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IN THE SUPREME COURT OF SOUTH AFRICA  
(EASTERN CAPE DIVISION)

CASE NO.: CC. 72/76.

GRAHAMSTOWN,  
14th JUNE, 1976.

THE STATE

versus

SOTOMELA NDUKWANA AND FOUR OTHERS

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VOLUME 4

(Pages 357 - 422)

LUBBE RECORDINGS (PRETORIA)

THE COURT RESUMES ON THE 14th JUNE, 1976.

DON MLUNGISELELI JONGWIYSE WUPE: still under oath:

FURTHER CROSS-EXAMINATION BY MR SKWEYIYA: I want us to deal with the meeting which you referred to as a special meeting. In the first place, on which date do you say this meeting was held? -- 14th October.

I must tell you now that accused No. 3, 4 and 5 say that you are wrong in saying that this meeting which you refer to as a special meeting, was on the 14th October, 1975, but in fact it was on the 15th October last year. Could you (10) be making a mistake? -- I do not think so.

On which day of the week was this meeting? -- Tuesday.

Well, accused 3, 4 and 5 instruct us that it was on a Wednesday. Could you be making a mistake again? -- I do not think so.

Where was this meeting held? -- In the kloof.

Are you certain about that? -- Next to the girls' hostel.

On the way to - on the road on the way to Alice? -- Not on the way.

No, off the way but near the road to Alice in other (20) words. -- Yes.

Is there a kloof there? Because my instructions are that the kloof in fact is below the high school and below the toilet for boys, where the toilets for boys are situated. Is that correct? -- There is also a kloof.

BY THE COURT: Is that a different kloof? -- I take it that the road leading to that end is a kloof.

I do not understand that reply I am afraid.

MR SKWEYIYA: Is there a kloof or not near the girls' hostel? -- I call that area a kloof. (30)

What do you understand by a kloof? -- That is where there is

a river.

And is the place which is near the girls' hostel or was it rather ordinarily referred to as the kloof, at Healdtown? -- No.

You will agree that you are the only one who refers to it as a kloof? -- I would agree.

BY THE COURT: Why do you call it a kloof? -- It is because there is a river there. It is a flat area with a river.

MR SKWEYIYA: Below the village which is up there. I think it is called Lingselihle. -- No. (10)

Is there any special reason why you referred to this meeting as a special meeting? -- It was because it was held during the school days. Meetings were usually held on week-ends.

And will you agree with me also that this meeting was specifically held to discuss about the problems at school, namely expulsions? And before you reply to that, and also about complaints concerning new rules which had been introduced by the principal which he said he had got from King William's Town? Would you agree that this was called specifically for those two reasons basically? -- I do not remember the second point; I agree about the first one. (20)

And will you also agree with me that this meeting was particularly well attended? -- Yes.

The meetings that you referred to, other meetings except this one which you referred to as a special meeting, the average number of persons who attended those meetings, how many were they? In other words, the meeting at P.E. and the two meetings in the cellar, as you said. -- I must correct you on this point that when you said two meetings in the cellar. There was only one meeting in the cellar. (30)

I am sorry. One of those meetings was later transferred to/...

to the kloof.-- Yes.

I want to know the average number of persons who attended those meetings. -- The one at P.E. there were very few.

About how many? Just an estimate. -- Eight.

What about the one in the cellar? -- There were many.

About how much on the average? -- 30 to 40.

And what about the one which was held ultimately at the kloof, as you say? -- 27 to 30.

And would you agree with me if I say that the meeting which you referred to as a special meeting, had at least (10) 60 people present? -- Yes.

And that at this particular meeting which you refer to as a special meeting, there were more new persons than was the case with the other meetings, the three meetings in other words? -- There were new people.

No, what I mean is this: the number of new persons at this particular meeting was more than the number of new persons in the other three meetings which you referred to. -- I did not notice that.

Now who was the first person to speak at this meeting? (20) -- Accused No. 3. 3

And what precisely did he say? -- He started by introduction that we should introduce ourselves.

Yes? -- He told us that this was a special meeting and he told us that in this meeting we should write out our grievances and send them to Mr Sebe. Our grievances about the school; that people are being expelled without tangible reason.

Is that all? Didn't he also ask whether anybody present there suspected anyone of being an informer? -- There was.

Did he ask that? -- No. 3 (30)

My instruction from accused No. 3 is that he did in fact

ask whether anybody suspected anyone present to be an informer. Could he have said that? Do you say that he never said that or don't you remember? -- I do not remember that. What I remember is that the person who was suspected of being an informer was suspected by accused No. 5.

Yes, that is correct. No. 5 rose and said as a result of No. 3 having made that remark. Will you admit that? -- I do not remember.

No. 5 named Siphon Matshembozi at that point. -- Yes, he named him. (10)

You agree that it is No. 5 who mentioned the name of Matshembozi? -- Yes.

BY THE COURT: He said that in-chief.

MR SKWEYIYA: Oh, I see.

BY THE COURT: No. 5 told us that Siphon Matshembozi is not trusted.

MR SKWEYIYA: Thank you, M'Lord. Do you know the circumstances surrounding Matshembozi being suspected? -- Yes.

What were they? -- It was because Siphon Matshembozi was in Form A. So Form A students they did not like Mr Richter. Then Mr Richter did not teach them Afrikaans, so he was taught alone. (20)

Do you know Benjamin Musi? (No. 12 on the list.) -- I do not know him by the name of Benjamin. One I remember is Mbulelo.

Is Mbulelo's surname Musi? -- Yes.

I am instructed by the accused, I see they are nodding their heads, but Benjamin Musi and Mbulelo Musi are the same person. I am instructed also by accused No. 3, 4 and 5 that Mbulelo Musi or Benjamin Musi also got up at that meeting and asked why some informers are being beaten whilst others like/... (30)

like for instance David Mathi who boasted of being feared, were left alone. Do you remember that? -- No.

Did Benjamin Musi or Mbulelo Musi speak at all? -- I do not remember.

And it is as a result of this, in other words Benjamin Musi saying this, that in fact accused No. 3 asked whether anybody suspected anyone present of being an informer. Does this now not make you remember perhaps? -- No, I do not remember Musi speaking.

Did No. 5 speak at this meeting? -- Yes. (10)

Did he say concerning the expulsions, that something must be done about it? And that the expulsions should be stopped? And he then enquired from members present what should be done. Do you deny that he said so at that meeting? -- I do not remember him saying that.

Well, Ngaki said that No. 5 in fact did say that at this meeting. -- I do not deny it, I only say that I do not remember.

No. 3 also denies that at this meeting he said anything about military training. What is your reaction to that? -- He did say that. (20)

Would it surprise you if I told you that Ngaki also - firstly I withdraw that. Did Ngaki attend this meeting? -- Yes.

He was present at this meeting. Was Ngaki present at all the meetings which you attended except the Port Elizabeth one? -- I did not see him at the meeting at the cellar.

