

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

I 1.3 Vol. 20 Pg. 885 - 952

SAAKNOMMER: CC 482/85

DELMAS

1986-02-10

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. JACO

ADV. P. FICK

ADV. W. HANEKO

20

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 20 (IN CAMERA GETUIE)

(Bladsye 885 - 952)

COURT RESUMES ON 10 FEBRUARY 1986.

ABRAM SEKGOTO: d.s.s. (Through Interpreter - In Camera)

FURTHER CROSS-EXAMINATION BY MR BIZOS: Now you will recall that you told us that one of the speakers was Mr Elliot Shabangu at the meeting of the formation of the Vaal Civic Association?

COURT: That would be now the meeting on 9 October 1983?

MR BIZOS: That is so. -- That is so.

Right. I want to remind you of a couple of the things that Mr Shabangu said. Would you agree that he spoke for about twenty minutes to half an hour? -- I cannot remember (10) how long he took in his address.

You would not be able to deny that that is how long? -- I am not able to deny it or admit that.

Yes. Now you have already told us that he is an elderly gentleman? -- That is so.

I want you to think carefully and try and remember whether he spoke on what I may call an historical approach, he spoke about history, about events of the past? -- That is so.

Yes, I think that you have already agreed, or could not remember that he spoke about councils being all the way (20) back from 1923? -- Yes.

And then also do you recall that he recalled the efforts of the local people of the Vaal Triangle to improve their position way back in the 50's and more particularly 56? -- Yes he said something to that effect.

To that effect. And let me remind you what he said about it. He said that the impression must not be created that he and his colleagues from Soweto had come there in the capacity of teachers, in this context that the most successful residents campaign in Johannesburg was the bus boycott in (30) Alexandra in 1957. Do you recall that? -- I cannot recall

that/.....

that he made mention of Alexandra.

Or bus boycott in Johannesburg? -- All I can remember of buses is when he was talking about Azikwela(?) in Evaton. That I remember him mentioning.

But the slogan Azikwela means "we shall not ride"? -- That is so.

That that was really started as a slogan in Evaton in 1956? -- That is so.

And it was a slogan which really the people of the Vaal Triangle had taught the people of Johannesburg? -- I am not (10) in a position to confirm that, whether Vaal people taught the people in Johannesburg.

And I want to suggest to you that the essence of his speech was that the people in the Vaal had in the past shown the way in redressing residents' grievances? -- Just repeat that.

Yes, the essence of his speech was that the people of the Vaal Triangle had in the past shown the way how attempts should be made to redress the grievances of the residents? -- That is true. (20)

Yes. And, in what language did Mr Shabangu speak? -- He was mixing English with Zulu.

You are sure you are not mistaken about that? -- He mostly spoke in Zulu. Here and there he would use English.

Well I am going to put to you that he actually spoke what he describes "typical Southern Sotho". Are you in a position to deny that? -- No I do not want to bind myself on that.

Yes. So if you cannot remember what language he spoke in you can hardly, you will hardly be able to give His Lordship in any sort of accurate fashion precisely what he said (30) about any particular subject matter? -- Though I am not going

to/.....

to be able to quote him exactly, his words what he used, there are those that he used in saying something or expressing a view, but I will be in a position to tell the Court what this man was saying, in my own words now what this man was saying on a certain point.

Yes. Well I am going to put it to you directly that Mr Shabangu will deny that he made mention of the word "revolution". -- He used this.

But you see there is also another difficulty, that if he did use the word "revolution" could you explain how he or (10) the audience could have understood or thought that by not taking part in the elections, sorry, no let me use your own words. What did he mean if they elected the councillors they would help the revolution? What does that mean? How did you understand that? -- The subject there was about boycotting the elections and his words then were that if the councillors are elected then it would mean we are helping the revolution, in this sense that the people who are against the idea of electing the councillors will then revolt against the people who will have taken part in the election of the councillors. That (20) is what he meant by saying we will be assisting the revolution

Do I understand you correctly that you understood him to say that if some people elected the councillors and others did not there would be disunity in the Black community? -- Yes what he meant is there was not going to be a unity amongst the community of the Vaal Triangle as a whole. Because that would mean that the people who are against the elections will then sort of revolt against those that took part in the elections.

And Mr Shabangu wanted that to be avoided? -- Yes, in fact his suggestion was that the elections are to be totally (30) boycotted in order not to have that kind of a friction.

Yes./.....

Yes. I am sure that Mr Shabangu will agree that he said words to that effect but if he used the word "revolution" at all, which he denies, that is the way in which you and the audience understood it? -- I quite remember him using the word "revolution".

Right. And was it clear to you and the audience as a result of Mr Shabangu's words that he wanted unity and peace in the Black community? -- That is how I got the message from what he was saying. I am not going to commit myself on behalf of the other people. (10)

Yes. Right. Now can you recall whether he used the words, I will try and pronounce it and I will spell it, bon-skhetheng, b-o-n-s-k-h-e-t-h-e-n-g.

COURT: B-o-n-s-k-h-e-t-h?

MR BIZOS: E-n-g. Do you remember him using that word in his speech? -- If you could just go further than that and then use the word in Sotho there which I pronounce as bonskhetheng, then just go further than that then I will remember exactly in what context was it used.

No the question is whether you know the meaning of the (20) word? -- I know the meaning of that word. If it was used by him I cannot remember in what portion or at what stage in his speech did he use that word.

Alright, what is the meaning of the word according to you? -- It means the candidate of the elections.

Well that is maybe one meaning, is there not another meaning of a position seeker? -- In the Sotho language that we commonly use I know bonskhetheng to mean candidates.

You see because he will say that in relation to the councillors what he called them in his own meaning bonskhe-(30) theng, that is that they were position seekers with a, in an

uncomplimentary/....

uncomplimentary sense, that they are really seeking positions for themselves? -- In his Sotho if that is what he says he used that word to mean what he is saying now. I know this word to mean what I have just told the Court.

And do you recall that he compared them to Advisory Board members? -- Yes I do.

And that they would not act for the benefit of the people? -- That is so.

And that they would be no different to the Blockmen of the early days, the trustees of the 30's or the Advisory Board (10) members of the 40's? -- That is so.

Yes. And you will of course agree that as soon as he finished his speech he gave the Amandla sign and he was applauded? -- That is so.

And all of you, including yourself, responded to it? -- That is so.

COURT: Could I just get clarity on the sign. Is the fist always raised in conjunction with the words "Amandla Awetu" or are the words "Amandla Awetu" sometimes shouted or said without the fist being raised or the fist being raised without the (20) words being shouted? -- All the time those words, that is the slogan, will go with the fist being raised.

So whenever one says he gave the Amandla sign it means the shout was given and the fist was raised? -- That is so.

Well Mr Bizos shall we use it in that sense in future?

MR BIZOS: Yes in future, yes it is, well our instructions are as I put it on Friday that it is almost a universal rule at these meetings, for speakers to start and finish off in this way. Now I am going to come back as to who was at this meeting among the accused and you then said that accused no. 13(30) was there? -- That is what I said.

And/.....

And that he spoke, and you say that he spoke, he was there and that he spoke? -- That is so.

Well I am going to put to you that that did not happen at this meeting. I am only putting to you this fact at this stage so that we can go in the order in which you gave your evidence but we will come back to

COURT: Now you are putting he was not there?

MR BIZOS: And did not speak.

COURT: Well he could not have spoken if he was not there.

MR BIZOS: Yes that is so, he was not there. I just want (10) to get absolute clarity, and it is possible with this that, I have a distinct note to this effect but I want to avoid any misunderstanding. He was not there. Now let us deal with Dr Motlana. Do you agree that Dr Motlana came in as Mr Shabangu was finishing his speech? -- I do not understand that, what do you mean by saying Dr Motlana came at the time when Shabangu was finishing of the speech.

Came to the meeting at the time that Mr Shabangu was finishing off? -- All I remember is that Dr Motlana was present at this meeting. I ... (20)

But you do not remember, sorry did you want to finish? I do not want to interrupt you. -- My evidence on that point is during the time when Shabangu was making a speech or addressing the audience there Dr Motlana was present. It may be that he was not inside but just outside at the door but he was there during the speech or address by Shabangu.

I see. And did he speak immediately after Mr Shabangu? -- He only addressed the meeting after the interim committee was elected.

Well I am going to put to you that you are completely (30) wrong about that, that the election of the committee came at the/.....

the end and that ... -- No I am not making a mistake.

And that he spoke after Mr Shabangu, and after Mr Curtis Nkondo but long before the elections took place? -- After who, I beg your pardon?

Curtis Nkondo, after Mr Shabangu ... -- Mr Shabangu, Curtis Nkondo and then?

And then Dr Motlana. -- I will not remember, as I said, the sequence of their addressing the audience there but what I can tell the Court is it was after the election of the interim committee that Dr Motlana addressed the audience. (10) I can even quote in short some of the words he used. His words were to this effect that we as the new committee in the Civic will be able to associate with the old standing committees in the vicinity to educate ourselves.

Well is that the only basis upon which you base your memory of this? -- I am trying to support my statement in saying that he only had to address the meeting after our election, that is why he had to make those remarks because the committee was already there.

Yes but it could have been that he would have known (20) that the purpose of the meeting was to elect a committee?

COURT: Well now we are arguing Mr Bizos and the witness remembers that he spoke after the election and your point is it was before.

MR BIZOS: I will leave it at that. Now I want to put to you some of the things that Dr Motlana said. Firstly was he well known as a leading doctor in Soweto? -- He was known to quite a number of people because of his having appeared on the TV screens at times reading from papers, about seeing him in papers. Though the most of the people were seeing him for (30) the first time at his face value.

Yes, /.....

Yes, and did you also start by giving the Amandla sign?

-- Who is that.

Did you also start by giving the Amandla sign? -- Mlotana?

Dr Mlotana. -- That is what he did.

Yes. Now let us see if you can remember some of the things he said. Did he say that he was happy to see so many people there at the meeting and more particularly the elderly people of the Vaal Triangle? -- Yes he did say that.

Would you agree that he spoke for approximately half an hour to forty minutes? -- Unfortunately I did not check on (10) the duration as to how long does a person take in addressing.

And did he say that the grievances of the people of the Vaal cannot be very different to the grievances of the people of Soweto? -- Yes he did make mention of such words.

And did he trace the history of the formation of the Soweto Committee of Ten as a civic association in Soweto? -- Yes he said that.

And did he mention the problems that they had in trying to improve the lot of the people in Soweto? -- Just repeat that, I do not understand that one. (20)

I had better use the same words. Did he mention the problems that they had in trying to find solutions to the problems of the people in Soweto? -- What I remember him saying about problems is that they had some problems which resulted in them forming their committee to face those problems.

Yes. Just by the way we are told that there was a public address system but you might remember that Mr Nkondo who has a particularly strong voice refused to use it because he feels he comes across better in the natural voice. Do you recall that? It is not an important point but just to put the (30) record straight. -- I cannot remember seeing any public address there./.....

there.

Yes. It is possible that you are confusing it with another meeting where there was not a public address system? -- It is not that I am confusing the meetings, that cannot happen that I am confusing meetings. What I am saying is I cannot remember seeing a public addresser.

