIZOS: And may I indicate My Lord that the house which is 12778 does not correspond with the point that the witness has given to Your Lordship. Perhaps the situation could be clarified by handing in a map with the numbers of the houses.

COURT: Well by agreement yes, otherwise not.

MR BIZOS: As Your Lordship pleases. I will show it to My Learned Friend in the meantime and they can have a look at it. Now do you say that from the windows of house 12778 you have (20) a clear view of the tarred road? -- I have already said so in my evidence.

Is your view from this house not obscured in any way by bus ranks? -- No there is no bus stop in front of that house.

There is no bus stop in front of the house you were at?
-- That is so.

Are there no bus ranks or bus sheds or bus shelters between the standing in the Mokoena house and looking towards Caesar's house? -- No there are none.

Have you been to that vicinity recently to see whether (30) perhaps there are new bus stops and bus sheds? -- I have not seen/.....

seen that.

You see because I am going to suggest to you that Mr and Mrs Mokoena are going to tell His Lordship that they do not know you and that you did not visit them there. Now I want, for the purposes of the further investigation of the matter Mrs Phosisi to ask you this, are you sure that you were in 12778? Are you now sure? -- I am sure yes that I was at that house number.

Yes. And are you sure that as a result of His Lordship asking what the relevance of the number was, and my telling His Lordship that we wanted to check whether you were telling(10) the truth or not did not lead you to enquiries during the weekend? -- Do you mean that I had gone there to check the number?

Yes that you picked up some information about the numbers and the Mokoenas over the weekend.

COURT: But she told us that she looked in the telephone directory and in her books.

MR BIZOS: Well My Lord I am putting to her that she might have gone further.

COURT: Yes but she does not understand it that way. Will you clarify your question. (20)

MR BIZOS: Did you not perhaps as a result of hearing me telling His Lordship that we wanted to check whether you were telling the truth or not, are you sure that you did not go and make enquiries about the address of the Mokoenas? And pick up some information about them in order to be able to deal with the questions this morning? -- As I have already explained I did not do that.

Right tell me....

COURT: Mr Bizos just for my information if you look at AAR(2) where are these bus shelters supposed to be? (30)

MR BIZOS: My Lord I want to mark the things that are there, this/.. ..

this information came to me this morning and I intend

COURT: But I do not, I cannot see any on AAR(2) where you are putting they are.

MR BIZOS: My Lord we will take the photographs and put the numbers on the Court exhibit by consent and if they were there at the time we will put them on there.

COURT: No but if they are not shown on the Court exhibit then you need not put any numbers on my Court exhibit. I would just want clarity where they are supposed to be because I may be mistaken but I do not see them in the vicinity of (10) the second house.

MR BIZOS: What I am saying to Your Lordship is that I was given these instructions, we cannot really deal with it whilst I am on my feet. This information was obtained during the weekend, we will take the exhibits and we will indicate to Your Lordship in due course where this is.

COURT: Yes.

MR BIZOS: And My Lord it is not the second house as the witness has indicated, it is not the second house. But we will mark it, I do not want to make, I do not want to take up (20) court time. We will do it by consent as to where the various numbered houses are and where the various points are.

COURT: Yes.

MR BIZOS: I will come back to it once that has been one on Your Lordship's exhibit. I have given a street number or a number to the witness.

COURT: We are wasting a lot of time Mr Bizos. I wonder if it would not be advisable to send her out with the investigating officer and with one attorney from your side to point out the house she has indicated? (30)

MR BIZOS: I would have no objection to that happening.

COURT:/.....

COURT: Then we know exactly what we are talking about and that can then be indicated on the aerial photograph and then we all know what we are talking about.

MR BIZOS: I would be happy that that happens My Lord but with the greatest respect once one has been given a number and one goes and checks it and finds it a kilometre away we are entitled, with the greatest respect, to investigate the matter and I would submit with respect it is not taking up unnecessary time. Once that sort of situation arises.

COURT: Yes well go ahead Mr Bizos. (10)

MR BIZOS: My Lord we will agree with Your Lordship's suggestion but if any time has in fact been taken up it has been as a result of an incorrect address having been given. I go on to the pre-election meetings that you have spoken about and the meetings and then you could perhaps go and show the house to the people concerned in order to have certainty. Now do you agree that you were a member of the Bafutsana Party? You have already told us that? -- I agree yes.

And did that party have regular meetings and keep minutes?
-- Yes Minutes were being taken. (20)

And the attitude of each member of, of each person that was at the meetings was noted? -- That is correct, it was.

And who was the Chairman of the party? -- A gentleman by the name of Mtswering(?).

And do you agree that your election meetings were, took place in a small independent church? -- Yes at schools as well.

Schools? -- Yes in the hall.

In the hall. Was Mr Mokoena, the previous witness in this case, present at pre-election meetings at schools and halls?

COURT: Is the hall the hall of a school or a different hall?(30)

-- Community hall.

MR BIZOS:/.....

MR BIZOS: You were allowed to use Community halls? -- Yes we were allowed.

Right from the beginning of your campaign or towards the end? -- While we were halfway with the campaign we were then allowed to make use of this Community hall.

Did you have an election policy? -- Which election policy now?

Did you have an election policy, that is you know what your policy was going to be if you were elected, which was made public? -- Yes there was. (10)

And did some members of the party cause manifestos to be published? -- Yes we had manifestos.

COURT: Do you know what a manifesto is? -- My understanding of a manifesto is that we make known our policy as to what will happen if we were to be elected.

MR BIZOS: Right. And did you yourself make many speeches in accordance with what was decided at meetings and what appeared in the manifestos? -- Yes I did.

Right. Would you agree with me that you really, your manifesto had two main features? Firstly honesty? -- That (20) is true.

Second no rent increases? -- Not that way, it was not put the way it is being put to me that rents will not be increased.

COURT: Well you put it to the previous witness no rent increases without proper explanation, is it different now?

MR BIZOS: My Lord we have had an opportunity of speaking, at the time we indicated to Your Lordship that we had certain hearsay information, we have had an opportunity of persons who are members of this party, have minutes, manifestos and that is why I am putting it. Which we did not have before. (30)

COURT: Yes?

MR BIZOS: /.....

MR BIZOS: Did you, was it the policy of your party that there would be no rent increases? -- No that was not the aim or the object of our party to inform the people that there will not be any rent increases.

Now I would like you to please, with His Lordship's permission, I would like you to please deliver one of the speeches, not in full, one of the speeches that you made at these election meetings as if you were at the election meeting. Please tell us what you told the people that you asked to vote for you? (10)

COURT: In a minute or in half an hour?

MR BIZOS: Well My Lord

COURT: I am not going to listen to an election speech for half an hour.

MR BIZOS: Well My Lord with the greatest respect I am informed that the witness was quite a speaker at these meetings.

COURT: That is what I am afraid of Mr Bizos.

MR BIZOS: At which she promised things that did not come about afterwards. But let us try and cut it short. Did you lash out against the councillors? -- I did not lash out against (20) the councillors.

Well did you call them corrupt? -- No I never said that You never. Did you ever say that they were enriching themselves? -- No I never had such words in my speech.

Did you ever suggest that they were really looking after their own interests and getting businesses and not for the interests of the community? -- I cannot recall that I ever said so.

Yes. Did you ever say anything unkind against any councillors at any of these election meetings? -- I never uttered (30) a word which was unkind about councillors at the time when I was/.. ...

was canvassing for election.

Did you criticise the previous administration in any way whatsoever during your election campaign? -- I had a word which I always used whenever I was holding a meeting to that effect.

What, I am sorry I did not ... -- I had a word to that effect.

COURT: So you did criticise the previous administration? -- It is not necessarily criticising but I was just mentioning the grievances of the community and then that put in line with the administration at the time. (10)

MR BIZOS: Tell us did you blame the councillors at all for any of the grievances of the community during your election campaign? -- No I never did.

So you were, during your election campaign, happy with the record of those who had held office as councillors up to that time? -- I was elected by the community as a candidate, in fact it was suggested that I stand for the elections and therefore I was a candidate because of the community's request.

Did you understand my question? -- I do not understand the question. (20)

Did you blame the councillors at all for any of the grievances of the community during your election campaign? -- What I knew at the time as one of the grievances from the community was that the community is never informed about any increases of rent prior to their going to pay their rentals. It is only then that they will find out about the increased rents.

Did you think that the councillors were responsible for that or someone else? -- It was the Council which was to be blamed because I once experienced that same thing myself, that I went to the office to pay my rent only to find that when (30) I come there I am told no I must add some money to what I had brought/....

brought to which I knew to be my rental.

Was that the only matter that you mentioned in your election campaign? -- In fact what was important as a grievance from the community, including myself, was the one which I have just mentioned.

And did you mention it in your election campaign? -- Yes I did. In fact what I said to the community there addressing the meeting prior to the elections was if I were to be elected I will take the grievances as they are and take them to whoever is in authority to see to the grievances of the community and therefore the community will be kept informed about what was happening. (10)

Was that the only grievance that you had about the previous councillors? -- What I knew and which was strong with me was that one.

Yes. Nothing else? -- No nothing else.

You see I am going to suggest to you that you are actually not telling His Lordship the truth about your election promises and your election campaign? -- I am telling the truth, this is what I used to say whenever I had a meeting. I did not have long speeches in addressing the community which was attending my meetings. (20)

You see because I am going to suggest to you that at these meetings you and your fellow candidates promised that there would be no rent increases and you deny that of course? -- I am not here to answer on behalf of other councillors, I am here to answer on what is in fact directed to me what I know about. Those words were uttered by other councillors. I am not to answer for them. I think they will be in a better position to answer such a question. (30)

COURT: Now what did you promise as far as rent increases were concerned?/....

concerned? -- I did not make any promises about the rent being not increased. What I said was that if rents were to be increased and we feel that the increased amount is too high we will have to talk to the Council and represent the community within the Council in order to get that reduced, otherwise without making them understand that I was saying there will not be any rent increases.