But you see him at the other two, in other words, this one which was a special meeting and also the one which was ultimately held at the kloof? -- Yes.

Ngaki was specifically asked, according to the note which I have here, what No. 3 accused - no, sorry, it was a general question. Ngaki was asked what accused No. 3's attitude/... (30)

attitude about leaving the country was for military training in the whole of the second session and Ngaki said this: he could not explain his attitude and he went further and said that No. 3 never explained at any meeting in the second session about what his attitude is concerning military training. Would it surprise you to hear that?

BY THE COURT: When did he say that? I would just like to check my notes. Was that in-chief or in cross-examination?

MR SKWEYIYA: That was in-chief. He was being questioned by my Learned Friend. (10)

BY THE COURT: Can you refer me to the passage?

MR SKWEYIYA: I am trying to refer to my notes. I made separate notes, the ones I was referring to.

BY THE COURT: My note reads: the attitude of No. 3 I do not know towards leaving the country. I do not remember him giving an indication. My note does not refer to military training at all.

MR SKWEYIYA: I just want to get my note. The note which my Learned Friend has here is this: What was accused No. 3's attitude towards leaving the country for military training (20) - I am sorry - to undergo military training during the latter part and the reply by Ngaki was: As far as I am concerned, I cannot say what his attitude was.

BY THE COURT: Yes, that followed on a passage where he said he remembered No. 1, 2 and 4 all saying that they were leaving the country to undergo military training.

MR SKWEYIYA: I am sorry, I cannot find the passage in my notes. I made separate notes there.

BY THE COURT: Yes, put your question.

MR SKWEYIYA: Would it surprise you that Ngaki does not (30) remember anything about No. 3 ever having mentioned military training/...

training at a meeting in the second session? -- Yes.

And will it also surprise you if I tell you that Ngaki also said something to the effect that in the whole of the second half of last year at Healdtown he does not remember anybody saying anything about military training? -- Yes.

Did anyone who was introduced at this meeting or who introduced himself, that is a new member at meetings, ever say afterwards, you know when the meeting was about to end, look, I am happy to have been at this meeting and to hear about the good aims of SASM? -- I do not remember. (10)

Incidentally, dealing with Ngaki's evidence again, Ngaki says that there was mention of military training in the first half of last year. I am just putting you in the picture so that it does not seem that Ngaki never said anything about military training. Do you know of any people either inside SASM or outside SASM who were concerned about the fact that there were many children around the villages there who were herding cattle instead of going to school? -- No.

Would it surprise you if there were such people in SASM? -- Yes. (20)

Well, do you know of any people either in SASM or outside SASM who were students, I am talking about students, at Healdtown who were concerned about Bantu education, the quality of Bantu education? -- No.

Would it surprise you again if in fact there were people who were concerned about Bantu education in SASM? -- Yes.

What about students generally, leaving aside now SASM, were there ever any discussions about the quality of education, that is Bantu education, at school? -- I do not know.

What are your views on Bantu education? Or let me put it this way: do you like the fact that you had to get (30)



a special type of education? -- Yes.

Say what your complaint is about Bantu education.

BY THE COURT: He said he had no complaint. You put your question I think - because he gave the reply - you said what are your views about Bantu education, did you like the fact that you had to get a special type of education and his reply was yes.

MR SKWEYIYA: I am sorry, I thought it was the other way around.

BY THE COURT: Did you have any complaints about Bantu education? -- Yes. (10)

What were they? That is what Counsel wants to know. -- My complaint against Bantu education is that the types of education is not the same.

As? -- There is Bantu education and there is education for Whites.

MR SKWEYIYA: Well, besides yourself, do you know of anyone else who held the same views that you have just expressed now? -- I already said I do not know.

Well, Ngaki again said that accused Nos. 3 and 4 certainly had such views about Bantu education. He says they felt (20) strongly about Bantu education. And that in fact they said this at meetings as well. Would this surprise you? -- I do not remember.

Would it surprise you if accused Nos. 3 and 4 in fact did express such views at SASM meetings? -- No.

Still on this topic, do you know of any students who ever expressed a wish to go and study overseas? In discussions generally. -- Yes, I once heard a conversation, general conversation.

Was any of the accused anyone of those persons (30) involved in such conversation? -- No.

Have/...

Have you ever heard of any meetings of SASM where people present discussed and expressed concern about tribalism? -- No.

Would it surprise you if there were in fact meetings there by SASM where they discussed questions like tribalism? -- No.

And would the same be the position with regards division on a regional basis? I believe that at Healdtown their were divisions on a regional basis and students tended to gather in terms of regions and students resented this. -- Yes.

Let us leave that for a moment. Do you know of a (10) meeting in Port Elizabeth which was held at Park Stadium? -- Yes.

Were any of the accused present at that meeting? -- Yes.

Who were present of the accused? -- 3, 4 and 5.

And would you say that 3, 4 and 5 played an active role in this meeting? -- I can say 3.

They were concerned, isn't that so, about the fact that they were not at school, they had been expelled at school and they wanted to go back to school and be educated. Is that correct? -- No.

And they were so concerned that at that meeting (20) it was the view that parents of the students in P.E. should be approached so that they could go to the authorities at Healdtown and ask them to re-admit you. -- Sorry, the meeting you are referring to, is not the one I attended.

I am referring to the meeting at Park Stadium. I had not asked you about a meeting at some other place. -- I am talking about the one meeting at the Park. Such things were not discussed.

What was discussed at this meeting at Park Stadium, if anything? (30)

BY THE COURT: Is this the meeting that he attended?

MR SKWEYIYA: At the Park Stadium, M'Lord.

BY THE COURT: Did he attend the meeting at Park Stadium? -- Yes.

MR SKWEYIYA: Yes? -- There it was discussed that we should keep the existence of the movement in secret. Then the other thing was that other people should go and visit another branch in Kwazakele. It was decided that accused No. 3 and 4 and Vuyo Baleni should visit that SASM branch.

This was now at Park Stadium you say? -- Yes.

And you say that the same things you are now mentioning were discussed in a meeting which was held in P.E. at (10) Vuyo Baleni's home? -- I do not know, I was not present at a meeting at Vuyo Baleni's home.

And you say that this meeting of course which you attended at Park Stadium was held - was it held in the open? -- No.

Where was it held? -- On the stand of the stadium.

Yes, but it was public. There are no doors there, you were sitting on the forms provided there. Is that correct?

-- Yes.

And who else was at this meeting? -- Radio Dippa, Faike Faas, Africa Sulelo, Zukile Msi. That is all. And (20) accused No. 3, 4 and 5.

And anybody who went past there the stadium, could have seen you sitting there. Is that correct? -- Yes.

I must say that I fail to understand why anybody would then say that the existence of that meeting should be kept a secret. -- He meant that we should not talk about this to the people.

Would you agree with me when I say to you that it was never SASM's policy that all Whites were enemies of the Black persons? -- Yes. (30)

And this was stated even at meetings. -- I do not remember/...

remember.