Yes. Do you recall the language that Dr Motlana spoke in? -- He spoke Tswana and English.

Was his Tswana speech translated by anyone? -- No it was not, there was no interpreter there. (10)

And do you recall that he too expressed negative views about the community council system that was coming into being? -- That is so.

Yes. And just for the sake of completeness did he finish off with not Amandla Awetu this time but with its equivalent in Tswana?

COURT: What is the equivalent in Tswana?

MR BIZOS: Matla.

COURT: Matla.

MR BIZOS: M-a-t-l-a. And the response Ke arona, two words, (20) K-e a-r-o-n-a. -- That is so.

And again the audience as a whole, including the elderly residents there, responded to Dr Motlana's greeting? -- That is so.

And was the next speaker Mr Curtis Nkondo? -- I remember Nkondo addressing the audience there. After Nkondo addressed the audience that I cannot tell.

Right. Do you recall what language he spoke in? -- In English.

Do you recall whether his speech was translated? (30) Well I will assist you, do you recall that the Reverend Lethale

L-e-t-h-a-l-e/....

L-e-t-h-a-l-e, translated Dr Motlana's speech.

COURT: Nkondo's speech.

MR BIZOS: I beg your pardon Mr Nkondo's speech.

COURT: Now from what language to what language?

MR BIZOS: From English to Southern Sotho.

COURT: To Southern Sotho.

MR BIZOS: Do you recall that? -- That I cannot remember. I do not want to bind myself about that, I cannot remember whether there was an interpreter or not.

I do not know whether we have on record which is the (10) language of your choice, what language are you speaking? -- Sotho.

Do you recall that he too, although he may have spoken in English, shouted "Amandla"? -- As it was just what is happening there and people used to do that and I would take it it was the procedure that whoever was standing up to address there would shout "Amandla".

Yes. And

COURT: Could I just get clarity on this "Amandla" again. Is it only at political meetings where this is shouted and the (20) sign given or can one for example expect it to be given at a church meeting or at a school committee meeting or that type of meeting? -- I have not come across that sign at a school meeting or church meeting. I only know it to be in existence with the political meetings only.

And that sign, if it is only at political meetings is it only given at political meetings of certain groups or is it given at political meetings of all groups in the Black community? -- I am not in a position to tell the Court as to whether all the organisations or all the people concerned (30) with politics are using that slogan or not. For instance the Councillors/....

Councillors are also in the political field. Now I do not know whether they also use that slogan in their meetings or not and therefore I am not going to commit myself and say they do or they do not.

MR BIZOS: Let us just get a couple of the organisations. Do civic organisations use it, residents' organisations?

COURT: That is now at public meetings?

MR BIZOS: At public meetings. -- We were using it at that Vaal Civic Association.

Have you ever been to any meetings of the Soweto Civic(10) Association? -- No I have not been there.

Now, and if I were to put to you that a body such as Inkatha uses Amandla Awetu will you be able to admit or deny it? -- I am not in a position to deny or admit that because I have never attended any Inkatha meeting.

And may I suggest to you that amongst politically aware people the, it has become almost a word of greeting to encourage people to carry on with what they are doing even though it may not be a political act?

COURT: That is a very wide question Mr Bizos because (20) political people may include Whites, Indians, Coloureds, Blacks and then Blacks of all sorts of political shades.

MR BIZOS: Political persuasion. I will limit it My Lord. Do people in the circles that you move in, if you were, if you had a particularly difficult job to do would they from time to time say "Amandla"? -- No.

Now I want to summarise what Mr Curtis Nkondo said. Did he speak mainly about education? -- That is so.

Of course you knew, did you know Mr Nkondo by reputation? -- That is so. (30)

Had he been President of AZAPO? -- That is so.

And/.....

And had he been deposed as a result of his disagreement with AZAPO as then constituted over his attitude to the non-racial nature of AZAPO that he wanted to see? -- That is so.

And

COURT: Now could I just get clarity there. Was the position that AZAPO as constituted was for Blacks only and Mr Nkondo wanted to include other people? -- Yes from reading and how I know the whole thing Nkondo wanted AZAPO to include whites as well.

MR BIZOS: Just for clarity sake originally, not necessarily (10) as members but he did not want it to be an exclusive organisation not co-operating with Whites? -- Yes he was right on that. Yes I quite agree with the question, that is in fact what was happening.

Yes. And does Mr Nkondo, well do members of AZAPO consider Mr Nkondo as a person who quit or left them in the lurch as it were? -- I do not know what their feelings are towards that.

Right. And did you know that Mr Nkondo is the head of an organisation called The National Education Union of (20) South Africa? -- Yes that is so.

Its acronym is NEUSA. And was he considered, before he left teaching, a leading educationist? -- I do not know how people considered him.

Yes. Do you recall that he called upon the teachers present to join his organisation? -- I cannot remember him saying that. All I can remember him saying was about the formation of the SRC's at schools.

Yes. And did he articulate the pupils grievances? -- Yes he did make mention of something about the children (30) or the people's grievances.

Yes./.....

Yes. Now can you, if you cannot recall whether or not there was an interpreter you will hardly be able to tell us what precise words he used in relation to any particular subject matter? -- Although I may not remember his exact words on a certain subject or may not remember what he was saying exactly about that but the theme of his speech, that I remember.

The theme, but not any of his precise words? -- Not all of his precise words am I going to be able to remember.

Yes, and in relation to the Council system that was a (10) topical issue at the time did he agree that people should not participate in their election? -- That is so, he said people must not bind themselves in electing the councillors.

Yes. And that the system should be rejected? -- That is true.

And that the way to reject the system is by not voting for it? -- That is so.

You do not remember him saying anything else or using any other words in relation to councillors? -- He used the words "puppets". (20)

Yes. -- That they were puppets.

Anything else? -- Then thereafter I remember him making mention or addressing the audience about education.

Yes, nothing else about councillors? -- As I have already said in my evidence I cannot remember all the words exactly, that is the words used by him.

Thank you. Do you recall whether a Mrs Mosieleng, I will spell it, M-o-s-i-e-l-e-n-g. -- No I cannot recall that.

Can you recall whether a Mr Kabi spoke, K-a-b-i? -- Yes I do remember that. (30)

Well if I were to put to you that Mrs Mosieleng spoke and spoke/.....

spoke in favour of the formation of a civic association for the Vaal complex in order to represent them, in order that they may be represented in their local affairs and to remedy their grievances you will not be able to deny it? -- I am not able to dispute that nor am I in a position to agree with that.

Right. Now you told us that you do recall Mr Kabi speaking but do you recall that he was introduced as the Chairman of the Evaton Ratepayers Association? -- That is so.

Do you know when the Evaton Ratepayers Association had been formed, whether it was a long time before or whether it had (10) mushroomed very recently? -- I do not know when it was started.

Yes. Do you recall that he spoke in favour of the motion for the formation of the VCA? -- That is true.

He spoke in favour of uniting with the people, the other people in the Vaal Triangle to oppose the Government's plans to take away the freehold rights of the people in Evaton? -- That is so.

Spoke of the hope that the rest of the people in the Triangle would assist the people of Evaton to protect their freehold rights by approaching the courts? -- That is so. (20)

And did he give a short history of the legal battles that the people of Evaton had waged in the courts, some of which they had won and some of which they had lost? -- Yes that is so.

But that the legal battles had to a very large extent succeeded in saving the property of many? -- That is true.

And did he appeal to the people to explore ways and means of trying to enforce their rights by approaching the courts? -- That is true.

Yes. And do you then recall that there was another (30) speaker at the meeting, a Mr Mofokeng. I will give you one other/....

other bit of detail which may help you to remember him or identify him. He had been a councillor in Zone 11 before.

-- I quite remember him.

You quite remember him yes. And did he speak of his frustrations and experiences as a councillor? -- That is so.

And did he give, did he speak of the corrupt ways of some of his fellow councillors? -- Yes I remember him saying that they were not doing things according to their decisions there or they would not decide in anything, they were just order takers. They were being told or directed by Mr Kans(?) as (10) to what to do and what not to do. He then further said as a result of his objections he was removed. That is what I remember about him.

And did he give two specific examples that good and charitable people had formed, had made funds available for blankets to be bought for the poor but they were not distributed to the poor or those who had the greatest need but to their friends who voted for them? -- I cannot remember that one.

Can you remember that he said that each councillor had the, used to collect sufficient meat and liquor at any time (20) from the council headquarters at Houtkop for his own use?

-- No.

You cannot remember? -- No I hear that one for the first time.

Very well. And did he also urge residents not to participate in this election for councillors because they were order takers? -- That is so.

Yes, and there was yet another speaker, a Mr Sekwatha, S-e-k-w-a-t-h-a, and I will give you a little detail. He was a member of the Evaton Community Council. Do you recall (30) him? -- No.

You/....

You do not recall him. Well I am going to, there is no point in giving you the details but I am going to suggest to you that he spoke along a similar vein in relation to the unsatisfactory work done by councillors, the exorbitant rates and suggested also non-participation. You do not recall that? -- As I cannot even remember that person therefore I cannot remember anything that person has said.

Yes. There is apparently just one detail that I must correct. He is presently a councillor in Evaton. We are not sure that he was at the time. (10)

COURT: You say this gentleman spoke for non-participation?

MR BIZOS: Non-participation, but apparently he has since participated, this is the note that I have. -- He was misleading us.

Yes. It is not unknown among politicians, if Your Lordship will allow me to comment.

COURT: I have no knowledge of politicians. Will you go ahead with your next question.

MR BIZOS: Yes, judicial ignorance is great protection My Lord. Do you recall that Mr N-k-u-t-h-a, Nkutha, spoke? (20)
-- No that I cannot remember.

Well I will tell you what is significant about him. He appeared to be under the influence of liquor. Do you recall that? -- I do remember of a drunkard who was there.

COURT: That spoke or was just there? -- He wanted to address the meeting but the people just did not want to give him that opportunity of addressing the meeting because of his condition, that he was drunk.

MR BIZOS: Yes, and you recall that Mrs Nkutha was really the heroine of the meeting because she removed him? -- Well (30)
that I will not know who took him out.

Yes./....

Yes. And do you recall that the next speaker was Father Moselane, accused no. 3 himself? -- Yes he did speak.

Do you recall that he was actually invited to speak by the Chairman? -- That is true.

Because of his prominent position as a religious leader he was recognised by Lord McCamel, who is himself a prominent religious leader. -- As to the reason why he was invited to come and address the meeting I would not know that, but what I can say is that I remember him being invited by the Chairman to come and address the meeting. (10)

Yes. Now just for the sake of completeness let us see if you remember what Father Moselane said. He spoke in support of the formation of the civic association? -- That is so.

And wished those present success in their endeavours to form a civic association? -- That is true.

Yes, and perhaps you will just remember one other detail. Do you recall that he commented on the fact that churches had to be used for meetings but appealed to people to please show proper respect for the sanctity of the church premises by not smoking during meetings held there? -- Yes I remember that. (20)

But now you see, before we go any further to what happened, if anyone were to suggest that this was a meeting at which only outsiders took part that would be quite wrong would it not? -- That is true, it was not only outsiders there.