MR BIZOS: You told us that other councillors said that there would be no rent increases. I assume you meant candidates? -- The interpreter indicated to me to stop talking while (10) I was still saying this. What we said in our meetings, that is during the campaigns for elections, is that we are going to see to it that whenever there is some rental increases the Council is going to sit and we are going to represent the community in the Council to discuss that in order to bring down the amount which would be the additional amount on the rents if we feel that was too high.

Yes, just answer my question please. When you said that other councillors said that did you mean other candidates?

-- I did not say that that is what they said. I said if (20) ever they said it then it must be them who said it.

Well I am not going to toy around with words with you Mrs Phosisi I am going to put to you that you and your fellow candidates went down on record that there would be no rent increases and you are now playing with words? -- That I do not know, that we ever said that there will not be any rent increases

And do you agree that you got, you were elected on the ticket of the poor so to speak? -- That is true.

And you were bitterly opposed to the Lekoa People's Party headed by Mr Mahlatsi? -- Well like parties we were (30) fighting each other.

Yes, /.....

Yes, but in your case not for long? But we will come to that. Was Mr Mahlatsi's party, the one that was mostly attacked by your party's candidates . . .

COURT: What is the name of the party, do you know?

MR BIZOS: Yes My Lord, Lekoa

COURT: Lekoa People's Party.

MR BIZOS: Lekoa People's Party. -- That is true, we were fighting.

Yes. And you held out the Lekoa People's Party as the party of the businessmen, the party who had made good out (10) of being in the Council? Do you agree with that? -- That one confuses me because I did not come to know that members of that party were business people because of being members of that party.

COURT: Well then is the answer that you did not hold them out as being a party of businessmen that had made good by being in the Council? -- I did not come to know them as being in businesses because of their involvement in the party. What I was against and in fact what we were against as a community was that we were blaming the Council for not taking the (20) grievances of the community and taking any interest in solving them.

MR BIZOS: Yes. Was, during the election campaign the Lekoa People's Party dominated by the Mahlatsi family? -- That is true.

And they, are they merchants with many interests throughout Lekoa? -- Yes they are merchants in the area.

Yes. And was your party's attack mainly directed at them and their associates because they were really there primarily or for the benefit of the merchants and the people (30) that had made good and they were not looking after the poor?

-- In/.....

-- In what way, I do not understand that.

No look you know the campaign that you were making speeches about? Was there a Lekoa People's Party candidate in your ward? -- Yes there was.

Did you in telling the people to prefer you as a councillor as against the Lekoa People's Party councillor say that they are the party of the merchants, the party of the rich, we are the poor, we are going to look after your interests, they are the people who have not looked after your interests? -- I did not say that, that in fact they have their interests (10) as rich people or business people and in fact in that party they are working themselves up financially they gain and we are poor people.

You never said it? -- I never used those words.

Did any member of your party on any public platform use those words in your presence? -- I do not want to involve myself very much in these things. I am not quite certain.

You know....

COURT: Well why do you not want to involve yourself? I have to know what happened at that election meeting. -- What I (20) saying when I say I do not want to involve myself is the community was complaining, the major grievance from the community was that the Lekoa People's Party was only interested in their own businesses and their own interests to work themselves up financially and did not care for the community. Now my involvement there was in saying to the community that if they could elect us to represent them we will see to it that that comes to an end.

MR BIZOS: Thank you. You know of course there is a very good reason why you do not want to speak ill of Mr Mahlatsi now, (30) is there not? -- I do not know, maybe if you could tell me

what/. ..

what the reason is.

Oh, you know very well because you were speaking with one voice before the election and with another after you were elected. What party are you a member of now? -- Since the elections the parties stopped any activity as a result of which one can say they have ceased functioning.

That is not putting it quite correctly is it. Did not Mr Mahlatsi persuade you of the benefit of the one party state after the election?

COURT: One party municipality? (10)

MR BIZOS: One party Council. -- What he said is seeing that we are now members of the Council we must now be one person, that means we must unite and leaving all these other parties and be one and form one unity.

Yes. And he was going to be the Mayor on top of it? -- No that I do not know. He did not put it in that fashion.

Oh I am sure he did not but that is what happened. -- That he is now a Mayor?

Yes. Now is that not so? -- Not the way it is being put to me by the defence. What he said is we must come together (20) and form one unity, so that we must have the same interest and we must not

So that you can share the bottlestores?

COURT: Well is that serious Mr Bizos, was that put by Mahlatsi, so that they could share the bottlestores?

MR BIZOS: No My Lord, the result might have been the same.

COURT: Well you must put it clearly so that we know because this is a serious allegations against this witness.

MR BIZOS: My Lord I will come to the nitty gritty of it. Tell me was not your promise to your electorate that you (30) were going to look after the interests of the poor? -- That

is/.....

is so.

And were you telling your electorate that the interest of Mr Mahlatsi and company is completely different to the interests of the poor? -- Not direct, I did not say Mahlatsi's people. I was saying Mahlatsi's party does not have interest of the poor.

Right. Now let us take it, how long after your election did you abandon your party? -- The very first meeting we attended after the elections it was said that we must now forget about our parties so that we can look into the (10) interests of the community as a result of which then I immediately decided to forget about my party.

Well let me try and put it directly to you. Mr Mahlatsi was in an electoral contest with Mr Mokoena as to who should be mayor? -- That is so.

Right. And were individual members of your party approached by Mr Mahlatsi, individually, outside the Council chamber where he made a speech on the great benefits of unity? -- No he did not approach us one by one outside.

You are sure of that? -- Yes. (20)

Did one of your number, of your party, draw up a memorandum which he tried to table on the Council? The chair person of your party did he draw up a memorandum as to how Mr Mahlatsi persuaded some of the members of your party to support him as mayor? -- I did not know about it except that I saw it in the newspaper, Sowetan newspaper, that there was such.

Well I am not for one moment putting to you the correctness of the allegation and I do not want you to answer it on the basis that it is correct but was the public perception in your community that you had let your party and the poor (30) down to favour Mr Mahlatsi? -- I have not let my community

down,/.....

down, that is those who elected me. I am still doing exactly the same that I was doing to them immediately after my election up to now.

Well you see let me ask you this, did you go back to your party, or the people who attended the meetings where you promised them these things, did you have any meetings and say "Ladies and gentlemen Mr Mahlatsi is trying to persuade me to forget about this party that elected me but that he has persuaded me that unity is important"? Did you go back and have any meetings to consult? -- I did go back to my people, (10) that is the community which elected me, after this meeting and after this suggestion by Mr Mahlatsi and what I told my community there was that we have been requested by Mr Mahlatsi that as members of the Council one will have to forget about the party which elected him or her, instead we will have to work for the community as a whole in the sense that even if a thing was not directed to my party but to the LPP, which is the Lekoa People's Party, and I feel I can be of assistance there I must just join and help wherever possible.

Did you in fact become a member of the Lekoa People's (20) Party? -- No that is not so.

Where did you hold the first meeting after you decided that you were going to co-operate with Mr Mahlatsi? Which meeting did you hold, public meeting? What date, when, where? -- At a school.

What date? -- I cannot remember the date.

What month? You do not remember? -- No.

How many people would you say were present? -- A classroom full, though we did not count them exactly I estimate about 200 plus. (30)

You see I am going to put to you that no public meetings were/... .

were held by you. -- I held meetings.

On your own? -- With my community.

All on your own? -- Yes all on my own with the community.

And no other councillors present? -- At this meeting which I held at a school no other councillor was present.

Now I want to try and hurry this because I am concerned not so much with the truth of it but with the public perception that was created. Do you agree that you were not alone from this party that went to support Mr Mahlatsi, other councillors did the same from your party? -- Help Mahlatsi in what respect? (10)

Well voted for him as mayor and you were not going to vote against any proposal that he made? -- Well we were more than one party there and he was not elected by his party only as the mayor.

Do you agree that Mr Mokhati and Mr Mofokeng of your party also went over to Mr Mahlatsi? -- In what way?

That you would no longer consider yourselves members of the party that, under whose colours you were elected but that you would be supporters of Mahlatsi? -- That is not so. (20)

Tell me if we go through the minutes of the Council will we find you having voted on any one issue against any proposal made by the Lekoa People's Party? -- As I have already explained there was nowhere where we disagreed because we are now united as one person.

Yes. So the answer is

INTERPRETER: The witness, while interpreting, was saying something. Now I asked the witness to repeat because I did not hear what she was saying. Now she said she cannot remember what she wanted to say. (30)

COURT: Well were proposals made by parties in the Council or were/.....

were proposals made by individuals? -- No proposals were made by the Council as a whole.

MR BIZOS: Let us change the question then. Have you ever disagreed with any proposal that was made, either by Mr Mahlatsi or because he was mayor with any proposal made by any councillor who had been a member of the Lekoa People's Party? Have you ever voted against any such proposal? -- It never happened.

COURT: But how did this Council function? Did you ever have anybody making a proposal and anybody disagree with it in (10) the Council itself? -- It did happen that way. For instance that say one councillor would come with a suggestion about something and which thing for instance we as a Council feel that what this person is suggesting is against the Council as a whole. Then we therefore would just say to that person no we do not hold with that.