Do you remember the day, the first day when you came into court here, when you refused to give evidence? -- Yes.

You were asked whether you ever joined whilst at Healdtown an organisation, and your reply was 'yes'. -- Yes.

Then you were asked what organisation. You then said SASH. -- Yes.

You were then asked what SASH stood for and your reply to that was Black consciousness. -- Yes.

What did you mean by that? -- That means that you (10) must be conscious of your colour, of being Black, and then you should love your people and live in unity with them.

And that in fact you should involve yourselves after having done that .. (intervenes)

BY THE COURT: Didn't you put this all to him on Thursday.

I have a distinct recollection of all these questions being put to him.

MR SKWEIYA: Black consciousness, M'Lord, the meaning of Black consciousness? M'Lord, I am told that the ones leading up to these questions I did ask, but not the specific (20) questions about Black consciousness.

BY THE COURT: I remember all this introduction being put.

MR SKWEIYA: But I did not ask him about Black consciousness.

BY THE COURT: Yes, go on.

MR SKWEIYA: Thank you, M'Lord. Let us now deal with your - I am sorry - that in fact you should involve yourselves in the struggle of the Black people. -- Yes.

That you should as far as possible help where you can? -- Yes.

To the extent that in fact at one stage SASH was (30) even thinking of organising a feeding scheme at schools where there/...

there was no feeding scheme. -- Yes, since we were trying to assist the nation, I agree.

Let us deal with the meeting of the - your first meeting. On which date do you say this meeting was held? -- 19th September.

And your decision to join SASM I take it was before that day. -- Yes.

Because of discussions you had had with Gqajela. -- Yes.

And this discussion was only between the two of you. --Yes.

Did Gqajela say at any stage to you what type of (10) organisation he wanted you to join when he spoke to you? -- He said a students movement.

And he gave you the aims of course, without mentioning the name of the student movement. -- Yes.

And he mentioned the two aims to you that you have just given to the Court. -- Yes.

And you say that Gqajela was a close friend of yours.--Yes.

You would expect him not to mislead you. -- No.

You would expect him also to confide in you? -- Yes.

Who accompanied you to this meeting? -- Accused No. (20)

3 and 4 - I was accompanied by only accused No. 4. 3 4

Were you making a mistake when you were mentioning accused No. 3? -- Yes. 4 only

Accused No. 4 only? -- Yes.

Well, my instruction from accused No. 4 is that he did not accompany you in the sense that he went to fetch you from your home to go to a meeting. Do you agree with that? -- Accused No. 4 was in the company of Gqajela.

My instructions from accused No. 4 are these that you and Gqajela met him on the way and you then all walked (30) together. What do you say to that? Could it have happened that/...

that way? -- No.

What type of a day was this? Was it a clear day, a rainy day, a cloudy day? -- I do not remember.

Could it have been drizzling? -- I think it was just after rain.

BY THE COURT: What was your question?

MR SKWEYIYA: Could it have been drizzling? -- I think it was after rain.

When you entered the cellar, as you say, where this meeting was held, did anybody say anything? -- Yes. (10)

Who? -- Accused No. 4 and Gqajela.

What did they say? -- Amandla (it means strength)

Did they say it together at the same time? -- Not simultaneously.

You do not know who said so first? -- No.

Isn't this a usual form of greeting nowadays among young people? Not necessarily saying 'Amandla' in Xhosa, but saying 'Power', in English. Isn't it a usual thing? -- No.

Well, I have heard it being used. Anyway, I am not giving evidence. What is the next thing which happened after you entered this cellar? -- We sat down. (20)

Yes? -- Then a song was sung.

Only one song? Were there other songs which were sung that day? -- There were.

Songs like?--Umkonto.

Yes? -- Mayibuye E Afrika.

Yes? -- That is all.

Ever been at a meeting where Nkosi Sikilele Afrika was also sung at a meeting by SASM? -- No.

Would it surprise you if at a SASM meeting Nkosi Sikilele Afrika was sung? -- No. (30)

Do you know of any meeting where - do you know a song, firstly, by the name Holy Spirit must come down? -- Yes.

This is a song which is usually sung at SCM meetings. Is that correct? -- Yes.

The next line of this song reads 'And Africa will be saved'. Is that correct? -- Yes.

I am instructed by all the accused that this song was also sometimes sung at SASM meetings. -- It was never sung at the meetings which I attended.

Would it surprise you if this particular song, (10)  
'The Holy Spirit must come down' was ever sung at a SASM meeting? -- No.

Why was Gqajela expelled? -- He was at the girls hostel at night which is regarded as an offence by the school authorities. So now he assaulted another girl there at the school, saying that she acted in a silly manner towards him at the girls' hostel at night.

Now Gqajela is your friend. -- Yes.

Do you know whether the fact that he was expelled ever worried him? -- Yes. (20)

And do you know whether he would have liked to go on with his education? -- Yes.

And in fact Gqajela had a sister who was in Botswana or was either a teacher or a social worker. Isn't that so? I think he must have discussed this with you because you were friends. -- He never told me about it that his sister was in Botswana. He only told me that his sister was in Zambia.

Did he tell you what his sister was doing in Zambia? -- He told me that she was teaching.

And did he also tell you that his sister was well (30)  
travelled in the countries in Africa? -- No.

That/...

That she had many contacts? -- He only said she is prominent.

BY THE COURT: He only said she was? -- Prominent.

Prominent? -- Yes.

MR SKWEYIYA: Didn't he also say that she knew of sources, you know, about scholarships or bursaries? -- Gqajela himself?

Yes, in discussion. That the sister knew. -- No, he never told me.

Did he ever express a wish that he would have loved to go and join the sister? -- He once said that. (10)

Did he tell you how close the relationship was between himself and his sister? -- He told me that he was older than her.

Let us just continue and complete about the meeting in the cellar. You say that then there was singing and so on. -- Yes.

Anything else besides singing? -- Yes.

What else? -- Accused No. 3 stood up and said newcomers should introduce themselves.

Yes? -- So we stood up and we introduced ourselves.

Did anybody say anything after you had introduced yourselves? -- Yes. (20)

Yes, what was said? -- Someone said - I do not know his name - that it is dark here, a candle should be lit and he enquired if there was anyone with a torch.

Isn't that someone No. 5 in fact? Didn't No. 5 perhaps say that look, it is too dark here, I shall go and fetch a candle? -- He declared himself after that somebody.

But this somebody did not ask him to go and fetch a candle? -- Yes.

You say that of course Ngaki was present at this meeting? -- No. (30)

BY THE COURT: Did he say that?



MR SKWEYIYA: I thought he said so.

BY THE COURT: I do not think you should put it to him unless he did. According to my notes he did not.

MR MULLER: M'Lord, if I may be of assistance, the witness's evidence is that Ngaki was not present in the cellar and at the meeting in Port Elizabeth. Those are the two he expressly excluded.