Yes. And then I am going to ask you whether the Chairman called for motions and for resolutions? -- Yes. That is what the Chairman said.

COURT: How does this calling for resolutions work in these meetings? Does the Chairman call for resolutions on the basis that anybody can get up and propose a resolution, which is (30) then seconded and debated or is there normally one person who has/.....

has a list of resolutions which he reads out and which the meeting then approves? How does it work, let us start with this meeting. -- What happened in my presence is the Chairman asked from the audience that the audience must now give resolutions to whatever was discussed there. At that stage I left the meeting, that is leaving the room in which the meeting was held, to the toilet. On my return I found that Thabiso Ratsomo was busy reading from a paper, that is reading resolutions from the piece of paper and I cannot remember them being debated, they were just accepted as they were. (10)

MR BIZOS: Now let me just put to you what the answer to His Lordship's question is as a whole, that the Action Committee that had called the meeting had certain resolutions and in addition people from the floor responded by sending up pieces of paper to the Chairman. So really the answer is both things happened: -- About sending of pieces of papers to the Chairman from the floor, that I cannot dispute or cannot say I agree with that. Maybe during my absence when I had gone out that transpired, I am not aware.

Because you see that as soon as the speakers had (20) finished Edith Lethlaka, from the floor, proposed the formation of a civic association for the Vaal and she made a speech to the effect that it had become clear from the numerous speaker's speeches that there was a need for a civic association and that the meeting should agree to form what she called a fully fledged civic body. Do you recall that happening? -- No I do not want to bind myself about Edith Lethlaka addressing the meeting there.

Is it possible that it happened whilst you were out? -- Well it is possible that during my absence, when I was out, (30) she may have addressed the meeting in that fashion.

Yes./.....

Yes. And that whilst she was busy speaking people were handing pieces of paper to accused no. 22 on which resolutions were proposed? -- That is why I say it may have happened during my absence, when I was outside.

Yes. Do you recall that an ex-councillor Mofokeng or Mokoena ...

COURT: Or Mokoena?

MR BIZOS: Or Mokoena, the accused cannot ...

COURT: His name is either Mofokeng or he is Mokoena?

MR BIZOS: They cannot, Mofokeng is the first choice but (10) there was disagreement as to whether it was Mofokeng or Mokoena, that he proposed that the Vaal Civic Association should affiliate to the UDF? -- The only Mofokeng I can remember who was an ex-councillor he is the one we have already referred to earlier.

Do you recall him moving this motion? -- It is not a question of me recalling that or not. He just never uttered those words or suggested that we join, or that the VCA join UDF. The only person who made mention of that, that the VCA must affiliate with UDF, was Dr Motlana. (20)

Yes, this may have been during the speeches. We are not talking about the speeches, we are talking about the time of taking of resolutions. -- If that is the period we are talking about at that stage when pieces of paper were written, I am not going to involve myself in those things of writing paper.

Do you recall whether the same Mofokeng, I am instructed that it was the same man that we referred to earlier, do you recall whether he said that the best was to secure that the Vaal Civic Association does not become like a Community Council would be to affiliate with the UDF? -- I have (30) already told His Lordship that if ever he made mention of that/.....

that then it will be that it was written in the piece of paper, as it was suggested that people wrote some papers, but otherwise at the time of his addressing the audience there in my presence it is not a question of remembering. He never made mention of that.

Then did we, were numerous resolutions discussed? -- All I know about the resolutions is that they were read by Thabiso Ratsomo.

COURT: What is his number?

MR BIZOS: 22 My Lord, the last person, the young man. -- Yes (10) no. 22. And they were just read by him and accepted that way.

And they were accepted, right. Then we come to the election, to the election of office bearers. You recall that, were you there for that? -- Yes I was.

Now let us see if you can remember. Do you remember that there were no less than three nominations for the position of Chairman? -- Those that I remember were not more than three.

Yes. Well let me remind you that there were three candidates for the position of Chairman, Lord McCamel, Mr (20) Ramodibe and Mr Esau Raditsela. -- That is true.

Those three. And was there a proper election by the people there present? -- That is true.

And was Lord McCamel elected Chairman? -- That is so.

Now perhaps you should tell His Lordship a couple of things about Lord McCamel. I think you have already given it but what is the name of his church? -- I do not know what the name of his church is, it is one of those names that I cannot get used to.

Yes is it one of the independent African churches? (30)
-- That is so.

Generally/.....

Generally referred to as the AME, African Methodist Episcopal Church? -- No.

It is not? -- No. No, no, that is not so.

Is that your church? -- That is my church yes.

Yes. Perhaps there is some confusion. Is Lord McCamel's church, has Lord McCamel's church a large following in the Vaal Triangle? -- Well I do not have that evidence.

Do you know the church building, is it reputed to be the largest in the Evaton complex, in the Triangle complex?

-- Yes I know the building. (10)

Is it one of the biggest, if not the biggest? -- That is the biggest church building in the whole Vaal Triangle.

And does he enjoy tremendous local support? -- In respect of his church or in what sense?

In the community as well, not only among members of his church? -- Well I will say he is in fact being favoured by quite a number of people.

Yes. And other than his church involvement do you know him to have been interested in any political organisation?

-- Not at all, I do not know him as a person who in fact (20) was in favour of politicians, or who was involved in any kind of politics.

And you yourself were involved in politics. If he was involved in any local or national politicians you would have known about it? -- I may have known that.

Yes. And certainly if he was any sort of high profile politician you would have known about it, living in the community? -- That is so.

Yes. I am sorry for the mistake about the name of the church, it is apparently known, it is a completely independent church, the Father McCamel Temple but it is associated (30)

in/.....

in some way with the African Methodist Episcopal Church. It may be an offshoot. -- They are the people who split from the AME church to form this one.

And despite his lack of any, despite your lack of any knowledge of his involvement in any political organisations he nevertheless used the Amandla sign? -- That is so.

Right. In order to save time I am not going to go through the whole election procedure but let me see if we can agree on a general statement in order to save time. That there was keen competition in order to become office bearers(10) of the Vaal Civic Association? In the sense that more than one candidate was available, made himself available in order to be elected to the other positions? -- That is true.

C62 Yes. And proper elections were held by the names of the favourite candidate being written on pieces of paper for each one of the positions? -- Yes in the beginning that was the procedure but it ended up with people now having to raise their hands. For instance say somebody's name was being called and said now people voting for so and so then they would raise their hands and then count the number of the people in order(20) to check who has got more votes.

Yes, are we saying that people became tired of the slow and cumbersome procedure of the secret ballot and it was then towards the end by a show of hands? -- That is so.

And would it be correct to say that the only area that was not really well represented at that meeting was Sharpeville? -- That is so.

Now you yourself did not live in Sharpeville? -- During the time of the elections I had long left Sharpeville.

And did Mr Boykie Moshe draw attention to the fact (30) that you were there, that you were there and that you should

fill in the position until such time as the people of Sharpeville had a meeting and appointed their own area representative?

-- That is not so.

Well how did you come to be appointed a zone representative for an area for which you were not even living in?

-- What happened is this, while this was being done, that is the voting and people were being told what name and area he is two ladies were seated not far from me and then a certain lady who was at the time not known to me, who is now known to me as Tebogo Mosieleng then asked what my name was. It was (10) Tebogo and Dorcas Raditsela, they both wanted to know what my name is. I told them what my name is. When they came to ask about the area referred to here as to who can represent those people then these two shouted my name first. That is how I came to be elected as a representative of that area.

Well did you not say "But I am not living in that area"?

-- I did try and tell these two ladies which had suggested my name to be elected that I am no longer staying there or I am not staying there and they just did not accept that. Within myself not uttering that orally I just said well they will (20) see to finish.

Well would you agree that your position there was in fact a temporary one until the people of Sharpeville had appointed a proper representative? -- As far as I know no such words were said to me that I was there for temporary and therefore I knew myself to have been elected for Sharpeville area.

When there were no Sharpeville people there? -- I would not say whether they were there or not.

And would you agree that there was a suggestion that the area representatives were going to be interim representa- (30) tives, they had to go back and hold meetings in their area?

-- Yes/.....

-- Yes that is so.

And form area committees? -- That is so.

And the area committee would then decide who its representative was going to be on the civic association? -- That is so.

Right. Did you as the elected representatives carry that out, elected representative carry that out? -- Unfortunately not.

Yes. Do you know whether in fact every other zone did?

-- I know only about Zone 7. (10)

Was that done? -- Yes there was an action committee.

Which was formed into a zone committee? -- That is so.

And a representative then sent to the civic association?

-- At the time of the election of this zonal committee it was not said there in the meeting that from this committee then we are going to have a representative to VCA, although we knew that that was going to be the position.

Now would you agree that the meeting was called together with the widest possible publicity having been given to those interested to come? -- (20)

COURT: Is this now the Zone Committee meeting or the general meeting?

MR BIZOS: I am sorry My Lord, I should have made it clear. The

COURT: The VCA meeting.

MR BIZOS: The inaugural VCA meeting. -- That is so.

Do you recall that there was publicity in The Sowetan that it would take place? -- No that I do not know, whether there was anything in the Sowetan because in fact I do not favour The Sowetan paper. (30)

You do not favour it. One of your democratic

COURT: /.....

COURT: I hope you are not going to take him up on that.

MR BIZOS: No My Lord.

COURT: Well let us get on with the next question.

MR BIZOS: Were there posters in the various zones advertising the meeting? -- That is so.

And were there pamphlets calling the people to the meeting?
-- Yes there were pamphlets as well.

And would it be correct to say that this church converted into a hall seats about 1000 people? -- Even more, I am not quite certain. (10)

And it was not only packed to capacity seated but it was also packed to capacity with standing room, no standing room being available? -- That is so.

Right. Now do you recall that there were posters advertising the meeting outside? -- That is so.

And besides the posters advertising the meeting do you agree that there were no other posters at that meeting? -- Yes that is true.

Yes.

COURT: Do you draw a distinction between a poster and a placard? (20)

MR BIZOS: No My Lord, perhaps, were there any other placards other than placards calling the meeting to come together?
-- No I have already explained that the only placards which were there were those which were informing people about the meeting to be held in connection with the formation of the Vaal Civic Association.

And there were no posters or placards inside the hall?
-- There were in the church as well, in the building.

What, calling for the meeting? -- With almost the same thing which was being advertised outside. (30)

Yes./.....

Yes. Calling for the meeting. -- That is so.

Yes. And would you agree that with the exception of a couple of people, that you could sort of count on your two hands, wearing COSAS and RMC T-shirts, there was no presence of any T-shirt wearing? -- There were people clad in UDF T-shirts.

How many would you say of the thousand, fifteen hundred that were there? -- I do not know them in a number but they were present. The reason why I do not know is because I did not take it up to count as to one, two up to how many people (10) were there.

Well would you say that there was just a small sprinkling or would you say that there was a predominance of UDF shirts being worn? -- Not to say it was predominantly UDF people with shirts there but I would say it was just a good number of people there.

Now the, were there people hanging onto the windows in order to hear what was going on inside? -- That is so.