Well have you had any instances where a member of the Lekoa Party suggested something which was turned down by the Council as a whole? -- Not that I can remember.

MR BIZOS: Yes. Now would you agree that as soon as it (20) became known that there was this toonandering(?) towards Mr Mahlatsi you were called to explain your behaviour by the ward, by your party and members of the ward?

COURT: What is the word you used?

MR BIZOS: Toonandering.

COURT: It is a "toenadering".

MR BIZOS: Toenadering.

COURT: I do not want the interpreter to get mixed up.

MR BIZOS: Thank you My Lord, that only goes to show I should stick to the language I know best. (30)

COURT: Or use French. -- Now being called by whom, by my party/...

party or who?

Yes, your party. Did they call meetings? And let me remind you that there were even resolutions that Mokhati should take to, should be taken to court. Do you not remember all those things? -- Yes I do remember. His ward was alleging that.

Yes. Well why was your ward different to Mr Mokhati's ward? Were all the wards up in arms by what they considered a betrayal? -- It is because I have not betrayed my people in the ward. (10)

Let us come, did these things happen in January 1984, that Mokhati's ward wanted to take him to court for betraying them? -- Yes that was in January.

Yes, 1984? -- Yes.

And was Mr Mofokeng's ward up in arms, or angry? Do not let us use any metaphor which may be misunderstood. Were Mr Mofokeng's ward very angry? -- People who were very angry were from Mokhati's ward. The degree of their being angry was higher than those in the ward of Mr Mofokeng, though they were also angry. (20)

I see. And do you say that it become love and affection by the time it reached your ward? -- Well in my ward there were no problems.

Because I am going to put to you that the people in Sharpeville felt betrayed and angry that they had elected public representatives who had made promises to them and they went and joined the person against whom lots of grievances were uttered. And you are right that there were a number of meetings, that you are right that there were a number of meetings in January but those meetings were really not the sort of (30) meeting that you are describing but meetings at which the anger/...

anger of the people was expressed. -- Do you mean including my ward?

Yes the whole, wherever there was this change. -- The community in my ward was never angry with me.

You see do you agree that much was expected by the people who voted for you and your party? -- Yes that is true, I agree with that.

Because here was a party that was really promising to look after the poor men and women of the townships? -- That is so. (10)

And after this turn around, I want to put it carefully because I do not want to reflect on your personal integrity as to the truth of the matter but after this change did those who remained in the party accuse you of betrayal? -- They did not really accuse us directly but there were rumours that we are being accused of that.

So the public perception was that you betrayed the people who had elected you and the public perception was encouraged by those that remained in your party that you had actually been C163 bought by Mahlatsi? -- Not in my ward because the people (20) there are satisfied about me, up to now they are still satisfied.

Well do you say, did you hear it about Mr Mokhati's ward?-- Yes I heard about that.

And did you hear it about Mr Mofokeng's ward? -- Yes there was a talk.

That those councillors who changed over were bought by Mahlatsi? Do you agree with that? -- Yes that is what they were saying.

Yes. And now although you gave us the figures not (30) quite correctly, in fact 459 people had voted for you? Which for/.....

for this election was very high. -- That is so.

Do you agree that that was the figure? I am not going to quibble with you, you gave us 595, it was 459, you have just transposed it. Do you agree with that? -- Yes.

459, yes. And how many in your ward? -- Do you mean votes?

Voters, how many voters in all in your ward? -- I think it is three thousand plus, but the majority was locked out before they finished voting.

COURT: How do you mean? -- When it was time to close people had just come back from work and it was already late so it (10) was closed.

MR BIZOS: Yes, I am going to put to you that there are 5629 in your ward and there was an 18,6 percent poll. Do you agree that those are the figures that were released afterwards? -- Yes I do agree.

Now you see what I am going to ask you is this, are you saying that of these 5629 in your ward nobody was disappointed by what was a burning issue in the adjoining wards? -- I cannot recall that happening because each and everything which was to be discussed was first discussed with my executive, between myself and my executive and therefore I did not come to know about anything of that kind. (20)

COURT: Let me just get clarity. I understood the executive to be an executive consisting of members of the Bafutsana Party? -- That is so.

Did you, whenever a proposal came up in the Council, go back to that executive and discuss it with them? -- That is what I used to do whenever there is something, a proposal from the Council, I would go back to them and hold a meeting with them first. (30)

But then you, did that happen right through until

September/.....

September of that year? -- Yes up until September.

But now why do you say that you abandoned your party? -- It may be that I was misunderstood. What I was saying is this it was decided in a Council meeting that seeing that we are now forming part of this Council we are to unite. One does not have to say that I am only concerned about matters related to my party, you will be here working for the community as the whole. Not necessarily meaning that I would have to abandon my party but to do things in general for each and every person. That is what I mean. (10)

COURT ADJOURNS FOR TEA. COURT RESUMES.

PATRICIA PHOSISI: d.s.s. (Through Interpreter)

MR BIZOS: My Lord could the witness be excused? With Your Lordship's leave could the witness be excused for one moment. There is agreement between the State and us about certain details.

COURT: Yes, will you please stand outside for a while.

MR BIZOS: May I ask Your Lordship to note that accused no. 4 has gone to the District Surgeon because he has been feeling feverish after the operation. (20)

COURT: And accused no. 9?

MR BIZOS: He is still in hospital.

COURT: Yes this is noted. We will continue in their absence.

MR BIZOS: As Your Lordship pleases. May I ask Your Lordship to take EXHIBIT AAR(1) and may I hand up, in order to avoid a lot of descriptive, my copy. Your Lordship will see that there is a circle and a cross outside the square.

COURT: Outside?

MR BIZOS: The square to mark the Caesar Motjeane vicinity.

COURT: On my AAR(1) there is no square. There is a square (30) on AAR(2).

MR BIZOS:/.....

MR BIZOS: The square on our copy has been

COURT: Have you got a square where the enlargement AAR(2) is to be?

MR BIZOS: Yes My Lord.

COURT: Well we have not got that .

MR BIZOS: Well then we have been favoured My Lord.

COURT: Yes but I have got the official one.

MR BIZOS: Could I ask Your Lordship, the square is not particularly relevant but could I ask Your Lordship to have a look, I would like to hand ours up. (10)

COURT: May I just have a look first and then we can debate it.

MR BIZOS: And then Your Lordship will see that it is common cause that the house 12778 which has been plotted onto this from the map, with consultation with the State, is the thirty-second house away from the intersection of the lane and the tarred road.

COURT: Yes, if that is so agreed I accept that. But do I need to spoil my aerial photograph with that information?

MR BIZOS: As Your Lordship pleases, and also between the (20) thirty-second house which is common cause is 12778 .. .

COURT: In which direction Mr Bizos?

MR BIZOS: In the Houtkop side, the post office side.

COURT: On the Houtkop side and along the tarred road?

MR BIZOS: And along the tarred road.

COURT: Well let me make a note of that then. What is the number?

MR BIZOS: It is house number 12778.

COURT: Yes is thirty-second.

MR BIZOS: The thirty-second house. Now if your Lordship...(30)

COURT: House from the lane?

MR BIZOS:/.....

MR BIZOS: That is from the lane in the direction of Houtkop and the post office, and it is the second house from the corner but it is the second house from the second intersection past the intersection of the lane and the tarred road.

COURT: I have noted the following: It is agreed that house no. 12778 is the thirty-second house from the lane in the direction of Houtkop and I should say on the tarred road.

MR BIZOS: On the tarred road. And that . . .

COURT: And it is the second house from the corner of the second intersection past the lane. (10)

MR BIZOS: That is so. And that in the second block after, in the second block after the intersection of the lane and the tarred road there is a long bus shed.

COURT: Bus shelter?

MR BIZOS: Bus shelter. Now if Your Lordship wants to see that we are ad idem and for Your Lordship's

COURT: Yes I will have a quick look at yours and then hand it back.

MR BIZOS: It is here My Lord. The circle is the house and the X is the bus shelter. (20)

COURT: Yes. Just to make it clear on this aerial photograph which is not the exhibit before me the house which has been encircled is not to the Houtkop side of the street, the corner, but is to the Evaton side of the corner. It is the second house from the corner to the Evaton side whereas the house indicated by the witness during my examination of her, as I put it down on AAR(2) was the second house from the corner of the lane and the tarred road to the Houtkop side.

MR BIZOS: Is Your Lordship describing what she showed originally or what (30)

COURT: I am, because we are talking about the second house from/.....

from the corner, you are to the east and she showed to the west of the lane.

MR BIZOS: Yes. And may I also indicate to Your Lordship, with respect, that we did not take full details, I have had an opportunity of consulting with, it would appear that at least some of the detail in relation to the names and occupation of the husband is, given by the witness is correct. So speaking for ourselves at this stage we are satisfied that the witness and we are speaking of the same house, that is 12778.

COURT: Are you also satisfied that at 12778 that person of (10) which she is speaking lives?

MR BIZOS: No a, I am not conceding that she knows about it. I want to cross-examine her as to how she might have acquired the knowledge.

COURT: But now is there no Mokoena in the second house from the lane?

MR BIZOS: My Lord this is, we went for all the Mokoenas. There is another Mokoena there near because we went to all the Mokoenas, once we drew a blank at the address given. There is a nearer Mokoena but does not, apparently it is a little (20) shack which does not correspond at all with any of the evidence, the large windows, whereas the large windows spoken of and other matters correspond with 12778.

COURT: Yes very well, thank you.