BY THE COURT: Yes, and in his evidence-in-chief he mentioned a lot of names and Ngaki was not amongst them. You must be careful how you phrase your questions. This is the (10) second occasion upon which I have had to remind you that the witness did not say what you say he said. That is not a permissible way of cross-examining.

MR SKWEYIYA: I am instructed by - was Tyala present? -- I do not even know Tyala.

What about Africa Sulelo? -- He was present.

Do you know a person known as Nkululo Tyala? -- No.

Well, I am instructed that Tyala was in fact present at this meeting in the cellar. Africa Sulelo do you know him?

-- Yes. (20)

Was he present at this meeting? -- Yes.

What about Majova? -- He was present.

And Maninzi Nxula? -- I do not know him.

BY THE COURT: You do not know him or you do not know if he was present? -- I do not know him.

MR SKWEYIYA: What about Gayisa, was he present? -- Yes.

Now anybody else say anything else at this meeting? --Yes.

Who? -- Gayisa.

What did he say? -- He recited a poem called Garimpi.

Of course you say that you do not know whether (30) this word is a Xhosa word or some other language. -- I do not know/...

know.

Is it Garimpi or <sup>A</sup>Garimbi? -- lpi - m-p-i.

Do you know of a Kenian word known as 'garimbi'? -- No.

Are you able to say what the words of this poem were? --

I have said I do not remember the actual words.

If I say to you that one of the verses of that poem reads thus: I am in search of a man. Do you agree with that firstly? Do you remember that? -- No.

'What kind of a man'. Do you remember those words inside this poem? -- Yes, maybe I will be able to remember if (10) you have read all the verses as a whole.

Yes, let me just get the whole verse then:

"I am in search of a man

A man with the heart of a stone

A man to whom politics is the least

and struggle the most."

Can you remember that? -- I can remember but not as the words were.

Could it have been from those words, the verse which I have just read to you, that you came to this conclusion, (20) namely that this poem was a calling to Black men to stand up and fight for our forefathers' land? -- If you read further and complete that verse, I would say that is what you have just said.

Well, that is all I have about the poem.

BY THE COURT: Is that the whole poem? Is that what you are putting to him?

MR SKWEYIYA: It is one of the verses.

BY THE COURT: The witness says if you read the whole poem, you will find that what he says is correct. (30)

MR SKWEYIYA: No, this is not the whole poem, it is a verse.

I am asking you whether perhaps from these words you could not have come to the conclusion which you said you came to.

BY THE COURT: Yes, but his reply is if you read further and complete that verse, complete the poem, I would say that it is.

MR SKWEIYA: We will have the whole poem later, but at the moment we do not have the whole poem.

BY THE COURT: There is no point in putting to him one verse and then saying to him does this justify the evidence which you gave in-chief which is the effect of your cross- (10)  
examination. The witness says yes, but there are other verses.

MR SKWEIYA: I realise this and I cannot take it any further on that. The point I want to ask him about really was whether in fact this is the same poem with these words, so that we are trying to get the whole poem.

BY THE COURT: Yes, but you have had your answer thus far from him.

MR SKWEIYA: As M'Lord pleases. Anybody else said anything else at this meeting? -- Yes.

Yes, who else? -- Accused No. 4.

4 (20)

What did he say? -- That he had been to Alice and he conscientised the nurses.

BY THE COURT: The nurses or a nurse? -- I think two nurses.

MR SKWEIYA: Is that all? -- Yes.

Did you get the impression that No. 4 was giving a report on what he had been asked to do in a previous meeting? -- Yes.

Is that all that No. 4 said at this meeting? -- Yes, that I still remember him saying.

Anybody else said anything? -- Kholekile Tata.

That is the man who gave the report about Timbasa? (30)

-- Yes.

Besides him, anybody else said anything at this meeting?

-- I do not remember.

Any of the accused said anything at this meeting? -- Yes.

Yes, which accused? -- Accused No. 3. 3

What did he say? -- He proposed that the meeting should be closed and he asked someone to say a prayer.

Is that all? -- He said when going to the dormitories we should not go in groups.

Is that all? -- Yes.

Anybody else said anything, any of the accused said (10) anything at this meeting? -- Accused No. 3. He told us about the two phases. 3

Yes? -- That is the first phase to be conscious and the second phase to leave the country for military training.

Accused No. 3 denies that he ever said that at this meeting he spoke about military training or at any other meeting in which you were also present. What is your reaction to that? -- I did not deny - I do not agree.

He also denies ever mentioning anything about two phases. What is your reaction to that? -- I do not agree. 3 (20)

He says that at this meeting and in many other meetings of SASM he always stressed the fact that you students must learn about the people's problems and about the general situation in South Africa. What is your reaction to that? -- Yes.

And he also says that he said that when you have known about the problems of people in various areas and places, you must involve yourself by trying to help. What is your reaction to that? -- Yes.

Could he perhaps have said this at this meeting but that you cannot remember whether he said it or not? -- Yes, (30) it could have been said.

In what language .. -- In that meeting.

Are you able perhaps in what language accused No. 3 was speaking at that meeting? If you cannot, say so. -- He mixed.

And he could have even used the word 'umzabalazo'? -- I do not remember.

BY THE COURT: What does the word mean?

MR SKWEYIYA: Struggling or struggle. I do not know about the Interpreter. -- Yes, I agree, M'Lord.

BY THE COURT: You say you cannot remember? -- Yes.

MR SKWEYIYA: Could anybody at this meeting have used that word 'umzabalazo'? -- I do not remember. (10)

Is that all that you remember which No. 3 said at this meeting? -- Yes.

Or do you say that he could not have said anything else? -- I do not remember.

Well, your memory is very short. Because on Thursday - it may be Wednesday, I am not sure - you said that accused No. 3 said that the meeting was not for babies but for men and that you should keep the existence of the meeting a secret. -- Yes. (20)

Is it possible that he actually never said those words or that you are mixing that being said by somebody else with what in fact was said by the accused? -- He did say that.

He himself? -- Yes.

Well, he denies that he said that the meeting is not for babies but for men. (3)

Would this be a convenient stage for Your Lordship?

BY THE COURT: Yes, I am just trying to find my notes in regard to that point to find out which meeting.

MR SKWEYIYA: It is after he had listed the names of the persons who were present at the meeting. The first meeting, the very/... (30)

very first meeting.

BY THE COURT: He listed the names and then he said - the witness said that meeting is not for babies but for men and we should keep the existence of the meeting secret. That was on the 9th June that he said that.

THE COURT ADJOURNS FOR TEA. THE COURT RESUMES.

DON ILUNGISELELI JONGWIYSE QUPF: still under oath:

FURTHER CROSS-EXAMINATION BY MR SKWEYIYA: Just remind me again.

I put to you that No. 3 denies, saying that that meeting in the cellar was not for babies but for men. Can you remember whether he said this or not or can't you remember? (10)

-- I remember that he did say that.