Yes. And was outside the hall was there a police presence? -- I did see quite a few vehicles from the police. (20)

Yes. I am going onto a new topic My Lord.

COURT ADJOURNS FOR TEA. COURT RESUMES.

ABRAM SEKGOTO: d.s.s. (Through Interpreter - In Camera)

FURTHER CROSS-EXAMINATION BY MR BIZOS: I want to remind you of what you said in your evidence-in-chief in relation to what was said by Dr Motlana and the UDF. I have a note that you said that Dr Motlana said "When we had progressed we should affiliate with the UDF". -- I did not say when we have progressed.

I am going to put to you that your memory is not (30) serving you well because you did say it, and furthermore it

accords with Dr Motlana's recollection, having said something to that effect and, let me put it to you for the sake of completeness, it accords with the view of the Action Committee that had called the meeting that the affiliation or non-affiliation to the UDF was something that ought to be decided later. Now if you did say what I put to you you said in your evidence-in-chief can we conclude that your memory is not serving you well? -- No it cannot conclude on that because I remember exactly what I said about Dr Motlana.

Yes what do you say you said? -- I said Dr Motlana said(10) after we have formed this, as we have formed the VCA then we must affiliate to UDF because the procedure in the UDF or the objects of the UDF are those similar to the civic's, that is to unite the people.

Let us be more specific please. Are you suggesting that Dr Motlana said that there should be a decision

MNR FICK: Ek kan die Hof net verwys na bladsy 752 van die notule. Daar is nie gesê dat sodra hulle goed gevorder het moet hulle aansluit by UDF nie. Daar is gesê, Dr Motlana het verder gesê, dit ongeveer reël 9, dat as ons met die UDF goed wil (20) vorder dan moet ons met UDF affilieer. Hy het nie gesê hulle moet eers goed vorder en dan kan ons affilieer nie.

MR BIZOS: It is not the place My Lord, with respect, I am fairly certain because the next note that I have is not in context here but we will find the precise page. Is your evidence that Dr Motlana called for affiliation to the UDF there and then? -- What do you mean by there and then? Do you mean during the course of the meeting or what do you mean?

At the meeting. Did Dr, let us get absolute clarity. Did Dr Motlana call that the meeting should decide that the(30) proposed civic association should affiliate to the UDF?

-- Not/....

-- Not in that way. What he said is the Vaal Civic Association will have, or it must, words to that effect, affiliate to UDF.

Did Lord McCamel say anything about that? -- Yes that resulted in him, McCamel, asking now the audience whether VCA must affiliate to UDF.

Because I am going to put to you that what happened was that there was a policy decision of the Action Committee that the question of affiliation should not be put to the meeting, to the inaugural meeting. -- If they claim to have said that they must have said that in caucus meetings or at a corner, (10) not in the open meeting.

Yes. And the resolution suggested by the Action Committee was that the VCA should co-operate with other organisations with similar objects. Do you recall that resolution? -- Something to that effect was said though I cannot remember the exact words which were used.

Right. The ex-councillor Mofokeng from the floor specifically moved that there should be affiliation to the UDF? -- I still maintain not within my hearing where I was did Mofokeng ever say something like that, except well of (20) course if it was suggested that he has written that on a piece of paper, otherwise he never uttered those words.

Now the other aspect that I want to deal with is this. You, are you seriously suggesting that Mr Curtis Nkondo said at that meeting that Whites should be, that there should be co-operation with Whites in order that Whites may be killed? -- That Whites should be killed, that coming from Nkondo, being said by me? I am sorry to tell you that those are your own words and not what I said. What I can say in connection with that is that Nkondo said we must not behave like the other (30) organisations which does not want Whites to join them. He
further/.....

further said we must agree to them joining us so that we can make use of them. In this way that we use the Whites to go and kill their fellow Whites like the Whites are using our fellow Blacks to kill our fellow Blacks.

Well what I am going to suggest to you is that your reaction to my use of the word "kill" is substantiall similar to the reaction of Mr Curtis Nkondo who denies that he used the word "kill Whites" in any sense. -- I still repeat he used it the way I have just explained in court.

How did you understand those words if you say that he (10) used them? How do you kill a person by using him and why

COURT: No that was not said. Whites would be co-opted so that they could kill other Whites.

MR BIZOS: No he said that they should be used My Lord.

COURT: Yes they would be used killing other Whites.

MR BIZOS: Yes.

COURT: Utilised would be a better word than used.

MR BIZOS: Utilised, yes. Now do you actually, do you say that you understood that to be literally Mr Nkondo's meaning?

-- That is how he said it. (20)

Then why did you react in such a negative fashion when I put it to you a little while ago that that is what you said that Mr Nkondo said?

COURT: No, no, what you put to the witness was Nkondo said that Whites should be co-operated with in order that they be killed, and that is an entirely different proposition.

MR BIZOS: Well I put it wrongly then My Lord.

COURT: Yes. To that he reacted violently.

MR BIZOS: Is that what he reacted violently to?

COURT: Yes. (30)

MR BIZOS: Now Mr Nkondo is going to deny absolutely that he ever/....

ever used such words. -- His denying will not help anything because that is what he said.

Would you, do you, are you favourably disposed towards Mr Nkondo in view of his leaving AZAPO and you remaining in it? -- I have no reason to hate anybody.

Now do you recall the discussion and the decision about dress?

COURT: Dress?

MR BIZOS: Dress.

COURT: Clothes? (10)

MR BIZOS: Clothes. -- Where, at the meeting or where?

At any meeting?

COURT: That is going a bit wide Mr Bizos. Are you going away from this meeting?

MR BIZOS: Going away from the Civic Association inaugural meeting, yes.

COURT: We have left that now?

MR BIZOS: I have left that. Can you recall any discussion at any meeting about dress?

COURT: Is that now a public meeting? (20)

MR BIZOS: Not not a public meeting, any meeting?

COURT: Meeting which would include committee meetings?

MR BIZOS: Would include committee meetings. -- Yes I do.

Yes. I am interested to hear the description that you, was there any decision about any T-shirt to be worn? -- No mention was made of T-shirts in the meeting I was.

Or the colours? Of any clothing that was to be worn? -- Yes mention was made of colours.

What were the colours that were mentioned? -- Yellow, green and black. (30)

Whose suggestion was it that those should be the three colours?/....

colours? -- Esau Raditsela.

Do you know whether this decision was given effect to?
-- What I know is that the suggestion was accepted, or whether it was now carried out it never happened.

COURT: Was this accepted at a meeting of the VCA committee?

-- That is so.

MR BIZOS: Not a zone committee? -- What do you mean by a zone committee? I do not understand.

Were there no zone committees? -- We used to hold our meetings in the following way. Say for instance you are (10) holding a meeting today and our next meeting is to be held next week or next month, whatever the case may be, say specifically next week then we were going to decide then what and where the venue of the meeting was and at whose place. The reason being that we were avoiding to hold meetings at one person's place all the time.

I am going to put to you that there was no decision to adopt those three colours that you have mentioned, that the, what do you say to that? -- I differ with you, that decision was taken. (20)

Right, I want to please show you a T-shirt. Have you seen like T-shirts before? -- I do not know these T-shirts.

COURT: Is that a T-shirt or is it a sort of a wide garment?

MR BIZOS: Afro, Afro shirt.

COURT: It would be an Afro shirt.

MR BIZOS: Afro shirt, yes I beg your pardon. -- I do not know this Afro shirt.

Have you not seen anybody in the Vaal Triangle wearing a shirt like this? -- Even if they were wearing them it is difficult to go about checking every person as to what is (30) this person clad in.

You/....

You see because I am going to put to you that the only group, the only group in the Vaal Triangle that had any decision in relation to clothing was the Zone 7 area committee which decided to have a shirt of its own design and colours. -- That this was zone 7 which decided on a certain kind of a uniform, that I am not going to dispute. What I am disputing is that Zone 7 committee, or action committee, was the only committee which had taken a decision on a particular uniform. There I do not agree with you.

COURT: Could we just place on record what you have shown (10) the witness. You have shown the witness an Afro shirt which is yellow in colour with two pockets in front and on the pockets and on the sleeves and around the neck there are certain, is it black stripes or dark brown?

MR BIZOS: Black.

COURT: Black stripes.

MR BIZOS: Black stripes. I do not know if Your Lordship wants me to deprive the owner of its property.

COURT: I do not think we should unless it becomes very material later on. (20)

MR BIZOS: I do not think so My Lord. You see were you not seeing people wearing similar shirts at meetings or walking around? -- At our meetings I have never seen anybody wearing that kind of a shirt. Maybe it is possible that the Zone 7 Action Committee, after having started with their own committee there have decided on this, referring to the Afro shirt, shirt as their uniform.

You see because, did you have contact with Zone 7 committee members? -- Do you mean before it was elected or after the election of the committee? (30)

Let me give you a date, from January 1984 onwards did you/.....

you have contact with Zone 7 committee members? -- Before the existence of their own committee we had contact.

Did you have any contact with members of the Zone 7 committee from January 1984 to September 1984? -- We use to have contact with them until the day of their being elected in the committee there, which was 19 February. Since then I had no contact with them.

Did not the zone representatives come to VCA meetings? -- After 19 February 1984 VCA was already weakening or staggering. By that I mean we used not to hold meetings (10) as frequent as it used to be before and the only person who then met with Esau on many occasions was myself.

Well you may not have attended the meetings. -- I was attending meetings. Though not all, not all.

Because I am going to put to you that some fifteen to twenty members of the Zone 7 committee regularly wore shirts such as the one I have shown you. -- As I was not having a contact with them or meetings with them I will not dispute that.

Now ...

(20)

COURT: These colours you have mentioned, yellow, green and black, have they any significance for you? -- That is so.

What significance? -- Those colours are known to me as colours which are being used by the ANC. Unfortunately I just forget what is the meaning attached to those colours.

MR BIZOS: Well is the ANC the only body that uses those colours? -- I am not going to say that is the only organisation using those colours but they do use them.

Yes, well just let us get on record, does Inkatha use them? -- I do not know about Inkatha. (30)

Do women's organisations, have women's organisations used them/.....

them from the 50's? -- I cannot remember whether they used them

or not.

I know that there is a tendency for police officers and

prosecutors to equate black, green and yellow with the ANC

but do you know whether or not a considerable body of Black

people consider them as the national colours of the Black

people as a whole? -- I am not going to pin myself to some-

thing by saying whether these are the national colours for the

Black people or not but what I know for a fact is that these

colours are related with the ANC which uses them. (10)

Yes. And are you able to admit or deny that the ANC

adopted these colours in the late 20's but they were already

in existence amongst the independent churches which called

themselves the Ethiopian churches from the beginning of the

last century? I beg your pardon from towards the end of the

last century. -- I do not want to pin myself down and say

whether I agree with that or not but what I can tell the

Court that is what I know, these colours as far as I know

they are related to the ANC and those are the colours for the

ANC. (20)

And you told us that, do you know that there is some

significance to each one of the colours but you have forgotten

about them? -- That is so.