PATRICIA PHOSISI: d.s.s. (Through Interpreter)

FURTHER CROSS-EXAMINATION BY MR BIZOS: We will contend of course My Lord that there is no visibility whatsoever to the lane where she says the crowd went up. And for quite a long distance not even to the tarred road because of these bus sheds. I want to round off what I was putting to you before the (30) adjournment, and that is this that the opinion of the people,
of/.....

of the majority of the people, was very low of the councillors, before the election? Your abandoning of your party and joining Mr Mahlatsi, together with the similar action of your colleagues brought the reputation of the Council to an even lower level? What do you say about that? -- On what is being put to me by you I am not in a position to say whether that is so or not, except to say that the community in my ward is just the same like before when I left them to become a councillor up to now.

Well

(10)

COURT: Do you mean the same as before towards you? -- Yes up to now.

MR BIZOS: But what about the Council as a whole? -- I am not in a position to tell His Lordship about the people's attitude towards the Council as a whole. I am only in a position to talk about myself.

I want to go onto another subject now with His Lordship's leave. You tried to explain to His Lordship where this house was, the Mokoena house was, which you this morning gave as 12778. You recall that? -- Yes I do.

(20)

Now are you absolutely sure as a result of your enquiries during the weekend that it is house 12778 that you spent the weekend in? -- Which weekend now?

The six days that you spent before 4 or 5 September, that is the Saturday, Sunday, Monday when there were the troubles at Sebokeng. -- Yes that is the house.

COURT: Now why are you sure? How did you ascertain that this is the number? Exactly how did you set about it? -- As a result of the number I gave in my evidence before the weekend I had to check and make sure which number is it, have I given the correct number or not. On ascertaining that then

(30)

I/.....

I was sure that this is the house.

The question is how did you ascertain it? -- After checking from my books and the telephon directory.

What was in your book? -- In my book was written the name of Mokoena, the telephone number as a result of which then I later checked it from the telephone directory.

MR BIZOS: They have a telephone, the Mokoenas that you spent the days? -- Yes.

And did you, like we always do to people that have been kind to us, do you have a special book in which you keep (10) the numbers, the telephone numbers and the addresses so that you can send them Christmas cards and also to phone them? -- Yes I do keep a book.

And is the address in that book, 12778?

COURT: No that is not what she said, the telephone number is in the book. The address she got from the telephone directory.

MR BIZOS: No My Lord.

COURT: Yes My Lord.

MR BIZOS: Is the, I am sorry I thought that she had

COURT: She had Mokoena and the telephone number in her book.(20) Then she looked up the Mokoena in the telephone directory and the number and got the address from the telephone book.

MR BIZOS: Thank you My Lord, it is sufficient for my purposes, thank you, yes. The telephone number that you had in your book and the number 12778 corresponded? -- That is so.

So you can give His Lordship an absolute assurance that you watched the events of the morning of the 3rd from the window of 12778? -- That is so.

And you were watching this crowd with the placards going onto the lane they were, were they in front of you or were (30) they far away from you? -- From where I was standing watching them/.....

them they were coming in the direction of the house where I was standing and watching them.

No at the time that they went up the lane towards Caesar Motjeane's house where you saw them were they in front of you or were they far away? -- They were right in front of me, they were not far.

Right in front? -- Yes they were quite near.

So they took the turn into this lane one or two houses away from you? -- It is only one house and then they were turning into the lane, after this house next to the house (10) where I was.

And there were these large windows. This is a good home, I mean it could even be a councillor's home, this one that you were in? With a telephone and large windows?

COURT: What does a councillor's home look like?

MR BIZOS: With a telephone and large windows My Lord.

COURT: Are all councillors homes homes that have large windows?

MR BIZOS: No I said it could have been.

COURT: No I have the difficulty because the previous witness did not look to me like a person who owns a house with very large windows. (20)

MR BIZOS: Yes as Your Lordship pleases. I will omit that. This is a well built large house that you were in? -- That is so.

Yes. And how many rooms has it got? -- I think it is about eight rooms.

And is it quite a distinctive house because it is painted lemon yellow outside? -- That is so.

Oh yes, so that we cannot have a mistake this time. (30)
Now Mrs Mokoena I am going to ask you many questions about
this/.....

this untruth that you have spoken of. And I want to try and find where the source of this untruth is from. The Prosecutor has agreed whilst you were outside that house no. 12778 is thirty-two houses away from the lane that leads to Caesar Motjeane's house from the tarred road. And the attorney sitting behind me, Miss Nichols, went there, that it is a lemon yellow house occupied by the Mokoenas, you have got the name of the husband right, you have got his occupation right, you have got the number of children right, so that there can be no mistake about this house. It was further agreed that (10) between this house and this lane there are large bus shelters that obscure the view to the lane that you saw the crowd going into carrying banners to Motjeane's house. Now please accept those as facts which have been admitted before His Lordship.

COURT: Not the obscuring of the view. What I noted is in the second block after the lane there is a long block bus shelter. It may well be it obscures the view.

MR BIZOS: As Your Lordship pleases. I will leave that. Let us just deal with the agreed facts. Now tell me this when you say that you were in the second house from the corner of (20) the lane and the tarred road and you saw the people going towards Caesar Motjeane's house do you recall that His Lordship spent a lot of time trying to pinpoint you precisely where you were, you recall that? -- Yes I do recall that on Friday I was asked.

Yes. Now in order to not to decide it on the admission but to decide it on your own evidence whether you were telling the truth or not although you may not have been on any aeroplane have you ever been to any highrise buildings? I am sure you have. -- Yes that is so. (30)

With Your Lordship's leave I would like to approach
the/.....

the witness.

COURT: Yes do so, as long as you are certain that she understands what you are going to show to her.

MR BIZOS: I want to make sure that she does and that perhaps My Learned Friend could come with me so that there is no possibility of any

COURT: Yes. You have with you EXHIBIT AAR(1), the aerial photograph?

MR BIZOS: As Your Lordship pleases. I will explain the roads first. Here is Small Farms. Do you know the Small Farms, (10) the Catholic Church Small Farms, do you know that? -- No I do not know it.

No the Evaton side.

COURT: Tell her Mr Bizos that this is an aerial photograph.

MR BIZOS: Yes, this is a photograph taken from the air, like you would look from a tall building. Do you understand that? -- Yes I do.

Now you see this is the road that comes up, you see the tarred road here? Yes and that it takes the turn here to go to the Post Office and to go to Houtkop. You see that? (20) -- Yes I do.

And you see that when this street comes, it is a slight uphill. You remember that the tarred road comes slightly on an uphill until it reaches this intersection here, the one portion going to, as you come to the left and one to the right, as you are coming up? You see that? -- I am looking at it, which one is this one now going to the left?

No as you are coming up there is one street going to the left and there is one going to the right, as you are coming up from Evaton side. Have you got it? This is the tarred(30) road and then it goes to the Post Office and to Houtkop and

it/.....

it goes to the football stadium. Do you see it here? -- Yes.

Right so we are agreed that, you are with it now, that if you are coming up and you turn left you go to the stadium, if you turn right you go to the Post Office and Houtkop? -- Yes I agree.

Now we know, we now know as a result of looking at the maps and everything else that if you were in Mr Mokoena's house this is the house of Mr Mokoena, that is one almost on the corner of the second block away from the intersection. Do you agree that that is Mr Mokoena's house? -- Yes I agree. (10)

Are you sure that you, have you put yourself in the position there and do you understand the photograph properly? -- Unfortunately I am not good at reading photographs as they are put before me like this in the form of a map.

Yes but do you, if we show you a map with the street numbers on will you be better, and the stand numbers? -- Maybe yes.

Yes well we will try that as well. But do you agree that you were two blocks away from the spot where the road turns off to the football stadium and goes towards the Post Office? (20) Two blocks away? -- Yes that I know from the position that I am standing now going towards the intersection, that is on my right there are two blocks before you reach the intersection where there is a road turning towards the stadium.

Let us see whether we can get that clearly. You would be coming from the Houtkop side to the Mokoena house, when you go to visit the Mokoenas? -- Yes.

Coming from the Houtkop side the Mokoenas house that you went to is it two blocks away from the intersection where you would have had to turn right in order to go to the football (30) stadium? -- That is so.

And/.....

And do you agree that it is the spot where we have put that circle? -- Yes, from the look of things here that is the house though on Friday when I was giving evidence here I put this house on the left. But now here it is on the right.

Alright, but now as you are standing there . . .

COURT: On the right of what? -- What I mean is from the direction of Houtkop towards the intersection the house is on my right.

MR BIZOS: Yes. That would be correct My Lord with the circle then. Now please I would like to, just accept that this (10) circle here is the house of the Mokoena house you say you were in. Could you please show the interpreter in which lane you say that you saw the march going in? -- They came from the direction of the intersection as I was in the Mokoena's house. They went past Mokoena's house and immediately turned left into that street as indicated by me, that is where the finger of the defence counsel is.

COURT: Will you just put on record what street is that Mr Bizos.

MR BIZOS: That is, the names I have not got, would I keep (20) my finger on it and show it to Your Lordship.

COURT: The second street. . . .

ASSESSOR (MR KRÜGEL): The second street to the west of the lane.

MR BIZOS: The second street to the west, if I may approach Your Lordship.

COURT: Yes.

MR BIZOS: This is the intersection that the . . .

COURT: Yes but you are having it upside down now, yes?

No the other way around.

(30)

MR BIZOS: It is next to this circle My Lord.

COURT: /

COURT: They came down, they went up that one? In that direction and then there.

MR BIZOS: They came up that way.

COURT: Yes thank you, that is beyond the house indicated by you.

MR BIZOS: Beyond that house, yes. Now the other thing that I would like you to please show us, where you saw, yes could you please now on the same basis please show us, would you please show us

COURT: Just to put it clearer what has been indicated to (10) me is that the people turned up the lane which leads to no. 33 on the aerial photograph.