Is there anything else No. 3 said at this meeting? -- We should keep the existence of the meeting a secret.

Anything else? -- I have already mentioned the other things. Have you mentioned everything today which you say No. 3 said at that meeting? -- What I still remember.

Your memory does not seem to be so good today. Is that so? Do you agree with me? -- If you can state anything which I did not remember. (20)

Well, you cannot remember something which also you said on the 9th of this month here in court. -- What?

You said that: No. 3 also told us the movement has its own constitution and that if anyone wants it, he must obtain it from him or accused No. 4 or Gqajela. -- Yes. (3)

You cannot remember this which you said on the 9th. -- I remember now.

And would you agree with me that when you gave evidence on the 9th, you were giving evidence about events which occurred and things which were said last year? -- Yes. (30)

Is that all the part which - all that which was played

by accused No. 3 at this meeting? Namely what you have said in court today and what I said you today forgot? -- Yes.

Well, you also said on Thursday, the 9th, that No. 3 stood up and introduced Gayisa as the poet of SASM. Did that in fact happen? -- Yes. 3

You have also forgotten about that. -- If you said in the beginning, those were asked to stand up and speak, I thought that you were told to say something about accused No. 3.

BY THE COURT: I do not follow that reply. -- Counsel said when I spoke of Gayisa in the beginning he was told to (10) talk, I took it that I had already mentioned that accused No. 3 told Gayisa to speak.

MR SKWEYIYA: Very well, we will go on to the next point. Besides the accused, anyone of the accused, did anybody else speak at this meeting? -- Yes.

Who spoke? -- The members introducing themselves.

Yes, I am talking about people who spoke at this meeting.

-- I do not remember.

You do not remember anybody else saying anything? -- No.

Well, I will remind you again. You also said on (20) the 9th that Gqajela stood up and said accused 3 has said everything and that there was no use for him to say anything 3 and that the only thing to do now was to go for military training. -- Yes.

Have you also forgotten that? -- Yes.

And would you agree with me, according to you, that this is unlawful? -- I do not know law.

Well, I thought you said at some stage of your evidence, in any case I cannot remember precisely when, that to go for military training outside the borders of South Africa (30) is illegal or unlawful. -- I am talking about the fact that I have/...

have forgotten something that is unlawful.

I do not follow you. Anyway, would you agree with me that this is a very important aspect of this case? -- Yes.

BY THE COURT: What Counsel means is do you agree that this talk about military training is a very important aspect of this case? -- Yes.

MR SKWEYIYA: Are you not perhaps meaning the fact that Gqajela said this, according to you and leaving it out because Gqajela is your personal friend? -- No.

And who between accused 3 and Gqajela spoke first? (10)  
-- Accused No. 3.

Well, accused No. 3, 4 and 5 instructed me that you have <sup>3</sup><sub>4</sub> the order of the sequence wrong. I am instructed further that in fact accused No. 3 spoke what he said he said at that meeting before Gqajela spoke.

BY THE COURT: That is what he said.

MR SKWEYIYA: No. 3, N'Lord.

BY THE COURT: Yes, that is what he said.

MR SKWEYIYA: I am sorry, I mean Gqajela spoke before he did, <sup>3</sup>  
that is No. 3. -- No. (20)

And he instructs me further and this is supported by 4 and 5, that No. 3 in fact stood up to call Gqajela to order for the type of talk which he was indulging in. -- No.

And he says that he calmed him down and he said to him that if anybody doubted the policy of SASM and he was not sure about it, that somebody must either see any member of the <sup>3</sup> executive or go to King William's Town. And he further says that the person who in fact spoke about military training at that meeting is Gqajela. -- Gqajela also spoke.

BY THE COURT: What about the first part of the question? (30)  
Was it said that if anybody doubted the policy of SASM and was not/...



not sure about it, he must see a member of the executive or go to King William's Town? -- I do not remember that.

MR SKWEYIYA: Well, accused No. 3 - I am sorry, I withdraw that. Was Maninzi Nxula present at this meeting? -- I have already said I do not even know him.

Well, accused No. 3 denies that he said people should get a copy of the constitution either from him or from No. 4 or from Gqajela. No, I am sorry, he said that copies of the constitution are obtainable from the secretary of the organisation and that in fact Gqajela was the secretary. M'Lord, (10) I am sorry, I am being corrected by my Learned Friend here that in fact the secretary was No. 4. I am sorry. -- Gqajela was not the secretary.

I am sorry, he was the vice-president I remember.

BY THE COURT: Yes, but the question is that all that was said about constitutions is that they are obtainable from the secretary. In other words that you are wrong when you say that accused No. 3 said people could get a copy of the constitution from him. What do you say to that? -- He said from him, either Gqajela or the secretary. (20)

MR SKWEYIYA: You never mentioned on Friday the fact that constitutions could be obtainable from the secretary.

BY THE COURT: On Thursday. My note reads as follows: He told us that the movement has its own constitution and if somebody wants one it is obtainable from him or No. 4 or Gqajela.

MR SKWEYIYA: That is mine also.

BY THE COURT: Now the question is that on Friday he never mentioned?

MR SKWEYIYA: That copies of constitutions are obtainable (30) from the secretary.

BY THE COURT: /....

BY THE COURT: Wasn't accused No. 4 the secretary?

MR SKWEYIYA: Yes, he was.

BY THE COURT: Then how can you put your question like that?

MR SKWEYIYA: The suggestion I am putting to him is that no name was mentioned .. (intervenes)

BY THE COURT: But that is not what you are putting. You must be careful. You know this is the third time I have had to pull you up about the form in which you are putting your questions. You must be careful how you put your questions.

MR SKWEYIYA: H'Lord, with respect, I put the last (10) question the way that I put it because the witness himself said it could be got from so and so or from the secretary. He used the word secretary, the witness. And I say that he mentioned the word secretary ... (intervenes)

BY THE COURT: No, he mentioned No. 4 and he says No. 4 is the secretary. Isn't this hair splitting?

MR SKWEYIYA: Accused No. 3 also denies that he introduced Gayisa as the poet of SASM. What do you say to that? -- He did say so.

Am I correct in saying that SASM members at Healdtown(20) regarded the branch at King William's Town as being their head quarters sort of? -- I do not know.

Did you think that the branch at King William's Town knew more about SASM than the branch at Healdtown? -- I did not know of the branch in King William's Town.

Did you ever come to know of the existence of the branch at King William's Town at any stage last year? -- I did, yes.

At what stage did you hear this? -- The time we had gone to King William's Town. It was myself, Gqajela, Majova, accused 3, 4 and 5. (30)

You said that Ngawana said a prayer at the end of this meeting/...

meeting. -- Yes.

Do you remember the gist of what that prayer contained?'

-- Not the exact words. I remember least.

Can't you remember even the gist of what he said? -- He said God will assist us. He requested God to assist us to liberate ourselves.

And in the other meeting which you attended, was it normal practice to end a meeting by prayer? -- Yes.