Yes. Well Black for the Black people, gold for gold and

the mineral wealth of the country and green for the pasture of

the land. -- Well I can see that is how you think and bring this

together but not the ANC, it is not the ANC bringing that into

the way of thinking you have brought it.

I am sorry I do not understand that. -- Some people may

use the colours the way you have interpreted them but the (30)

ANC is using those colours in a far different way from what

you/.....

you have just described to the Court.

How are they using it? -- I said I have just forgotten the interpretation of each colour but which is not what the defence has just mentioned to the Court.

Oh I see there is a different interpretation which you do not know and you say that that different interpretation is the ANC's? -- That is so.

Yes. Now which was the first meeting that you attended after the inaugural meeting, which was the first public meeting which you attended after the inaugural meeting? (10)

COURT: Is that now only of the VCA or of other groups as well?

MR BIZOS: Any meeting.

COURT: Any meeting.

MR BIZOS: Any public meeting that you attended. -- I attended a public meeting in Braamfontein.

On what day? -- 12 February 1983.

Perhaps you did not understand my question. After the inaugural meeting of the VCA which public meeting did you attend next? -- 27 October, it was an anti-election meeting. (20)

And how do you know that it was October? -- Yes it was in October.

How do you remember that it was in October? -- Because I attended that meeting.

Yes, and you have a very good memory for dates? -- Well it is natural that a person will remember certain things and some of the things, and you cannot remember everything.

Yes of course. You see because I am going to suggest to you that the remarkable ability that you showed in your evidence-in-chief for dates of meetings must have taken (30) quite a considerable effort to memorise? -- That is not so.

Anyway/.....

Anyway let us deal with this October meeting. What sort of meeting was it? -- Anti-election meeting.

When was the election to be? -- It was supposed to be held in November.

What date in November? -- That is one thing I have forgotten.

How long before the election date was the meeting? -- It was not very long.

Days? A week, two weeks? -- I am not quite sure of that.

What day of the week was the election to be held? -- (10) Because I was not even interested in these elections I cannot even remember what day of the week it was.

Right. Where was this meeting? -- Roman Catholic Church, Zone 12.

Did you read or recite a poem at this meeting? -- I read a poem in that meeting.

Yes. Which poem did you read? -- The one which was written by myself titled "Cry Africa, Cry".

Well did you have to read it? -- Yes.

Incidentally you told us that that is the only political poem that you ever wrote or recited, is that quite true? -- That is very much so. (20)

What do you use the image red bones for? -- For the Whites.

Have you written poems in which the expression "red bones" is used as imagery? -- No I have not. That was just an utterance orally.

What does the oral, what does the oral utterance as red bones referring to White people mean? -- I was referring to Whites as red bones.

Well first why bones? -- Because they are light in (30) complexion and most of them are in fact red.

Are their bones red? -- Well they are not red but that is how I used it.

Well I am going to put to you that you were not telling the truth to His Lordship when you said that "Cry Africa, Cry" is your only political poem. That you write, listen to me for a moment, do you know the expression "poetry of the graveside"? -- No I do not know that one.

Or the graveyard, poetry of the graveyard? -- No.

Because I am going to put to you that you use this expression "red bones" in a most derogatory sense in your (10) so-called poetry. -- That is not so.

When you came to the meeting ...

COURT: Are you going to put to him the specific poem where he used this expression?

MR BIZOS: My Lord there will be

COURT: Because it is a rather vague statement you are making.

MR BIZOS: I am, there will be evidence of the nature of his poetry, I have not got a copy of his, his work has not been published but it was read at meetings.

COURT: By himself? (20)

MR BIZOS: By himself.

COURT: Where he used the words "red bones"?

MR BIZOS: Red bones.

COURT: Well should you not put to him at which meeting?

MR BIZOS: At this meeting did you say anything about red bones? -- No, that is not so.

Is this, do other people use this expression "red bones" for whites? -- Well there are other people with whom we are using these words with reference to Whites.

Are these your fellow poets? -- No my fellow workers. (30)

Now do you recall that as soon as you arrived at this meeting/.....

meeting one of the accused was outside, accused no. 5, keeping order? -- I cannot remember that.

Incidentally in your, in order to avoid misunderstandings, I do not want it to be suggested that we agreed that it was in October, you made a mistake in cross-examination, it was in November as you said in your evidence-in-chief. -- What was happening in November?

That this meeting was in November and not in December. I beg your pardon October.

COURT: It is put that the meeting at which you recited your (10) poem was in November and not in October. -- It was on 27 October.

MR BIZOS: And that you in your evidence-in-chief mentioned November twice yourself. -- As far as I can remember I was saying October.

Now could you please describe to us what was outside the meeting when you arrived? -- In what respect?

Just tell us what was happening when you arrived? What was outside the church?

COURT: Yes well are you asking him in relation to motor cars (20) parked or trees growing, or people standing with placards?

MR BIZOS: In connection with the meeting, not a description of the scene. -- On my arrival there there were people.

Yes, inside or outside? -- Inside and outside.

Were the people outside doing anything? -- Whether those people outside were doing anything in particular that I cannot place properly.

You cannot place that properly. Were there any posters or banners outside? -- As I said there were there.

What sort of posters were there? -- Some were made (30) of a flat cardboard box on which a white paper is pasted on

for/.....

for it to be strong.

Yes and what did the paper say? -- I cannot remember the exact wording of those which were held outside.

Were there any posters inside? -- Yes there were.

What sort of posters were inside? -- Also the similar kind written on a piece of paper.

What did it say? -- Those that I can remember are those that I have just described written on a piece of paper.

What did it say? -- Some of those that I still remember had something to say about elections. For instance words (10) to the effect that "Away with the Councillors".

Yes? -- Things in that line.

Well what other things did it say? -- Those are the things that I can remember.

Can you only remember "Away with the Councillors"? -- At the present moment, yes.

Yes. And were there names of any organisation or any organisations on these papers? -- Yes you will pardon me there, there were names of other organisations.

Yes which? -- UDF.

(20)

Yes? -- VCA.

Yes? -- And COSAS were also there.

Were there printed UDF posters? -- Yes those were printed.

Yes, and printed COSAS posters? -- I cannot remember whether those were printed or not.

Any other organisation? -- The other organisation there was the RMC.

Yes. You see I am going to put to you that there were in fact UDF posters outside but none inside the church. -- There were inside the church as well.

(30)

And there was a large banner outside the church affixed to/.....

to the fence, you recall that? -- I cannot quite remember about that one.

COURT: That was a UDF banner? Mr Bizos was that a UDF banner?

MR BIZOS: A UDF banner My Lord. And that it was brought, it was brought by the people from one of the zones. -- What I remember which was brought by some people there was something which was carried by Johnny Motiti or brought by Johnny Motiti and some people from Bhopelong area. And the last I saw him with that was when he went into the church building with (10) that.

Now you see you put accused no. 5 as one of the people on the platform. Do you want to change your mind about that perhaps or you are not sure? -- That he was on the stage, I am not changing that.

You are not changing? -- No.

Because I am going to put to you that he was outside acting as a marshall so that a gathering does not form outside which would fall foul of the law? -- Maybe later after that but not at the time I am referring to. (20)

Do you say that he was on the platform throughout the meeting? -- I am not saying he was on the platform until at the last or the end of the meeting.

You say that he was there when you got there and not outside? -- That is correct, yes.

Yes. I am going to put to you that you are completely wrong about that, that accused no. 5 was outside and that he in fact was charged with holding an unlawful meeting outside? -- I say maybe after my arrival he went outside but not at the time of my arrival. (30)

And that, just for the record he was, the charges were
withdrawn/.....

withdrawn, not as a result of his actions from outside but as a result of a decision by the Full Bench that the notice prohibiting it was invalid. Now who were the speakers at this meeting? -- Those that I remember, as I have already said, Lord McCamel.

Yes? Who else? -- I am trying to remember the others. Lord McCamel was the speaker.

Yes? -- Curtis Nkondo was one of the speakers. I will count myself as one of the people who were speakers there because of my having read the poem. (10)

Yes, anyone else? -- Thabiso Ratsomo.

COURT: What is his number?

MR BIZOS: 22 My Lord. Anyone else? -- And some others who I cannot remember now while I am seated here.

Please tell us what Lord McCamel said? -- I will not be able to tell you all the things that were said by Lord.

What did he say, that you can remember? -- What I can remember he even read from the Bible.

Yes? -- Trying to draw the people's attention to the Bible that suffering in fact has been going on for a very long time. (20)

Yes? -- He further said it is with the people to stand on their feet. In fact having said that it is only then that he made reference to the Bible and started reading from the Bible.

Yes, is that when he read Jeremiah's lamentations, Chapter 125? -- Chapter 5, verse 1 to 5.

Yes, and what did Mr Curtis Nkondo say? -- As I have already told the Court that he had a something to say, he was a speaker there though his speech was based on education mostly. (30)

Can you remember anything specific that he said about anything?/....

anything? -- He spoke about the school children having to form the SRC's so that these bodies can represent them to the matters concerning them at school or education and that the prefect systems should be scrapped because the government is oppressing the people through the system of the prefect systems.

Did he speak on any other subject except education? -- Yes he said something about the Councillors, though I cannot remember precisely what he said about it.

Any other subject matter that he spoke about? -- And he further said the SRC's must affiliate with NUSAS. (10)

Yes, any other subject matter that he spoke about? -- I cannot remember any other subject.

Did he not speak about Whites being used to kill other Whites at this meeting? -- I may have confused those two meetings then, that is concerning this portion, the words which were used about making use of Whites to go and kill fellow Whites.

How could you confuse the occasion when such dramatic things were said by one of the leaders of the Black people, or by a leading personality in the Black community? -- That is (20) very easy, this person attended two meetings and both in these meetings he was a speaker. Therefore I may be making a slight mistake in quoting him in his words there or by quoting those words in a particular meeting.

Please tell us the next meeting of any kind that you attended after this October or November meeting that you attended? -- The next public meeting I attended after those meetings was on 2 September 1984.

The question was any kind of meeting. After October or November any kind of meeting? Can you not remember? -- No (30) I do not remember or recall going to any other meeting.

That/.....

That is not only public meetings but committee meeting or any kind of meeting? Can you not remember? -- Yes this is the only meeting, 2 September.

You cannot remember any other meeting of whatever nature that you attended between these two periods? -- You see during the period mentioned there I also had my personal problems, therefore I was not regularly attending meetings.

So you cannot give any evidence about any committee meetings or any other type of meetings that were held between October-November 1983 until 2 September when you (10) attended another public meeting? -- I am sorry, there is a meeting I attended. That was the formation of the Zone 7 Action Committee meeting.

Is that the only one you now remember? -- And the meeting we held in preparation for this meeting I have just mentioned.

Yes. You see because I am going to suggest to you that insofar as the accused are concerned your evidence a little while ago was correct, that you hardly attended any meetings at all during this period and at all, this is approximately five pages of notes of other meetings that you have described (20) was contrived by you? -- That is not so.

And the other thing that I am going to give you an opportunity to deal with is this, that the accuracy with which you gave the dates and places of some of these meetings that you now did not even remember attending at all over a period of almost nine months, in your evidence-in-chief, is proof of that fact that you were just speaking parrot-like? -- That is not so.