ASSESSOR (MR KRÜGEL): There are the Board offices.

HOF: Nee dit moet jy nie sê nie.

MR BIZOS: As Your Lordship pleases. Now could you please tell us that as you were in the Mokoena house where more or less you saw the smoke, where did you see the smoke? Please just pinpoint where you saw the smoke?

INTERPRETER: Can I just interpret what she is saying?

MR BIZOS: I am sorry. -- From the Mokoena's kitchen window, (20) that is the back of the house, I could see the smoke as indicated in the direction from the back of the house.

Was it on the Houtkop side or was it on the football stadium side? -- In the direction of Houtkop.

As you were looking out of the house of, the kitchen window of the house of Mr Mokoena you saw smoke from the Houtkop side. You have already done so but would you please again put the pencil point where you saw the smoke more or less? -- Yes put the pencil. Right I will try and keep it there. -- Now there is a street there next to the Mokoenas, that is (30) next to the house to the house which is next to the Mokoenas going/.....

going up left. In that direction going up that street looking to your right, that is where I saw the smoke, as indicated by the pen.

COURT: Is it then opposite no. 33, not where the number is but where the sharp point of the arrow is?

MR BIZOS: My Lord this one has not got those numbers.

COURT: I see, well will you indicate to me. Yes, the point now indicated is in the block to the west of no. 33, approximately parallel to 33 to the building marked as 33 but in the western block and approximately situated in the same position. (10)

MR BIZOS: You see madam your evidence-in-chief very carefully taken in answer to the Prosecutor and in answer to His Lordship was completely different to what you have now told us. And highly prejudicial to the accused. -- Maybe because I am now talking about a map and indicating on a map I am being confused by that but what I am talking about I am sure of, that is the place where I was.

Did you know that the evidence that you were giving was trying to connect the accused who might have been on the march of the 3rd with continuing their march up the lane, up the (20) lane into Caesar Motjeane's house where he was killed? -- They went through that passage, the lane.

COURT: Before 3 September 1984 had you ever been to Caesar Motjeane's house? -- Yes I have been there once, we were attending a meeting then from this meeting we went to his house.

At night? -- At night yes.

By car? -- Travelling in cars.

And after 3 September did you ever go to his house? -- No I did not.

MR BIZOS: But now I want to know who took your statement? (30)
-- Where?

When/.....

When your statement was taken describing this, giving this highly prejudicial evidence against the accused who took your statement? -- Pretorius and the others were present.

Who is Pretorius? -- The police who used to come to us at Houtkop.

How many people took your statement? -- I cannot remember precisely how many people took my statement. All I can tell the Court is I made a statement and then later again somebody came for a statement.

COURT: But now how did you know at the time that the lane (10) you were speaking of led to Caesar Motjeane's house? -- All I knew was when a person goes in that direction then you find Caesar's residence somewhere there in that area.

MR BIZOS: You know we are not going to leave this here because we are going to suggest to you that this evidence was contrived, was fabricated. And I am going to find out who it was. Let us start with what you said, you said that you made a statement and then someone else came for a statement. Now let us start with that. -- What I am saying is some people came to take our statements at Houtkop. Again later the (20) same people came to take a statement from me now.

Oh. So do I understand that there was originally a group of people who made statements, including yourself, at Houtkop? -- That is so.

Right. And was that about a month after the happenings? -- That is so.

Then when they came afterwards to take a statement from you how long after the first event, the making of the first statement was the second statement? -- It was during the following year, somewhere in January because we were already (30) in Zone 10.

You/.....

You remember that well? -- Yes I do.

That your second statement was in January 1985? -- That is so.

Because you shifted to a new address and you remember the police officer specially coming during 1985 to take the second statement? -- That is so.

And the events that occurred on the 3rd, you were watching out of the Mokoena large window, were they in your first statement or were they in your second statement? -- They were included in the second statement. (10)

Second statement. Was the Prosecutor misleading me and the Court, are you suggesting that, that the statement that he led you from about the events of the 3rd was given on 1 October, was the Prosecutor misleading us or are you telling us a lot of untruths? -- I am not suggesting that he was misleading the Court but what I am saying is while I was going on making the statement, that is continuing with a statement, this was included.

Now you know there are only two possibilities. Either the Prosecutor told His Lordship and the Court an untruth, (20) that the statement that he led you from was dated 1 October, or your evidence

COURT: 1984?

MR BIZOS: 1984. Or your evidence is false that you made a second statement about the events of the 3rd? Now can you tell us about that? -- He is not misleading the Court in saying that he was leading me from the statement of the 1 October 1984. What I am saying is I was visited by the police in January 1985 to come and inform me that I must be on the knowing that the case is still going on and therefore during(30) that time I then made mention of these further facts that are being/. ...

being given.

A second statement was taken from you in 1985, you have already told us that. -- It was not a new statement which was being taken from me, it was just an addition to the statement which I had made before.

You know I will not allow you to get away with that sort of answer too easily with His Lordship's leave. Because I asked you whether the events of the 3rd were in the first statement or in the second statement and you told us no it was in the second statement. You see I am going to suggest to you(10) that someone came to you during 1985 and told you that they were looking for witnesses about the death of Caesar Motjeane. Is that right? -- No that is not correct

Well how did it come about that you made a second statement about the events of the 3rd, in the vicinity of the home of Caesar Motjeane? -- During the second visit by the person who took my statement while I was making mention of the house in which I was at the time of the incident the question was put to me by the person who was taking the statement as to "How far were you from Caesar's place, that is while being (20) at this address", the house in which I was at the time. On which I said I could not have been very far from the house of Caesar because while being there I even noticed the smoke in that vicinity.

I see. And did this person now see this as a golden opportunity?

INTERPRETER: The witness was still saying something.

MR BIZOS: I beg your pardon. -- It is then that this smoke from Caesar's house was mentioned, after this question.

I see. So the whole of your evidence was obtained by (30) some person during 1985 as a result of an enquiry as to how

far/.....

far you were away from Caesar's house? -- That is so.

COURT: What was in your first statement and what was in your second statement? -- My first statement was about my having left my residence for Mokoena's place, that is relating to what happened up until when I came to the Mokoena's house. It ended there. That was my first statement.

MR BIZOS: So you were quite right that there was nothing in your first statement about the events of the 3rd? -- That is true, I made no mention of the events of the 3rd in that statement. (10)

But now do you know I was cross-examining you about this on Friday afternoon, you are not going to suggest that the Prosecutor, I am sorry My Lord, I will cancel that. Now tell me this the person that took your statement, what was his name?

COURT: The first or second?

MR BIZOS: The second statement. -- The same person who took my previous statement took the second one as well.

What is his name? -- I do not know their names because I was seeing them for the first time

How many were there? -- They were three. (20)

Black or White? -- Whites.

All three? -- Yes.

No interpreter? -- No I had no interpreter.

Alright. Now you mentioned to them the Mokoena house? That you were at? -- Yes I did.

You gave them the number? -- Yes I did.

Which number did you give them? -- The very first number, the one which I said was wrong.

The wrong number. Now how long was your second statement? -- It was not long. (30)

I am informed that there is no date My Lord. Then we will/.....

will have to spend a little time to try and ascertain that. How long after you moved to the new house was the second statement given? -- I was a month occupying that house.

When did you move into the house? -- During December.

What date in December? -- I cannot remember the date.

Was it a much bigger house than the one you were occupying before? -- It was a Zozo.

Well I am sorry that we do not know, and I do not know if Your Lordship knows, I do not know, was it a bigger or a smaller one than you had? -- It was bigger. (10)

COURT: Yes, will you explain for record purposes what a Zozo is? -- These are the houses which one hires, movable houses.

MR BIZOS: Now tell me how many pages was your second statement? -- Two pages only.

Two pages only? Well how did your evidence-in-chief on these events come to be so long? Only two pages? Handwritten? -- Yes.

I see. Very well, now this person that took your statement, you told them that you were at this number? -- That is so. (20)

Did he perhaps ask you whether the Mokoena's were there to see what you were seeing? -- No I was not asked.

Do you mean to say that an investigating officer on such an important case knowing that you were watching this murderous march passing our window did you ask you whether there were other people watching with you? -- No that question was not asked from me.

COURT: I think Mr Bizos for later clarity I will put a number on this map where the house is that she indicated or that you ringed on your photograph and the number will be (30) 60.

MR BIZOS:/....

MR BIZOS: Six oh My Lord?

COURT: Six oh, and what was the address number again 12778?

MR BIZOS: 12778 My Lord.

COURT: Just a moment. Yes thank you I have it on my aerial photograph as no. 60 and on the schedule it is also written in as 60, house 12778.

MR BIZOS: As Your Lordship pleases. For the sake of completeness would Your Lordship want to add 61, the bus shelters, that long line to the left of the

COURT: Well if we have 60 we have got everything is it not?(10)

MR BIZOS: As Your Lordship pleases, yes it is clear there.

Is the person who took your statement in court or have you seen him in the vicinity of the court? -- Not now, that person is not here.

Not now? -- Not now yes.

But have you seen him in the vicinity of the Court during the unfortunate delays that there have been, you have been sitting outside here for some time? Have you seen him in the vicinity of the court? -- Yes I have.

Would you be in a position to point him out to us (20) during the course of the adjournment if he again happens to be in the immediate vicinity of the court? -- Yes I will.

Now when you told him that you saw the smoke did you tell him, did he ask you any questions in order to try and place that smoke because we have heard a lot of evidence that there was a lot of smoke in Sebokeng that day? -- No that person did not try and verify which smoke I was talking about except for the Prosecutor who questioned me about that.