And the gist of the prayer in each instance I suppose, was the same as the one which you have just given the Court. -- Yes. (10)

Anything else which No. 3 said at this meeting? -- If somebody wants to leave, he must see the executive.

Yes, anything else? -- Again try and do the necessary arrangements for him.

BY THE COURT: When you say leave, what do you mean? -- Leave the country.

MR SKWEYIYA: Yes, is that all? -- Yes.

Didn't accused No. 3 also tell you that when you come back from crossing the border, you will become freedom fighters? To fight Whites in South Africa? -- Yes. (20)

And didn't he also say, according to you, that you were either to go to Mozambique or Botswana? -- Yes. 3

Is this one of the facts which you have forgotten? -- Yes.

I must put it to you again that No. 3 denies ever saying this at this meeting or at any other meeting. -- No.

I will repeat what I put to you earlier on. I said to you earlier on accused No. 3 denies ever saying at this meeting that people should go out of the country for military training and that when they come back they shall be freedom fighters to fight Whites in South Africa and that they could either/... (30)

either receive training in Mozambique or Botswana or at any other meeting. What do you say to that? -- I still remember that.

Do you know when Mozambique attained its independence? -- I think 1974.

Well, I am suggesting to you that you are making a mistake; it was last year in June. -- As I have said, I think, I am not sure.

Do you know whether in fact Mozambique had bases for people to train in that country with a view to return to (10) South Africa? -- No.

I am suggesting to you that the only time when there has been talk of Mozambique being a base for what are referred to as terrorists, is only recently; even then it was with regard to people, Rhodesians wanted to go back to Rhodesia. -- I do not know that.

Do you know whether Botswana ever have any training camps for South Africans to go and train there and come back to South Africa to fight here? -- No.

Anyway, I am suggesting to you that there were (20) never any such camp in Botswana. Let us now deal with your .. (intervenes)

BY THE COURT: What is your reply? -- I do not know.

MR SKWEIYA: Let us now deal with your meeting which was held in P.E. Are you able to remember the date on which this meeting was held? -- No.

Are you able to remember the month in which it was held? -- Yes.

Which month was it? -- November.

3, 4, 5

And who were present at this meeting? -- It was (30) myself, accused 3, 4, 5, Paike Faas, Africa Sulelo, Radio Dippa, and/...

and Zukile Msi.

And where was this meeting held? -- In a soccer field in P.E., Park Stadium.

Did anybody say anything at this meeting about military training? -- Yes.

Yes, who was it? -- Vuyo Baleni.

Any of the accused? -- No.

We deal next with your meeting which was supposed to be held in the cellar but which was later held at the kloof. -- Yes. (10)

BY THE COURT: The witness has been on his feet all day. If he wants to sit down at any stage and continue his evidence sitting, I have no objection. -- Yes.

MR SKWEYIYA: What was the date that this meeting was held? -- 4th October. 4, 5

Who were present? -- Accused 4 and 5, myself, Zwelake Kentshepe, Andile Ngaki, Slate Nkabinde, Monwabisi Yako, Bikunsi Masondo, Ibulelo Masi.

Was Gqajela present? -- No.

Gqajela in fact was intoxicated that day. Is that correct? -- Yes. (20)

You had been together with Gqajela in the earlier part of that day? -- Yes.

And at some stage with No. 5 as well. -- Yes. S

There were some two girls also sitting with you there near the toilets of the White staff members. -- Yes.

Where precisely was this meeting held? -- In the kloof near the stream, beside the rugby field.

And who spoke at this meeting? -- Accused No. 4. 4

What did he say? -- Firstly he told us that the president and the vice-president are not available, so he is going/... (30)

and Zukile Mei.

And where was this meeting held? -- In a soccer field in P.E., Park Stadium.

Did anybody say anything at this meeting about military training? -- Yes.

Yes, who was it? -- Vuyo Baleni.

Any of the accused? -- No.

We deal next with your meeting which was supposed to be held in the cellar but which was later held at the kloof. -- Yes. (10)

BY THE COURT: The witness has been on his feet all day. If he wants to sit down at any stage and continue his evidence sitting, I have no objection. -- Yes.

MR SKWEZIYA: What was the date that this meeting was held? -- 4th October. 4, 5

Who were present? -- Accused 4 and 5, myself, Zwelake Kentshepe, Andile Ngaki, Slate Nkabinde, Monwabisi Yako, Bikunsi Masondo, Mbulelo Masi.

Was Gqajela present? -- No.

Gqajela in fact was intoxicated that day. Is that correct? -- Yes. (20)

You had been together with Gqajela in the earlier part of that day? -- Yes.

And at some stage with No. 5 as well. -- Yes. 5

There were some two girls also sitting with you there near the toilets of the White staff members. -- Yes.

Where precisely was this meeting held? -- In the kloof near the stream, beside the rugby field.

And who spoke at this meeting? -- Accused No. 4. 4

What did he say? -- Firstly he told us that the president and the vice-president are not available, so he is going/... (30)

going to take the stand and he further told us that since some of the members did not know the change of venue, nothing of importance will be said. So he further told us about the Black man's struggle, that it started long ago and we are not the only people who are struggling. There are people who struggled before us and they are prepared to sacrifice. So we should keep the spirit of the second phase that we must leave the country for military training. He told us that if somebody is considering to stage a play, we must introduce the play to the members so that they can stage the play if necessary. (10) So he further told us that anybody who wants to talk, can stand up and talk. Then Slate Ekabinde stood up and told us that there is no time for a play as we are approaching the exams. So the thing of the play was a failure.

Was anything else said by No. 4? -- Yes.

What else? -- When Faku Ntoyi asked about how to leave the country, he told him that he must contact the executive. 4

Is that all? Are you saying that at this meeting accused No. 4 spoke of a phase?--It is me who is saying the phase. I spoke of the phase as he told us about the military training. (20) Because I have heard that that was the second phase.

Anything else said by accused No. 3? -- Accused No. 3 was not there.

I am sorry, accused No. 4. -- No, I do not remember. 4

Accused No. 4 denies that he spoke about military training at this meeting or at any other meeting. He says that if he mentioned armed struggle in any meeting, it was always in this term, namely: if the South African government does not solve the problem, it seems as though armed struggle may be inevitable. -- I do not remember him saying so. (30) 4

If he had said so would you be surprised? -- No.

Do you know where No. 3 had gone to on this day? -- I heard that he had gone home.

And do you know whether accused Nos. 3 and 4 had at any stage last year been at King William's Town? With a view of visiting the branch of SASM at King William's Town. -- No.

Well, accused No. 4 denies saying at this meeting by implying that if anybody wanted to leave the country for military training, must go and see the executive. -- He said so. 4

N'Lord, I do not know, unless my notes are incorrect, when he gave evidence concerning this meeting on the 9th (10) of this month, I do not remember you saying that accused No. 4 himself did speak about military training, but you only mentioned him, according to my note, only when you say that he replied to Ntoyi, when Ntoyi said how can you leave the country and he said people could go to the executive and be advised by them.