Now that I have reminded you that you gave evidence of a number of meetings between this period please tell us the (30) first one that you now say you remember? Which one do you remember/.....

remember after October or November, which one do you remember?

-- 25 January 1984.

Now could you just pause there for one moment please?
Can you please explain to His Lordship in your own words why
a moment ago you did not remember whether you attended any
meetings of any kind at all and all of a sudden you now
remember the precise date? How do you explain it? -- I am going
to ask the Court to pardon me there that I did not remember the
meeting of 25 January, of which it is true that is a meeting
that I attended. (10)

C63 The question was why could you not remember any meeting
at all a short while ago over a period of nine months and all
of a sudden you remember the precise date? -- It is true that
I even remember the date but it is just something which had
slipped my mind, how I do not know. That is why I am asking
His Lordship to pardon me on that.

Well I will not ask the question again but tell me this,
what day of the week was 25 January? -- It was a Monday.

It was a Monday. What were you doing on the 24th? -- Of
January 1984, where were you? -- I was home, Sebokeng, Zone (20)
3.

Well did you not go out? -- No I did not.

And on 23 January did you go anywhere? -- I was at work.

And after work where did you go? -- Straight home.

Are you giving evidence of your daily routine or do you
remember that you went home on that day? -- I remember what
happened those days.

You remember what happened on those days. Were you
married? -- Yes I was married.

On what date were you married? -- 21 June 1980. (30)

Were you divorced? -- Yes.

On/.....

On what date were you divorced? -- 7 June 1984.

Have you got children? -- Yes I do.

When are their birthdays? -- My firstborn was born on a Friday, on 17 March 1978. The secondborn was born on a Sunday, 17h05 on 8 November 1981.

Well you have told us that you have a very good memory for dates and perhaps you can explain how you then forgot about four of five meetings between January and September. -- I think you will notice one thing and you know of one thing, those meetings were not more important than my children (10) and my family.

Right. So let us deal with the meeting that you say took place on January 1984. Were any of the accused there? -- January the?

January 25 1984. -- Thabiso Ratsomo was there.

Ratsomo was there? The January meeting? -- I cannot remember whether Bavumile was also there.

COURT: Will you give their numbers please if they have numbers?

MR BIZOS: 22 Ratsomo, and who else do you say was there? (20) Bavumile Vilakazi.

That is no. 10. Are you now saying that they were there? -- I am sure of Thabiso Ratsomo, that is 22. I am not sure of Vilakazi, no. 10.

Yes? Do you remember who else was there? -- Mike Kgaka.

Yes who else? -- Johnny Motiti.

Yes anyone else? -- Lord McCamel.

Who else? -- And somebody else from Zone 2 Bhopelong was also there. I just forget what the name of that person is.

Yes. -- Not Zone 2. (30)

INTERPRETER: The witness had said Zone 2 Bhopelong, now

he/.....

he corrects himself by saying not zone 2 but just from Bhopelong, was a person from there.

MR BIZOS: What was the purpose of the meeting? -- It was just a meeting like in usual we used to have a meeting every week, a general meeting.

Can you remember any decision taken there? -- What I remember pertinently is that Johnny Motiti was asked for an explanation as to why does he not attend regularly at the meetings.

Yes, anything else? -- Then they spoke about the banners. (10)
VCA banners.

Yes? -- And the constitution was also discussed there.

Anything else? I see that you take a long time to think for which I am not blaming you. Are you sure that you are not confusing this meeting with some other meeting? -- What I have just mentioned there about this meeting were in fact mentioned there.

But what happened to the first meeting after the inaugural meeting? Was that not on the next day? -- No that one I did not attend. (20)

You did not attend it? -- No I did not.

Not at all? -- Not at all.

Was it not specified at the meeting of the 9th that the representatives would have to meet the next day?

COURT: Of the 9th of what?

MR BIZOS: Of October My Lord.

COURT: Of 1980?

MR BIZOS: 83.

COURT: Yes will you just keep on saying it. -- That was said but I did not attend. (30)

Are you sure that you did not come to the meeting of the

10th/.....

10th for a short while, 10 October 1983? -- No I did not attend a meeting on 10 October.

You shake your head, trying to throw your memory back. Does that mean you are not sure? -- I am sure. By shaking my head is an indicating of disagreeing with that.

I see. And looking into space also disagreeing? -- No not that.

Right because I am going to put to you that you were at the meeting of 10 October 1983. -- No I did not attend the meeting of the 10th. (10)

And that it was at that meeting that specific tasks were given to you. -- No not in that meeting, that was not the meeting where we were told what to do.

And that it was at that meeting that preparations were made for the rally of 27 November 1983? -- No I was not present at that meeting.

Well are you saying that you did not take any part at all for the preparation for the meeting in November, or October you call it or the accused say November at which you recited your poem, that you took no part in the preparations at all? -- There is a meeting I attended where Esau said to me I must see if I cannot write a poem which can be used in discouraging people and that is why I wrote this poem "Cry Africa, Cry". And I remember this meeting because very few people attended. If my memory serves me well we were only four people in that meeting. (20)

You see I am going to put to you that you were not at the January meeting, you were at this October meeting where coincidentally accused nos. 10 and 22 were present, at the October meeting? -- I was present at the meeting which was (30) held in January. This meeting was even held at Thabo

Molotsane's place in Zone 14.

Can you remember anything that was said by anybody at

the meeting that you say you attended, the committee meeting that you say you attended, can you remember anything?

COURT: That is now the January meeting?

MR BIZOS: The January meeting. -- As I have already said

that is the meeting I am talking about which was chaired by

Lord McCamel who wanted to know from Johnny Motiti why does he,

Johnny Motiti regularly attend, does he not regularly attend

the meetings. Then there is somebody who was representing (10)

Bhopelong there, that person also made mention of the fact

that he is working a bit difficult because he believes that

there is a sell-out among the people who are forming the

committee of Bhopelong.

Yes, anything else you can remember anyone saying at the

January meeting? -- Again mention was made of the banners.

This I remember pertinently because it was being mentioned

for the second time inclusive the constitution. Another thing

which was discussed there is, was when Thabiso Ratsomo

announced that he was going to resign because he is getting (20)

to Rhodes University.

Yes, anything else? -- Those are the only things that I

can still remember. I cannot remember any other things or

many other things which were mentioned there.

You do not remember anything that any of the accused may

have said except no. 22 is going to Rhodes University? -- Even

if there is something I cannot quite remember.

And you do not remember anything of any ... -- I cannot

remember some of the things.

Yes and if anyone had said anything of fundamental (30)

importance you would have remembered it? Anybody there?

-- I/....

-- I beg your pardon?

If anybody there had said anything of fundamental importance you would have remembered it? -- I would have remembered that just as much as I remember what accused no. 22 said about his resigning, going to the university.

Yes. Tell me was Raditsela at this meeting? -- Yes Esau was there.

Do you remember him saying anything? -- Yes I do remember him saying something though I cannot remember exactly what he said. In fact I will tell you one thing it had come to a (10) point where I did not pay a particular attention to what Esau was saying, I would just listen at the time when he is talking and then leave it like that.

You did not pay attention to him? -- In the sense that I did not take any follow-ups on what he was saying, that is why I cannot remember what he was saying.

Thank you. Can you please tell us when you next attended a meeting after this January meeting? -- There is a meeting we attended at Lord McCamel's place in the evening.

Yes, when was that? -- It is after the meeting of the (20) 10th, no, no, the meeting of the 25th. Unfortunately that is one of the meetings on which I have forgotten the date, as to what date it was.

Could you ever remember it? -- I beg your pardon?

Did you ever remember it after your detention? -- That is why I cannot even remember that meeting up to now. I could not remember that. I only remembered those that I made mention of.

So do I understand you that you never knew the date of this February meeting? Correct? -- I cannot remember the date, the exact date of that meeting except that I can say that (30) was the meeting which was held in preparation for a meeting

which/.....

which was to be held on 19 February.

Yes and what meeting was this? -- It was just an ordinary meeting like all the other committee meetings which were held.

Yes, and you do not recall any detail in relation to that? -- No.

Now did you attend a public meeting on 19 February? -- That is so.

Now how did you come earlier today to have forgotten about that meeting, when you took us all the way to 2 September? -- I remembered that meeting when I was busy explaining as to how I came to forget about the meetings after remembering the meeting. You then said to me, interrupting me, that I must first explain how did it come that I had forgotten about the meeting. So I had to explain that first. (10)

Yes. Can you please tell us whether any of the accused were there at this meeting? -- David Mpuhi was present.

COURT: His number is?

MR BIZOS: 7 My Lord. -- Of those that I can still remember David Mphuthi was there. Otherwise there were quite a good number, more than one person. (20)

You cannot remember any other accused who had been there? -- Matlole was also there.

COURT: Who is that?

MR BIZOS: That is the old man, no. 17.

COURT: No. 17.

MR BIZOS: Anyone else? -- It is Tlaki.

No I am talking about the accused. -- Those that I can still remember specific that they were there are those the, those are the people I have just mentioned from the accused. Even if then, if there were other people at this meeting who are now amongst the accused I cannot remember them. (30)

You/.....

You see in your evidence-in-chief I am going to put to you that you incorrectly put accused no. 5, Mr Malindi, there. You put him wrongly there at the meeting. -- The meeting of 19 February. If I had made mention of him in that meeting then I quite agree with you.

Yes.

COURT: So you say no. 5 was not there? -- Not not at all, not in that meeting. If even I said he was there I am asking for an apology on my having said that.

MR BIZOS: Yes. You see, and you did not mention him only (10) once, you mentioned him twice in your evidence-in-chief in this context, you were first asked who was there and you said no. 5 and no. 7 and then the Prosecutor asked you whether no. 5 spoke and you specifically said no he did not speak like the others. -- If ever I said he was at this meeting of 19 February and I said that on two occasions I still say it is wrong, that is not the position and if I included him there I am asking again that the Court must pardon me for having said that. In fact if I am talking about him that he had nothing to say I may have been referring to 3 September. (20)

So is it possible that you transfer people from one meeting to another, unwittingly? -- No I am talking specifically about this one.

Could you please tell us if any of the accused spoke at this meeting? -- Yes, there is one of them who spoke there.

Yes, who? -- David Mphuthi.

Is that accused no. 7? -- Yes that one.

Yes, can you tell us what he said? -- What I can still remember is what he said, is that the community must stand up and fight for their rights. And he further mentioned words (30) to the effect, or said this that high rents are to be boycotted and/.....

and high bus fares. He did not elaborate on that.

Yes, anything else?--- I said that is all that I can remember of what was said by him.

What would you say to this that the effect of his speech was that the councillors are untrustworthy? -- That I said he used words to the effect that the councillors are untrustworthy?

No what I am putting to you is that accused no. 7 said at the meeting of 19 February that councillors are untrustworthy. -- In reply to the question I said accused no. 7 (10) had something to say and on what he said I remember the following, this that I mentioned.

Do you recall whether or not he said that the councillors were untrustworthy? -- I do not recall that.