But you knew that there was a lot of smoke from all sorts of places that morning? -- Yes I did see a lot of smokes at (30) different points.

At/....

At various directions? -- Yes in various directions.

Did you say this to this person? -- No I did not tell that to him.

Well if you saw many smokes or many places from which smoke came why did you mention only one of them? -- It is because I was trying to explain about what was happening in the vicinity where I was.

You connected the smoke that you saw with the burning of Caesar Motjeane's house? That was the effect of your evidence-in-chief. -- According to my judgment yes, I connected it (10) with the house of Caesar Motjeane.

Yes but now tell me when you were giving evidence on Friday did you know, did you know that your evidence was being led in order to connect the people who were on the march with the death of Caesar Motjeane and the destruction of his property? -- I would not say I knew about that but what I can tell the Court is I was relating to the Court about what I know happened there at the time while I was there, relating that after the people went past then I later saw a smoke at Caesar's place. (20)

But the point that you pointed out today was far away and in the opposite direction of Caesar's house. -- I am not in the position to explain exactly or point at Caesar's residence from the map. Which means it confuses me, but from where I was standing (the witness indicates) Caesar's direction was to the left from where I saw the smoke.

Did you know that the shopping centre and the Administration offices in Zone 11 were burnt on the 3rd? -- I heard about that.

Do you know where they are? -- Up the road along the (30) main road you find another tarred road deviating from the main road, /.....

road, that is in the direction of Houtkop, to your left. Along that tarred road is where you find the Administration Board offices.

The smoke that you saw from the kitchen window was it from the direction of the shopping centre and Administration offices of Zone 11? -- No it was this side of the offices, that is you would reach the smoke first before the offices.

Do you know where Mr Mahlatsi's house is? -- Yes I do.

The smoke that you saw, was that in the direction of Mr Mahlatsi's house, Mahlatsi the Mayor? -- No that is quite (10) far.

I see. Now tell me this did you realise that whilst your statement was being taken that it was being taken in order to ascertain whether you could give any evidence in relation to the circumstances of the death of Caesar Motjeane? -- No I did not realise that.

When did you realise that the evidence that you were giving might have something to do with the circumstances of the death of Caesar Motjeane? -- I only heard from your questions. When you put a question to me which was indicat- (20) ing to me that my evidence was meant to sort of convey a message about my knowledge concerning the death of Caesar Motjeane.

Now the, you told us that you, will you recognise all three people that came to take your statement? -- Yes.

Did you see all three of them in the vicinity of the court? -- Yes the two behind you there were present.

That was....

COURT: The two behind you is Mr Fick ...

MR BIZOS: No there was, in fairness to her My Lord there (30) was a person who has just gone out of court. Could you please point/.....

point out? -- The one on my right as I am standing here was present at that stage.

Yes, that is Captain Botes. Captain Botes and was the other person the tall bearded gentleman? -- He was also present.

I understand My Lord that it is Captain Mynhardt. Why did you not point them out when I first asked you about whether you recognised any of the persons? Two out of the three were in court, why did you not point them out? -- It is because I understood your question to be if the three can be brought (10) or if I could see the three of them am I going to be able to identify the one who did the actual taking of the statement.

Oh I see. So although these two captains were present neither of them actually took your statement? -- No they did not.

The third person did? -- That is so.

Did you, did they administer the oath to you? -- Yes they did that.

And did you swear it to be the truth and the whole truth? -- Yes I did. (20)

Now tell me this you are sure that the people marching, at least one thousand of them turned onto the street that is on the corner, past the Mokoena house? -- Yes they went past there and turned into that street.

And that street is a narrow street and it is not tarred? -- That is so.

COURT: Are you now certain that they went past the Mokoena house? -- Yes they went past.

MR BIZOS: And they turned left, the whole march turned left into this untarred street? -- Yes the whole march went (30) into that street.

The/.....

The whole march? -- Yes all of them.

So you saw the beginning of the march with the placards right to the end of the march, everybody turned left into this narrow street and went up? -- All of them following each other.

So that there was no one who had been on the march left on the tarred main road, they all went on to the side street and disappeared to the left into the houses, and no longer on the tarred road?

COURT: Just a minute, not into the houses.

MR BIZOS: No, no, into the neighbourhood. (10)

COURT: Into a street running amongst the houses.

MR BIZOS: Into a street among the houses, yes. -- All of them went into that street as far as I am concerned because I did not see anyone walking past that corner.

Right. And you had a perfect view of the street to your left? -- Yes through the window.

And if any small or substantial portion continued walking along or marching along the tarred road towards the Post Office you would have seen them? -- Do you mean people walking in the direction of the Post Office? (20)

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Yes. -- Not unless those people or the group which went in the direction of the Post Office did so after the group which had turned into that dirt road, otherwise I would have seen that.

What you are saying is that it may be, well what you say may mean either that there was another march which you did not see or the same march came back onto the main road after it had gone, it had progressed towards the Post Office in the streets among the houses? -- If ever they did go through up to as far as the Post Office then it would mean they must (30) have taken another street in order to join the main road in
the/.....

the direction of the Post Office.

Yes that is what I mean, yes. But now you see taking that left turn into that narrow street was not the road to Houtkop, which I think is what we stopped at on Friday afternoon, it was not the road to Houtkop was it? -- It was not.

Yes. So they were singing one thing but took the wrong turn? They were singing that "We are marching to Houtkop" but they took the wrong turn? -- That is so.

But now you see I want to, you to please explain to His Lordship, do you remember that His Lordship very very care- (10) fully asked you whether it was on the left or the right of the lane, do you recall all those questions that His Lordship asked you? -- Yes I remember that being asked from me and I said it was on the left.

Now I know that you have said on a couple of occasions that my questions you find confusing. Did you have any difficulty in understanding His Lordship's questions through the interpreter? -- If my memory serves me well it took me some time to understand the question from His Lordship and as a result of which the Interpreter took time in explaining to (20) me what is it in fact what the question is before I could answer the question.

And did you answer it only when you understood it? -- Yes only after understanding the question I answered the question.

Do you recall telling His Lordship that the marchers did not go past the Mokoena house you were at? -- I did not say so, I said they passed the house where I was.

Well the record will speak for itself. You see I am going to put to you that during 1985 these two captains and the third person were looking for evidence and that you (30) made yourself a convenient false instrument to that search.

-- That/... .

-- That is not what they said to me.

Let me just ask you this, you were in possession of very important information if your evidence about the events of the 3rd is true. -- Because I was telling about what I know.

Yes. Now was there not a request to you as councillors to tell everything that you knew about the events of the 3rd and to get people to make, to come forward to tell the police what happened on the 3rd in order that when they try and ascertain what the truth is and who is responsible for these deaths and destruction, were you not asked to do that? -- (10)
All we were told was to make statements according to what we know.

No the question was were you not asked to assist by making enquiries, by you yourself telling everything you know and making enquiries that will lead to people coming forward to give evidence? -- To tell the truth is when we made the statements it was with a view that the culprits must be found concerning this issue.

Well if your, and this was the intention in September or October 1984? Long before you made your second statement? (20)
Not so? -- What was the question?

This desire to find out the culprits was there from September, October 1984? -- That is how we wanted it, yes.

Now you knew in September, October, and more particularly when you made your first statement, you knew who organised the march did you not? -- I did not know.

Are you serious? That you had not heard by 1 October who had organised the march that went past your window? --
I had not known yet.

Nobody had told you, you had not seen it in the news- (30)
papers, you had not heard it in any news items on the SABC,
you/.....

you just had no idea who the organiser of the march was? --
We had not known who the organiser of the march was. In fact
after the incidents of the 3rd we will still wanting, trying
to trace and find out who the person is who caused all that.

No, not who caused all that, who was responsible for the
march. -- I do not know who organised that march.

In your second statement was there any reference that a
number of people on this march were carrying vinegar bottles,
paraffin tins, plastic containers, was there any reference in
your second statement to that? Look at His Lordship please (10)
when you answer the questions of the interpreter. Was there
anything in your second statement? -- No I did not make mention
of that in my statement.

When was that bit of evidence invented? -- When I was
making an additional statement for the second time, on being
questioned about what was happening while being at this house.

Well then you are now saying you made a third statement?
-- No, not three statements. In the second one.

I asked you....

COURT: Well the question was in the second statement was (20)
there any reference to bottles and tins and your answer was
no. -- I made mention of those things in my second statement.
If that was my answer to that question then I did not under-
stand the question to have said no.

MR BIZOS: I just want to go to one other matter before I
return to this before the adjournment. Did you go to the
Houtkop offices or to the Administration offices of any area
during the weekend?

COURT: That weekend or this weekend?

MR BIZOS: This weekend My Lord.

(30)

COURT: The weekend that has just ended?

MR BIZOS:/.....

MR BIZOS: That has just ended. -- No I did not.

Are you sure you did not go and look at the Mokoena file? House file? -- No I did not.

Would that not be the best way of checking whether you had made a mistake or not? -- Checking something like what?

Checking for instance whether Mokoena stays at 12778 and what the number was and who the people were, to make sure that your evidence would be correct this morning? -- I think I have already explained to the Court that during those days I stayed with the Mokoena family. So I do not know what is it that (10) I was to go and check from the file.

Tell me do you go to and from the Vaal Triangle with the police every day? -- Not when I came for the first time.

No we are not talking about the first time, that is a long time ago. Since you have been here do you go back and forth with the police? -- From Friday yes. And today.