BY THE COURT: Do you understand the question? -- No.

When you gave evidence last Thursday all you said was that Faku Ntoyi then asked how can we leave the country and your reply, according to my note, was No. 4 said he could go (20) to the executive and they will advise you. Now Counsel says to you you never said anything about military training, you only mentioned leaving the country.

MR SKWEIYA: What is your reaction to that? -- Maybe I forgot to say military training. \*

Am I correct in saying that some people were interested in leaving the country only for education and nothing else? -- For education, including military training. \*

There are some who would go for both, there are some who would only go for military training and there are some (30) who would only go for education. Or don't you know? -- I do not/...



not know of those who were going for education only.

BY THE COURT: You do not know those who were going for education only. -- Yes, I do not know.

MR SKWEIYA: You also said on the 9th that Vuyo Baleni you had heard was the organising - organiser of the security committee. -- I did not say he was the organiser of the security committee.

That is the note which I have and that is the note which my Learned Friend has here also. In any event, what .. -- I just said he was the organiser of SASM, he was playing (10) a part in the security committee.

BY THE COURT: According to my note you said Vuyo Baleni was the organiser of the security committee. -- I said security ? and organiser.

MR SKWEIYA: In any event, I am instructed that Vuyo Baleni was organising secretary of SASM. -- I said he was organiser and security committee member.

Did No. 3 ever preside at any meeting which you attended <sup>3</sup> in his capacity as president? -- Yes.

Did No. 4 ever act in his capacity as such as the (20) secretary at a meeting which you attended? -- No. <sup>4</sup>

Now, on the 9th again - I am referring to the notes of the 9th, this is after the witness had dealt with the second meeting and he was asked about the office bearers and he mentioned Vuyo Baleni as the organiser of the security committee. Thereafter he spoke about Sinxo and then the next question which I have down is referring to these persons: Did they act at any of the meetings that you attended and the reply was no. I do not know if my note is correct.

BY THE COURT: My note is: Did they not act in any of (30) the positions - they did not act in any of the positions in the/...

the meeting which I attended. Do you understand the question? You said on Thursday that accused No. 3 was the president, Stanley Gqajela was the vice-president, No. 4 was the secretary, Andile Ngaki was the treasurer, Hentoor was a member of the disciplinary committee, Vuyo Baleni was the organiser of the security committee - you have already dealt with that aspect - Sinxo was on the disciplinary committee. You went on to say they did not act in any of these positions in the meetings that you attended.

MR SKWEYIYA: How do you reconcile your reply when that (10) question was put to you on Thursday to what you have said today about No. 3? (inaudible - Mr Skweyiya and the Inter-<sup>3</sup>preter speaking simultaneously) .. in his capacity as the president. -- I took it that he spoke firstly at that meeting.

BY THE COURT: No, but Counsel says you have now given two conflicting answers. He wants to know how you can reconcile your two answers. Counsel says on Thursday you said accused No. 3 never acted as president at any meeting which you attended and today you say he did act as president at a meeting which you attended. Now Counsel says how do you (20) reconcile those two answers? -- I did not understand the question properly.

MR SKWEYIYA: Which question? -- Whether he did act as the president. So now I deny the fact that he acted as the president.

Is that the same position as regards No. 4? -- Yes.

BY THE COURT: Of No. 4 he said he never saw him act in this capacity. There is no conflict there.

MR SKWEYIYA: Let us now deal with your evidence regarding - you said that Stanley Gqajela came to you and he wanted (30) you people to leave for Botswana. Now correct me if I am wrong.

The impression I got from you in regard to the approach by Gqajela concerning this trip was that Gqajela had approached you at one stage and spoke to you about Botswana and then he spoke to accused No. 5 on a different occasion about the same thing.

BY THE COURT: Who spoke to No. 5?

MR SKWEIYA: Gqajela.

BY THE COURT: My note says: I then had a conversation with accused No. 5.

MR SKWEIYA: After Gqajela spoke .. (intervenes) (10)

BY THE COURT: After that, I, No. 5, Nsane Kajova, Stanley Gqajela then had a conversation.

MR SKWEIYA: That is so. I am still with the first approach. Am I correct in saying that when Gqajela had approached you originally, he approached you on a different occasion and not at the same time as when he approached accused No. 5? -- I want to correct this point about Botswana.

Yes? -- He did not tell us that we were going to Botswana. He told us that we were leaving the country.

Yes, what is your reply to the second part of my question? -- To the second part of your question, I agreed that he approached me at different stages with accused No. 5.

Now, dealing firstly with Gqajela's approach of yourself. Are you able to remember when - I am sorry, you said this was on the 7th October. Are you able to remember where he saw you? -- Yes.

Where was it? -- At my dormitory.

Did he come to you? -- Yes.

And what were the circumstances leading to he persuading you to go out of the country? -- I was his intimate friend. So he wanted me to accompany him. So he told me that I

am a best friend of his and he would be very pleased if I would agree to what he was going to tell me. And then he told me that by then he was prepared to leave the country. So I understood that he was prepared to go for military training.

Without him mentioning this fact? -- Yes.

Because this had been mentioned at meetings. -- Yes.

Of course the same holds with his meeting together with yourself and accused No. 5 and Gqajela - and Majova, I am sorry. -- Sorry, I do not understand the question.

Did Gqajela never mention military training as such (10) when he met you, accused No. 5 and Majova? He only spoke about in other words going out of the country and you and the rest of the people deduced that this was for military training because this had been decided at former meetings. -- This I understood when he approached me alone.

BY THE COURT: Just repeat that. -- I understood that the time he approached me alone.

MR SKWEZIYA: I see. O.K., fair enough. At that stage for how long had Gqajela been out of school? For how long had he been expelled from Healdtown? -- I think it was about (20) 3 weeks.

And from your observation of him and from your talking to him as your friend, did you get the impression that he was getting frustrated by the fact that he was not at school? -- I did not take it like that. Because he got the permission to write his final exams, so he should have used that time in studying for himself.

But he was nevertheless precluded from attending classes. Is that what you are conveying? -- He was precluded from attending classes. (30)

And he had also been expelled from the boarding department.

-- Yes.

And you say that he was staying with his granny at Tshoga?

-- I did not say with his granny.

With who was he staying at Tshoga? -- He was being accommodated.

Do you know the people with whom he was staying? -- Yes.

Do you know whether there was any relationship between those people and himself, Gqajela? -- There was no relation whatsoever.

Who arranged that Gqajela must stay there, if you know? -- It was another friend of his who was staying there at Tshoga. (10)

Of course you and Gqajela were in the same class or am I wrong, or you were doing the same standard. -- Yes.

During the final year at Healdtown. -- Yes.

And you were among the most senior students in other words. -- Yes.

Including Gqajela. -- Yes.