Do you recall whether he said that not on a single day did the, have the councillors called a meeting so that they can listen to what the people's needs are? -- Just repeat that question?

Do you recall accused no. 7 saying that not on a single day have councillors called a meeting so that people can (20) say what their needs are? -- I do not remember him uttering those words and I am not in a position to deny or admit whether he said that or not.

COURT ADJOURNS UNTIL 14h00.

C64

COURT RESUMES AT 14h00.

ABRAM SEKGOTO: d.s.s. (Through Interpreter - In Camera)

FURTHER CROSS-EXAMINATION BY MR BIZOS: Now would it be correct to say that there was no love lost in the Vaal Triangle between AZAPO and COSAS? -- All I can say about that is that Oupa was trying to maintain the love between the two. (30)

COURT: That is no. 2? -- Yes.

MR BIZOS:/.....

MR BIZOS: I am going to come directly to the point and I am

going to put to you that the meeting that you spoke about in

your evidence-in-chief just did not take place for the purpose

that you mentioned? Namely the 10th of the sixth 1984. Did

such a meeting take place? -- I will ask this Court to pardon

me for having forgotten about it and not having mentioned that

particular meeting. But as soon as I left the courtroom here

after the adjournment I was trying to remember something and

I could feel there is something I am missing in remembering.

I eventually ended up remembering the meeting which was (10)

held which is such a meeting as referred to, 10 June 1984.

Have you not got a copy of your statement where you are

in detention? -- No.

Why not? -- I do not know whether there is such a thing.

Alright, now let us just test this evidence of yours

that there was this unity meeting on 10 June by some of the

realities that prevailed between the two organisations at the

time.

COURT: Could we just get clarity. Are you saying that the

witness said that this was a joint meeting between AZAPO (20)

and COSAS?

MR BIZOS: No My Lord.

COURT: Now why do you call it a unity meeting?

MR BIZOS: No because the purpose of the meeting was to decide

to work together in unity with COSAS.

COURT: Well it was discussed?

MR BIZOS: It was discussed yes. I did not suggest that

there was a joint meeting. Now let us just get some of the

reality. Do you remember that one Jabu Shabalala died?

-- Yes I do.

(30)

Was that during May 1984? -- It was during 1984, whether

it/.....

it was April or May I cannot remember.

I see. Do you recall that both COSAS and the VCA

applied to be included in the programme of his funeral? --

Yes I remember Oupa making mention of such.

Yes. Was permission granted for them to be included in

the funeral arrangements or not? -- I will say yes they

have been granted that permission to be involved in the

arrangements of the funeral because I will tell you I once

saw, or more than once saw Bavumile at Jabu's residence.

COURT: Who is Bavumile? -- Accused no. 10.

(10)

MR BIZOS: Now we are not talking about accused no. 10

personally. Was the VCA and COSAS allowed to participate

at the funeral of Mr Jabu Shabalala, the erstwhile treasurer

of AZAPO?

COURT: You mean as organisations?

MR BIZOS: As organisations. -- I understood the question. I

am quite clear what the question is. That is why I made men-

tion of Bavumile, accused no. 10. According to what Oupa

and Modise Lehuku(?) told me, Bavumile, no. 10's visit there

was connected with VCA as such. Pertaining to COSAS I do

(20)

not know.

What is your answer, do you say that the VCA was allowed

to take part as an organisation at this funeral and to be

included in the programme? As the expression is used by the

accused. Do you say that that happened or not? -- In the

arrangements yes.

Do you say that they were included in the programme? --

I am not prepared to say yes because I did not have a copy of

the programme where I would have then seen whether they were

allowed or permitted into the programme or not.

(30)

Now let me give you another example of the arm's length

that/.....

that there was between COSAS and AZAPO in the Vaal. Do you agree that 16 June is an important day for politically aware Black people in South Africa, and more particularly the Witwatersrand area, the Vaal Triangle area? -- Yes I agree.

Do you agree that AZAPO, claiming to be the successor of the Black Consciousness movement has wanted to appropriate that day as its own commemoration day? -- Yes I agree.

Do COSAS say that that is not correct, that it was an event that affected all Black students and that it should be a students day and not appropriated by AZAPO? -- I quite (10) agree with the idea from COSAS that this is in fact a students day because of the event which took place on this day. But this is not supposed to be an AZAPO day, there I am not going to pin myself down to anything.

Right. Well you know, I did not ask you for your view, you expressed it. It does not matter but there are these conflicting claims? -- I was not aware.

Yes. Now do you agree that in order to settle this conflict between the two organisations leading churchmen have taken up the view that they should hold the commemoration(20) services and that both sides should pay their respects to the dead on that day without any political wrangling?

COURT: Now that is a very very long question because the witness has stated he is not aware of the conflict. Now you ask him to agree that because of the conflict the churchmen have taken up the following attitude. Why do you not just say the churchmen have taken up the following attitude, do you know of it.

MR BIZOS: Do churchmen try to organise an event on that day for all groups to gather? -- I do not have that idea about (30) that.

Now/.....

Now I am going to put to you that it has been settled to be so in other areas but in the Vaal Triangle in the very year that you are speaking about, that is 1984, there was trouble in the Vaal as a result of this conflict. Do you know about that? -- No I have no knowledge of that.

And to put it bluntly the evidence is going to be that these two organisations, that is COSAS and AZAPO, were not on speaking terms since 1981. -- Yes I know of that, that some members of COSAS did not want to see or did not want to have anything to do with AZAPO members. (10)

Yes and there were AZAPO members who did not want anything to do with COSAS members? -- Maybe there were such things from AZAPO side as well but the one I knew from AZAPO, namely Oupa Hlomoka, accused no. 2, was not that kind of a person who was sort of against COSAS.

Yes. Well I am going to put to you what in fact happened on 16 June 1984 and the days before that when you say that there were these unity talks. There were competing commemoration services held on the 16th. Did you know that?

MR KRUGEL: 16th when? (20)

MR BIZOS: June 1984. -- Whether there were competing commemorations on 16 June 1984 or not that I do not know but what I can tell the Court is the last I knew about that was Oupa, accused no. 2, was going to invite the other organisations to the one commemoration service which was going to be held, namely COSAS and UDF, that is what I know which was discussed amongst us in a meeting which was held on 10 June.

Oh you say the commemoration service was discussed on 10 June? -- That is so.

What I am going to put to you that in fact AZAPO had (30)
booked the hall at Catholic Small Farms, I am sorry at the
Catholic/....

Catholic Church, Small Farms. -- That is true, in our arranging with Oupa, accused no. 2, in this meeting we had agreed that he Oupa, accused no. 2, was going to arrange the venue. In fact in this meeting mention was made by us of the Roman Catholic Church in Small Farms and the other venue would be the Anglican Church in Sharpeville.

But now, so would you say that the main purpose of the meeting was to arrange the commemoration service of the 16th? -- That is true, not only the commemoration but also to bring about some good relationship between COSAS and AZAPO, was (10) the purpose of that meeting.

Well I am going to put to you that on the contrary COSAS was told that they were not welcome at the AZAPO venue. What do you say to that? -- I was not there myself and therefore only got a report from Oupa about what happened there, which made him not to be satisfied about what was transpiring there at that meeting because I was attending a funeral. That is the reason of my absence.

Yes. Well let us have the, let us just have very briefly the facts. In fact COSAS, by the use of a strategem, if (20) on does not want to use a stronger word, COSAS managed to make the Small Farms meeting unsuccessful by going and putting up signs around the hall that the commemoration service would not take place at that hall but at the Catholic Church, Zone 12, 13, I am sorry I am corrected, it is 13. -- I quite agree with you that the commemoration service was held in Zone 13 Anglican.

Yes you are quite right, I have been corrected. Yes thank you. -- We were passing there when I noticed that there was something happening in that premises. While on my way (30) again later I learnt from Oupa about what was happening at this/.....

this original venue, at the Roman Catholic Church. He explained to me what his dissatisfaction was about this, namely, there were very few AZAPO members. He also, now I remember, mentioned the disturbance referred to.

Is that the putting up of the placards that the commemoration service would be elsewhere? -- He did not make mention of any placards but what he said to me is that from the look of things COSAS was as if now the organisation which is sort of holding or driving or in charge of everything in that commemoration.

Yes. And to take matters even further did AZAPO officials go to the Anglican Church, Zone 13, and ask for permission to ask for AZAPO supporters to come back to Catholic Church,

Small Farms? -- That I cannot recall.

Yes you cannot recall. Well anyway can we agree on this,

and please remember that the reason why I am not using your

name is not any disrespect but I do not want it all over the

record, to just cover the name once will be enough and not

many times, it need be. Can we agree on this that even if

there was a discussion about the proposed unity on 10 June, (20)

which Oupa denies, but be that as it may, it was, it never got

off the ground? Because on the 16th, by the 16th the whole

thing had fallen flat? -- I agree with you that it had never

taken off or never progressed.

Yes. And of course the main objection, the main objec-

tion of AZAPO, and please remember that His Lordship is not

concerned with the rights and wrongs about these attitudes, but

the chief objection of AZAPO was that COSAS and the VCA were

affiliates of the UDF? -- That is true. With your permission

I can add to that as to why Oupa came to that conclusion, (30)

that is if I am permitted to do so?

COURT: Do you want to hear that?

MR BIZOS: Please do, yes. -- What Oupa suggested was this

that I am going to be one of the speakers, meaning myself, and I am a member of the VCA and being a member of the VCA there I will have to speak about or promote Black consciousness, of which I was prepared to do. Unfortunately I could not attend because of this death or the funeral I had to attend.

And to round off this meeting that you say took place

you described Mr Charles, I am sorry Mr Klaas Mphahlele.

I had better spell it for the record, M-p-h-l-e-h-l-e, (10)

as an executive member, is that correct? -- I remember very

well what I said. I said people who were present at this

meeting referred to was myself, Mabitsele, Klaas Mphahlele

and Oupa, accused no. 2. I never said that Mphahlele was a

member of the executive.

Have you ever seen him at any AZAPO meeting before? -- No

not at all, except from hearing from other people.

Now I want to deal with something else. You were arrested

during October, were you not? -- That is so.

COURT: October of which year?

MR BIZOS: 1984. For how many days were you kept in detention

during that first detention? -- For a week.

For a week. You also have, after your release, after this

week, you went and lived for some time at no. 2's, Oupa's,

houses? At no. 2's houses? -- Yes.

Now, and you spoke to no. 2's wife and his sister about

why you had been arrested? -- Yes I did.

And you told them that you were arrested because the

police alleged that you were responsible, together with others,

for the death of Caesar Motjane? Is that right? -- I (30)

never said the allegation by the police is such, I am

responsible/.....

responsible for the killing of Caesar Motjeane but what I said is that in the rioting, according to them, I am also involved to have caused that, me and the others.

You and the others to have caused the death of others but more particularly Caesar Motjeane? -- Well that I will say is true because there are certain people who saw me at Caesar's place.

Yes. And let us become more specific. Did you say to the members of no. 2's family that there was a list in the possession of the police in which your name appeared as

(10)

one of the persons.

COURT: Who did what? Persons who did what?

MR BIZOS: Who were responsible for the death of Caesar.