On Friday did anyone suggest that there is going to be a check whether you were at the number that you had given or not, did anyone mention that? -- I did not discuss that with anybody. (20)

Right. What did you think that these vinegar bottles and paraffin tins contained?-- I did not even think of what could be the contents of those containers.

Come, come. You say that you saw people marching carrying paraffin tins, vinegar bottles and plastic containers and we know that there was a lot of smoke and a lot of destruction. Why do you not take His Lordship into your confidence that when you saw the smoke you thought well these things must have had inflammable materials? -- I would not say that without evidence that it in fact, those things contained a liquid (30) which could have been used for setting alight because already

on/.....

on Friday it was put to me by the defence that it could have contained water which could be used against the teargas fired by the police and therefore I was not prepared to commit myself and say what it contained.

There is a difference between evidence and our thoughts. Let me put to you that if you had seen any of these things with the people marching it would have been one of the first things that you would have mentioned in your statement of 1 October? Because you must have known that if you can catch the people that were in the march, or some of them, you (10) will be able to get information what was in those tins? -- Do I have to answer that one?

If you can.

COURT: Not if you cannot. -- I am not in a position to answer that one.

COURT ADJOURNS UNTIL 14h00.

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COURT RESUMES AT 14h00.

PATRICIA PHOSISI: d.s.s. (Through Interpreter)

FURTHER CROSS-EXAMINATION BY MR BIZOS: Mrs Phosisi I am going to put to you that just as you misled the Court in relation (20) to the route of this march in your evidence-in-chief you misled the Court about what happened in relation to rent from June to August? I expect you to deny that. Is that right, do you deny that? -- I deny that. I am telling the correct version.

Alright. Let us just start with some detail that His Lordship has not yet heard about up to now from other witnesses. Were you present at a meeting on 16 August 1984 which started at 08h00 at which certain councillors, certain officials

COURT: Where was it held? (30)

MR BIZOS: At the Orange-Vaal Administration offices. At which/.....

which certain councillors, the Mayor Mr Mahlatsi, and among the councillors yourself, where four people were called upon to explain their behaviour of the meeting of 5 August? -

COURT: People of, ordinary people not councillors?

MR BIZOS: Not councillors, ordinary voters who were at the meeting of the 5th. Do you recall that meeting? I know that Mr Mahlatsi said that it must be kept a secret but please tell us whether you were there or not? -- I cannot recall that meeting.

Let me try and refresh your memory and please be (10)
bound by your oath to speak the truth and not the instructions of Mr Mahlatsi. Was Rebecca Motlong not one of the persons that appeared before the Mayor and you and a couple of other councillors? Does that remind you of the meeting that I am speaking of? -- Yes I remember that taking place in an office.

Oh good. And were there not three other people that were called up? -- Yes I remember people being there.

And am I correct that Mr Mahlatsi said that the meeting should be kept a secret? -- Yes because it was a matter (20)
concerning the councillors in Sharpeville only.

Well but why should that be kept a secret? What was it that was worrying Mr Mahlatsi? -- Because these people who were invited in this meeting had uttered certain words which were not acceptable towards the councillors.

Yes. Now you see I am going to put to you that what happened at that meeting was typical of what would happen to anyone who raised his voice at a public meeting criticising the councillors. Right now let us just put the setting of this meeting between councillors and residents where every- (30)
body could express their views freely.

COURT:/....

COURT: Are you now talking of the meeting of 16 August?

MR BIZOS: 16 August. Now first of all let us just have a look at the peremptory nature of the notice or summons that was issued against these four persons. Now who issued this notice, please have a look at it? Who issued this notice?

COURT: Is this notice going to be an exhibit?

MR BIZOS: If Your Lordship will receive it.

COURT: It will be AAQ(20).

MR BIZOS: As Your Lordship pleases. Who issued this notice?
-- I do not know who issued the notices because I am seeing(10) them for the first time.

Well it says "For the Chief Director, Orange-Vaal Administration Board" and it is signed on his behalf by the Town Manager, Zone A, Sharpeville? And if the copy is legible it was dated the 14th and it demands the presence of this person on two days hence on the 16th at 8 a.m. Now can you please tell us why an official of the Orange-Vaal Administration Board should issue a notice, a summons if you like, calling upon people to come and explain themselves in relation to their behaviour to councillors, what is it his business? -- I think(20) the councillor involved in that area or the ward is the person who caused the issue of these documents to these people by accusing them.

But now what I want to ask you is this, what authority in August 1984 did an employee of the Orange-Vaal Administration Board, have the, gave him the right to summon a citizen to come in this way in order to explain his behaviour at a public meeting at which councillors spoke? Where does he get the right? -- I will not be in a position to explain as to how that came about that the Administration Board official (30) issued this. All I can tell the Court is I believe that the councillor/.....

councillor in that ward is the person who complained or accused the people of certain things that resulted in the issuing of this document.

You were invited to that meeting and you were present?

-- Yes I was present.

But now did you not as a councillor question a paid official of your Council summoning people like that?

COURT: Just a moment. She said she did not know about this notice.

MR BIZOS: No, well I will change it. Well did you know (10) that such notices were issued to four people before you went to the meeting? -- No I did not know about this. I was only called from work where I was informed that I was wanted at the office.

I see. As a matter of urgency as well? -- That is so.

Now let us just set the scene properly. Do you agree that E.C. Mahlatsi, the Mayor, was there? -- Yes he was.

Councillor Dhlamini? -- Yes he was.

Councillor Rhodesang? -- Yes he was.

Councillor Mofokeng? -- He was present. (20)

Councillor Sekobane? -- They were there.

Councillor Mokhati? -- Yes he was also there.

And Mr Neethling?

COURT: Is it Neethling or Neefeling?

MR BIZOS: N-e-e-f-l-i-n-g is the spelling I have on my instructions My Lord. -- He is the Township Manager, he was present.

And in addition certain other White officials? -- Our Township managers only were the people who were present there.

Well I am going to put to you that there were other (30) White officials and security guards. Do you agree with that?

-- I/....

-- I cannot recall whether the security guards were present.

Do you agree that four people turned up? -- Those who were invited to the meeting?

Order to come to the meeting, yes. -- Yes they were present.

Did those four people have anything in common? -- Do I understand you to be saying they were ordered to this meeting for a common purpose?

Did they have anything in common?

COURT: That is a bit difficult. As far as clothing is concerned, as far as language is concerned, as far as (10) intellect is concerned?

MR BIZOS: As Your Lordship pleases. Did they belong to any organisation that they all four found themselves there? -- I do not know them to be belonging to any organisation. All I can tell this Court is they were members of our party, that is my party.

Yes, and they continued to be members and they did not go over to Mr Mahlatsi? -- Yes the continued being members of that party.

Yes. And just remember that, were they actually put (20) under guard at the Council offices and ordered not to speak to one another? -- I did not notice whether they were under guard there but I did see them sitting outside when I came because on my arrival the discussion was already on, so therefore they would come into the room one by one.

Was Motlongo called in first?

COURT: Who is that?

MR BIZOS: Motlongo.

COURT: Rebecca?

MR BIZOS: Rebecca. -- Yes she was called first. (30)

Is she a resident of the township? Sharpeville? -- Yes that/... ..

that is so.

And she is not a youngster? -- She is not a youngster, middle aged woman.

And did Mayor Mahlatsi address her in the following words: That her behaviour in the hall on 5 August was very bad, he was very disappointed in her? -- Yes that is what she was told.

Yes. And that the disappointment of the Mayor was even greater because he had received a report that Mrs Rebecca Motlongo had actually slapped both Mr Mokhati and Mr Khodesang? -- Just before the meeting was closed, yes. (10)

You see His Lordship has been told so many untruths about this meeting of the 5th so far, if that is correct. Firstly he was told that there was no trouble at all, only innocent questions were asked. Then when that did not come out very well in the wash we put the blame on the youngsters.

COURT: Is that entirely correct? This question of the youngsters came out right at the beginning because I asked the question who were the noisy ones and it was the youngsters.

MR BIZOS: Yes, no I am not saying that she has been inconsistent thusfar. (20)

COURT: No but you say that when this did not come out in the wash.

MR BIZOS: From previous witnesses I meant.

COURT: Oh but she is not concerned with previous witnesses. I think we will leave the washing aside.

MR BIZOS: As Your Lordship pleases. You see now we decided to put it on the youngsters. But anyway let us deal with this meeting first, the meeting of 18, I beg your pardon, the 16th and then we will come back to the meeting of the 5th. Right. And do you recall that Mrs Motlongo, Mrs Rebecca (30)

the/.....

the complaints speak directly, why must I take an accusation from you? -- Yes that is what she said.

Yes, and that she did not want to be put on trial by those who were absent, and more particularly Mr Sekobane? -- Who was not present where, at the meeting?

COURT: You put it to her that Sekobane was at this meeting?

MR BIZOS: Yes but she was not prepared to accept a sentence from him.

COURT: No but now you are putting it to her that she did not want to be put on trial by those who were absent. (10)

MR BIZOS: From the meeting, nor from Mr Sekobane, apparently on other grounds.

COURT: Yes that is not what you put to her. I understood you to say that you are saying now Sekobane was not at the meeting of the 16th.

MR BIZOS: No the way I have it is that she was not prepared to be interrogated by those who were absent and that she was not prepared to be tried or sentenced by Mr Sekobane, that is it. That is what she said. You recall that? -- I remember her saying that but Sekobane was present at this meeting. (20)

And do you recall that Mr Khodesang then took the matter up? And he said that he was very concerned with what had happened at the meeting because Mrs Motlongo had got the people to side against him. -- That is what he said.