COURT: For the death of Caesar Motjeane. -- What I said about the list was the police are in possession of a list of names on which the names of the people who were present at the time of the killing of Caesar are appearing, that is including myself.

MR BIZOS: Yes. And had the police shown you that list? --

(20) No no list was in fact shown to me. They were only ques-

tioning me about names of the people who were alleged to have been there, some of which I did not know and therefore denied any knowledge of their being present.

Did they have the list in front of them whilst they were questioning? -- There were some papers or documents next to him (as demonstrated by the witness) in front of whoever was questioning me. This person would ask me about a person's name and then check on a document there which I take was the list on which he was looking and then ask me I knew anything about so and so.

(30)

And did he tell you that your name was on the same list?

-- Seeing/....

-- Seeing that he was calling names of the people I had seen at the scene where Caesar was killed while I was there I therefore accepted it and inferred that my name is also appearing on that list.

And you mentioned this fact to the relatives of accused no. 2 whilst you were living there? -- I told his people, yes.

Now you know I am going to appeal to you to give evidence about the things that I am now going to ask you without any fear because if my instructions are correct as to what happened to you, as you related to accused no. 2's relatives, then I (10) would appeal to you to tell His Lordship the truth about that and with the co-operation of the State Prosecutors there are no police officers in this courtroom, in this courtroom, that had anything to do with the investigation. Firstly let us try and get hold of the names of the people that you were being asked about. We have a copy of the list in the possession of the police. May I indicate My Lord from other proceedings.

COURT: Well is there a list?

MR BIZOS: There is a list.

COURT: Is that the list that the witness refers to? (20)

MR BIZOS: Well I will ask him about that. May I hand in three copies for Your Lordship.

COURT: It may be interesting but where does it lead us if we have that list?

MR BIZOS: It leads us on the method of interrogation of this witness and what, on our instructions, happened to him and what his motivation was and what statement he made at that time.

COURT: Yes.

MR BIZOS: Please have a look at this and have a look at the names and see whether the names which appear on that list (30) you are familiar with? Do you recognise any of the names on

that/....

that list? -- Yes. Some of them.

Firstly your own name is the last name? -- That is so.

And were you asked questions about the other people, or some of the other people appearing on this list? -- Yes about Sam Matlole.

Yes. -- Japi and Pule Mayini, Nkosi Knubeka, Emily, I was also asked about Emily but I did not know a thing about Emily. The most of the people I was questioned about here, my response about them was that I do not know them, except for Sam Matlole. (10)

Which Sam Matlole is that? -- The old man I am referring to is the accused which is not in court.

COURT: No. 17.

MR BIZOS: Well I am going to suggest to you that it is not, that it is accused no. 1 in another case. But anyway that is your understanding of it. But be that as it may.

COURT: Well it is clear then that this is not the list.

MR BIZOS: No My Lord the names are similar. -- From what I see here, the writing here, it is what I was asked whether he the old man is the person who did that. (20)

I see yes. Now we will come to the details of it but you do agree that this must have been the list from which they were reading the names because you recognise so many of the names? My Lord this will be

COURT: Before you hand it in as an exhibit how is this going to help me? It is clear that it was not the list because you dispute it is the same list, Father Sam cannot possibly be Sam Matlole according to you?

MR BIZOS: My Lord with the greatest respect the name was put at the time, as it turned out that the name that was written (30) there, the witness was, the name that is put there is similar to/.....

to that of accused no. 17, it was not intended to be no. 17 and it is not accused no. 17. But ...

COURT: Is no. 17 a minister of religion?

MR BIZOS: No My Lord.

COURT: Well then it cannot have been the list because this refers to a minister of religion.

MR BIZOS: No My Lord Father does not necessarily, Father Sam, does not necessarily mean that he was a minister of religion.

COURT: What else does it mean?

MR BIZOS: It can mean an old man. (10)

COURT: Yes well possibly, if you can call a young man Oupa you can call every old man Father.

MR BIZOS: Yes, but My Lord may I just proceed and then...

COURT: Yes go ahead, what is your exhibit number? Will counsel just bear in mind that we should not burden this record unnecessarily because it is thick enough as it is.

MR BIZOS: As Your Lordship pleases, but I do submit, with respect, that this is of some importance.

COURT: Yes, what is the exhibit number.

MR BIZOS: AAQ(4). Right. Now let me come directly to the (20) point. You have a portion of your teeth are not your natural teeth? -- That is so.

And when you went into detention in October 1984 was your denture in order? -- Yes that is true. The dentures were right.

When you came out were they alright? -- Yes.

Were they not broken? -- No.

Why are you smiling? -- Well they were broken but not in that incident.

Oh. Are you reluctant to talk about your experiences (30) during this week? Are you reluctant to speak about these experiences?/.....

experiences? -- Not that I am reluctant, I would like to tell about everything there.

Yes. Well let me come directly to the point. Did you tell accused no. 2's relatives that your dentures were broken as a result of being assaulted whilst in custody and when denying that you were responsible for the death of Motjeane? -- No that is not so.

Well I am going to put to you that not only did you say that to the accused's relatives but to other people. -- That my dentures were broken because of the assault by the police, (10) that is incorrect.

How were they broken? -- On my way out, the word used is ambiguous, it may mean at the time of my release or on my way out of detention, my dentures just fell out of my mouth. How I do not know. It may be that I pushed them with my tongue. In fact they were sort of causing some discomfort in my mouth in the sense that they were causing some pain. Therefore I used my tongue to push the dentures and that is how they broke.

Is that what you told the family of Oupa, accused no. (20) 2, and his friends or did you tell them a different story? -- That is the way in which I was putting it.

You see I am going to put to you that you came out and gave, and told them of how you had been assaulted for the purposes of admitting that you were at the place where Caesar Motjeane was killed and that they wanted you to make a statement admitting it. -- I will deny every saying that to Oupa's people, that is no. 2's people, because really things that I told them are not things that I may be scared of making mention of here in court. The reason being that I did not (30) consider Oupa as just an ordinary friend, I was taking Oupa's friendship/.....

friendship with me like a brother and his people I was sort of taking them like my own people, and therefore things said by me to them about myself would not be of the things that I would be scared of mentioning here in court.

Alright. Now let us just take your first period of detention and go through it. Under what provisions of the law were you detained for a week? -- I heard them talking about under Section 29 and said to me they can lock me up for any period just as long as it pleases them.

Now could you please give us the date when you were (10) taken?

MNR FICK: U Edele die Staat maak beswaar teen hierdie tipe vraag, dit is totaal irrelevant. Ek weet nie wat My Geleerde Vriend wil bereik met hierdie vraag. Die Staat maak beswaar. dit is irrelevant.

COURT: How is it relevant Mr Bizos?

MR BIZOS: The state of mind of the witness and why he made a statement subsequently.

COURT: Well the witness has already told you that he was in detention for a week and that it was in October. Now how (20) is it relevant that you proceed to get the exact dates out of it? What does it matter?

MR BIZOS: I claim, with respect, that it is relevant and particularly relevant because the treatment of the witness before he has been brought into the witness box is particularly relevant in assessing his credibility.

COURT: Yes, now how is the date relevant, the specific date?

MR BIZOS: Because we may want to check, with respect, as to in terms of what law this witness was detained, as to whether it was a lawful detention or not and the date may be of (30) importance.

COURT: /.....

COURT: And how is it relevant whether it was lawful or unlawful?

MR BIZOS: With the greatest respect the manner in which a witness is treated before he is brought to the witness box, but particularly if he is in detention, is highly relevant.

COURT: That is not what you are asking him, you are asking him of the date of his detention. Whether it is lawful or unlawful how does that affect his treatment?

MR BIZOS: I did not ask him yet whether it is, I say we want to investigate. (10)

COURT: Yes, well the question is disallowed. Put your next question.

MR BIZOS: Do you recall when you were detained in October?

COURT: I have ruled that question out of order, put your next question.

MR BIZOS: Where were you taken on the day of your arrest? Where were you taken? -- I was taken to Vereeniging.

Who were you detained by? -- I do not know the names of those policemen who came to arrest me.

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

What branch of the police force did they belong to? -- Security branch.

Were you told why you were being arrested?

MNR PICK: U Edele die Staat maak weer beswaar. Hierdie getuie het reeds gesê hy is nie aangerand nie. Ek weet nie wat My Geleerde Vriend met hierdie vrae wil probeer uitkry nie.

COURT: Yes, how is that relevant?

MR BIZOS: My Lord with the greatest respect I want an opportunity of referring to Your Lordship a number of cases where (30) judges in this and the Natal Provincial Division and the

Appellate/.....

Appellate Division have clearly indicated that the circumstances of detention of a particular accused is particularly relevant.

COURT: You have been informed that this witness was informed that he was detained under Section 29. Whatever that may mean. So he was informed how he was being detained.

MR BIZOS: No with respect that is not what he said. What he said was that "I heard them mention Section 29" during the course of his detention. The question was "Were you told why you were being arrested" and I would appeal (10)

COURT: Yes well put that question.

MR BIZOS: Were you told why you were being arrested? -- Yes they did tell me as to why they were arresting me.

What did they say, why were you being arrested? -- That I was responsible in the riots at Sebokeng and furthermore I was there present at the time of killing of one Caesar.

Where were you when that allegation was made? -- They came to pick up at my place of employment. I first heard from people that there were policemen looking for me and what have I done wrong, as a result of which I tried to run away. (20) Unfortunately the exit, which is the gate from that place of employment, I was supposed to have used everybody could have seen me walking out of there. As a result of this then I went to the office of the Personnel Manager and then I told him that I believe somebody tells me the police are looking for me, where are they taking me to I do not know. He then said to me well come with me let us go and hear what they want. I tried to refuse on which he said "No let us go, I will try and talk to them". Just when we entered the reception section he went back, he took a right about turn and went (30) back and left me there. Immediately when he did that the
switchboard/.....

switchboard operator told them, the police, "This is the man you are looking for".

Had you been in hiding before this date? -- That is so.

Where had you been hiding? -- I first went to Pretoria, then after two days I came back from Pretoria and proceeded to Kroonstad. That is where I stayed until I returned to this area.

When did you first go into hiding? -- On 4 September.

Did you not go to work on 4 September? -- No I did not.

For how long did you keep away from work? -- A whole (10) six days.

If you had behaved in a manner which you told us that you had behaved on the scene, that you said that this man ought not to have died this way and that you were the man who saved the Post Office from destruction why did you go into hiding? -- After learning about Oupa's arrest then that gave me a reason to be on the run because I just said to myself it that be the case they will not have time to listen to whatever I am saying.

When the allegation was made that you were responsible, (20) together with others, for Caesar Motjeane's death what was your response? -- I told them that I did not take part in the killing or murdering of Motjeane.

COURT ADJOURNS UNTIL 11 FEBRUARY 1986.

DELMAS TREASON TRIAL 1985-1989

PUBLISHER:

Publisher:- Historical Papers, The University of the Witwatersrand

Location:- Johannesburg

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DOCUMENT DETAILS:

Document ID:- AK2117-I1-3-20

Document Title:- Vol 20 p 885-952. Witness: Sekgoto