Yes. And was that not an admission that the majority of the people at the meeting were against the councillors' proposal for the increase of the rent? -- In fact what caused this problem there was not the question of the rent.

No, why was Mr, or why was any councillor concerned with which way the people felt at the meeting? Mr Khodesang, why (30) was he concerned about the people siding with Mrs Rebecca Motlongo?/....

Motlongo? -- I do not know what the reason was why Khodesang uttered that statement. All I heard in this meeting on the 16th was that Mrs Motlongo was objecting to being controlled by youngsters or boys.

What was her objection to youngsters or boys? -- What she said is "I am not going to be questioned by boys on any issue". The boys referred to at the time was the members of the Council who were present there. And she further added that she knows what was the cause and why was there a problem between herself and the councillor which resulted in her being ordered to be (10) there on the 16th.

Please carry on. Is that all? -- That is all except of course that immediately when she uttered the word of boys, referring to the councillors, she was reprimanded and she was left like that.

Was she at the meeting of the 5th? -- Yes she was.

Did she speak at the meeting of the 5th? -- Yes she had something to say.

Did she say that she was against the rent increase? -- No she only said something which was not pleasing, within the (20) ward where she is, that is pertaining to the councillor of that particular ward.

What did she say? -- She made mention of certain things that were not pleasing to her.

Yes what did she say? -- In fact what she said there she directly accused this councillor.

COURT: Who was the councillor? -- Mr Mokhati. Saying that Mr Mokhati committed a crime of receiving bribes from people or or a particular person which resulted in him, Mr Mokhati, having an old lady evicted from the house in order to allocate the (30) house to the person from whom he, Mokhati, received the bribe.

As/....

As a result of which she was told that whatever grievance you have against your councillor cannot be discussed in this meeting. You will discuss it together with your councillor at your ward, not here. Therefore she was not answered.

Tell me if we accept your version that that is all that she said was this perhaps a meeting on the 5th to, I am sorry on the 16th, to investigate this complaint? Was that the purpose of the meeting? -- In fact that was the purpose of this meeting on the 16th, that the issues which were being mentioned to have taken place on the 5th will have to be (10) discussed in this particular meeting.

No, no, tell me was she perhaps asked at this meeting of the 16th, at which the councillors were present at the Orange-Vaal, was she asked well who did he take this bribe from, how much was it, can we not investigate it? -- It was discussed in fact to the point only up to where another person took over a house. For instance the details that somebody was evicted from the house and then someone else was given the right of occupation of that particular house, which was in fact the complaint from Mrs Motlongo. It was not taken beyond that, (20) that is now to verify the further part of the allegation, that is pertaining to the bribes received by the councillor.

Anyway can you please tell us whether anything was resolved with Mrs Rebecca Motlongo at this meeting? -- Yes there was. For instance she was told that whenever there is something of this nature she knows about she must not just divulge it in the public where everybody will hear about it. She must have a way of drawing the attention of the people concerned, rather than to mention that in an open meeting.

I see. And at what stage did Mr Mahlatsi say to her (30) that this must be kept a secret, that they had this meeting

with/.....

with her? -- Just before she left the meeting, she was told about that.

But why? -- No I do not know why that was done.

Was it perhaps Mr Mahlatsi's view that allegations of corruption must not be made public? -- I do not know.

Do you remember Mrs Rebecca Motlongo saying that once you are telling me that this is a matter between me and Councillor Mokhati, get on with something more constructive in your work, and she left the meeting? -- That is true, that before we came to the final decision about what was being (10) discussed there in her presence she decided she was leaving the meeting, she was fed up and then left the meeting.

Yes, she is not a weak or submissive person, Mrs Motlongo, by the sound of things?

COURT: Not when amongst boys?

MR BIZOS: Is that so? -- That is what she said.

You were present at the meeting of the 5th. Did she in fact slap the two councillors or did she not? -- I did not notice that.

Oh you did not notice that. -- Yes, no I did not at (20) the time of the slapping, really I was not paying attention.

But what caused the meeting to break up? -- Do you mean the meeting on the 5th?

Yes. -- The breaking up of the meeting was as a result of this confusion and misunderstanding, now as to what happened really in that confusion I did not pay any particular attention.

But you will agree that the meeting was broken up before all the councillors spoke? On the 5th? -- According to our programme everybody has had a chance of addressing the meeting and when this confusion started in fact was after the closing (30) prayer meeting that this confusion started.

You/.....

You are sure that the prayer was after this allegation? Before the allegation? -- No first the confusion and then the prayer, the closing prayer.

Was it not intended that you should speak at the meeting of the 5th? -- According to the programme by the councillors there we the present councillors at the time were not in the programme as speakers in that meeting. But the previous councillors, those are the councillors before we became councillors, were the people who were in the programme as speakers. (10)

Did you not want to speak to your ward, or to your ward members? -- I wished to but the way things were arranged there, that is why I could not speak.

Let us come back to the meeting of the 16th at which you were present, presided over by the Mayor. Do you remember a young man Henry Mkoane, being called in front of you? -- Yes I do.

Do you agree that he is a voter? -- Yes.

Right let us see how he was dealt with at this meeting. Do you recall that his father's house file was on the desk?(20) -- Yes I remember all the files were on the desk, not that one only.

That is all the files of the people who had been summoned to come there? -- Yes, all of them.

Why was his father's file on the desk? -- I do not know why his father's file was placed on the desk.

Well I will give you a reason, which came at the end of the meeting with him. That if he continued to agitate against the rental issue and that if he does not obey you, the councillors who are there, his father will be sent back to Thaba(30) Nchu. Do you recall that? -- On arrival at this meeting they had/.. ..

had already finished with him, therefore I was not present.

You are sure about that? -- Yes I am.

I thought you told us that Rebecca was the first to be called in? -- On arrival there Rebecca was already inside the meeting so I was not aware whether this young man is still coming in or he had been in already.

Did you see him there on that day? -- Yes I did.

Where did you see him? -- He was sitting outside.

You knew him well? -- I know him quite well.

Yes do you agree that he is a particularly intelligent(10) and fully literate person? -- Yes he is quite intelligent.

Yes, and he is the person who usually keeps minutes of things? -- That is so.

And I am going to put to you that you were in fact there and right at the beginning he asked for permission to please keep minutes of what the councillors had to say? -- I cannot remember being present there. I cannot recall being involved where he was discussing the issues. It is before I came.

You see I am going to put to you that you said that you were there, you do not recall whether you were there (20) because you do not want to admit this terrible threat that was made by his father's rights to live in an urban area and earn a living? -- No I do not want to commit myself but I cannot recall that being said.

Are you able to deny that this was said in your presence? -- I am not going to deny what was said in my presence.

COURT: No but that this was said in your presence, the this referring to a threat to send him back to Thaba Nchu.

MR BIZOS: To send the father back. -- I cannot remember those words. When I came there he was already outside, they had(30) finished with him.

No/...

No but let me ask you, you were invited to this meeting?

-- Yes I was.

You saw Henry there? -- Yes I saw him outside.

Right. You had been his associate in the party of the poor before? -- That is so.

Well did you either formally or informally ask "What is my erstwhile friend Henry doing here, what is his wrongdoing, what is his transgression, why was he called here"? -- I did not ask that because when I was invited to this meeting I did not even know what was the meeting about. (10)

Well all the more reason why when it finished you should say "You take me away from my work, you call me from a meeting and I see one of my erstwhile friends sitting outside. What was he called here for"? -- It did not occur to me.

Well did you not ask anybody whatsoever why you had been called to this meeting?-- I only heard about the reason on arrival there in the meeting, then therefore I did not question that.

The reason for the meeting was given to you as what? -- It was to reprimand them about what they did on the 5th. (20)

Now what had he done, what was his transgression? -- That is why I say I cannot quite remember what was said about him because on arrival there he had already finished.

But you were at the meeting of the 5th? -- Oh are you asking me about the meeting of the 5th?

No, no, there has been no misunderstanding between us. What transgression to your knowledge had Henry committed at the meeting of the 5th that required him to be brought to the meeting of the 16th? -- What Henry did on the 5th was when the question of rent was made known to the meeting there by Rhodesang and the putting up of structures for industrial sites/... (30)

sites and some other requirements in that area Henry then shouted in response to that to Mr Khodesang. He did not use proper words.

Well you can give us the effect or the improper words, whichever you please, let us hear it. -- He shouted that "Look we do not want to hear a thing about what you are announcing to us in this meeting. We are not interested because all what you are talking about is meant for you people as councillors. You want to fatten your pockets with our moneys just because you are councillors. Even those sites you are talking about, (10) industrial sites, are meant for you councillors and not the community. You are just making it convenient for yourselves to acquire those businesses." That is all I can remember so far.

Did young Henry make it quite clear that he was against the rent increases? -- Very much so, yes.

Why did you assure His Lordship on Friday that the only people who were against the rent increase were unknown youngsters who were not ratepayers? -- I said that because Henry at the time was not the tenant of that house, nor (20) was he a ratepayer of that house. He was still a scholar.

You are sure he was still at school? -- Yes he was at school.

Tell me did Henry, who I understand is in his middle twenties, did he have other friends from the party of the poor giving him a "Hoor hoor" or an "Amandla" or anything like that? -- Yes there were some of the youth in his age who applauded him by making different sounds of noises in what he was saying, that is a sign of supporting what he Henry was saying. More especially the girls. (30)

He must be a popular young man.

COURT:/....

COURT: Yes. Can we continue on Henry's popularity tomorrow morning.

MR BIZOS: As the Court pleases.

COURT ADJOURNS UNTIL 25 MARCH 1986.

DELMAS TREASON TRIAL 1985-1989

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