How influential was Gqajela and how popular was he with his fellow students generally? -- Most they loved him. (20)

Yes, and he was influential as well. -- I cannot say he was influential.

How did No. 5, accused No. 5 come to meet Stanley Gqajela when there was this talk about leaving the country? -- I called him from his dormitory. 5

From dormitory No. 2? -- No.

If instructions are that you called him from dormitory No. 2. -- No.

From which dormitory did you call him? -- From dormitory No. 10. (30)

In any event, when you came to him, you told him that

Stanley/...

Stanley wanted to see him. Is that correct? -- Yes.

And Stanley was at the bottom at the verandah of the hostel.

-- Yes.

And it was then you, accused No. 5 and Gqajela together.

-- Yes.

And am I correct in saying that Gqajela said this or something to this effect: I shall be crossing or skipping the country and he asked if accused No. 5 was prepared after he had said that he had already spoken to you. -- Yes. 5

And he also asked No. 5 how much he had in terms of (10) money. -- No.

Well, my instructions from accused No. 5 is that Gqajela also asked him how much money he had on him. -- No. 5

And thereafter accused No. 5 appeared to be happy to you. -- Yes.

And the next thing which was said by Gqajela is that tomorrow, according to you, tomorrow evening we are leaving.

BY THE COURT: Tomorrow morning we are leaving.

MR SKWEYIYA: Tomorrow morning, I am sorry, we are leaving, go and pack your things for tomorrow's journey. He said (20) that.

BY THE COURT: No, he said: go and pack your things for tomorrow's journey to leave the country for military training.

MR SKWEYIYA: I have those as questions, following specific questions. Did he say what journey? Then the reply was: To leave the country. What for? In other words it is through questions following on the description about the meeting.

BY THE COURT: Yes, go on.

MR SKWEYIYA: Thank you, M'Lord. No. 5 denies that mention was made of military training when you, Gqajela and himself (30) met at the verandah. Can you say he is wrong in that, that was said/...

met separately by Gqajela, you yourself, Gqajela, accused No. 5 and Majova then left and then Gqajela then spoke to all of you together and that there was no other second time when you met to discuss this. -- The Prosecutor he said I must not talk about all this, I must start from where we met together with Gqajela.

Look, I cannot remember my Learned Friend saying that at all when you gave evidence here. -- When I wanted to start from the beginning, I was then told not to start this from the beginning. (10)

BY THE COURT: Yes, that is quite correct. When you started to speak from the beginning, you were told not to give the contents of your conversation with Gqajela. You .. (Interpreter interpreting at the same time) (inaudible) .. your meeting. You made it quite clear to me at any rate that there was only one meeting at which you and accused No. 5 and Esane Majova and Gqajela was present and had a conversation and you were asked about the contents of that conversation. You said Gqajela spoke, he said: tomorrow morning we are leaving and you specifically said accused No. 5 was present. You (20) went on to say Gqajela said go and pack your things for tomorrow's journey to leave the country for military training. You were asked what No. 5's reaction was and you said No. 5 was excited. So the question which is being put to you seems to me to be fully justified and it is that when you gave this evidence last Thursday you gave the impression that there was one meeting only at which all four of you were present. Now Counsel is suggesting to you that you are giving different evidence today and he wants to know why. -- It was because I was told not to start from the beginning. ? (30)

MR SKWEYIYA: Anyway, is it possible that you may make a mistake/...

mistake. Say so if you are not making a mistake in that matter. That you are transposing, if I may use that word, things which were said when it was only yourself, Gqajela or Majoja in the room and saying that that was said when the four of you met, including accused No. 5? Or can I put it to you that you are further transposing whatever was said in any of these two meetings and you are saying that thinking that this was said at the time when you had gone to call accused No. 5. And please do not get me wrong. I assume that this thing was said at some stage or another, but I am saying that it is (10) possible that you are transposing you know, what was said at one meeting, for another. Can you be making such a mistake?

-- Yes.

Was there a time when you, accused No. 5, Gqajela and Majoja were walking, speaking that you were going to Blancy?

-- Yes.

Well, in fact you are making a mistake. About the road in other words. -- Yes.

I take it that you cannot deny that there was discussion amongst you. You were talking to each other. -- Yes. (20)

And this is the time when you were heading for Kimberley, or at any event when you were heading for - when you wanted to leave the country. -- Yes.

And say so if you cannot remember. I am instructed that it is during this time when all the four of you were walking together when Stanley Gqajela mentioned the fact that he has a sister who was either in Botswana or in Zambia at this stage. Could Gqajela have mentioned his sister at this time? -- I do not remember.

And he mentioned the fact that this sister of his (30) is either a social worker or a teacher. Do you remember that? --



I did not remember him saying so at that stage.

Did he say so at any stage when the four of you were together? -- No.

And was there any talk by Gqajela that if you got out of the country you will not be involved in any military training, but that you would be involved in education only? If you cannot remember, say you cannot remember. If you never said that say you never said that. -- He never said that because he said, when accused No. 5 was saying that his tacksies were pinching him, he cannot walk fast, he then said if you (10) cannot make it now, what are you going to do in front, because there in front there is no child. If you cry now here. So he would not have said that if he said we were only going for education.

Is that all that - is that the only way in which Gqajela reacted when No. 5 mentioned about this pinching of his feet by his shoes? Or can't you remember? -- That is all I can remember.

THE COURT ADJOURNS FOR LUNCH. THE COURT RESUMES AT 2.15 P.M.

DON HLUNGISELELI JONGWIYSE QURE: still under oath: (20)

FURTHER CROSS-EXAMINATION BY MR SKWEYIYA: We adjourned at the point where you said that Gqajela could not have spoken about the fact that No. 5 or that rather you were only going out for education and nothing else. And you said that you say this because Gqajela mentioned something about the tacksies, as you put it, I presume tennis shoes, of - which were being worn by No. 5. -- No, it was accused No. 5 who said something about tacksies. 5

Yes, and Gqajela said but look, you complain about tacksies pinching you, you know, but things are much harder in (30) front or words to that effect. Remember that? -- Yes.

And/...

And you say that your basis for saying that Gqajela could not have spoken about you going out for education .. (intervenes)  
BY THE COURT: Did he say that? He said specifically that Gqajela said they were going for military training. You put it to him that was there talk from Gqajela that if you leave the country you will not be involved in military training, you will only be involved in education. That elicited the reply that you are referring to.

MR SKWEYIYA: Then he said no, then he said because.

BY THE COURT: Yes, in other words, in reply to your (10) question. Do you see the difference? Your question was: was the talk not about education and he said no, the talk was not about education and in fact I can illustrate what happened with this story about the tackies.

MR SKWEYIYA: I take the point, M'Lord. My instructions from accused No. 5 is that in fact Gqajela did specifically say that you people would not be involved in military training. What do you say to that? -- He did not say that. 5

And now to go back a bit. Do you know George Ngcola? -- No. Maybe I do not know the name George. (20)

Do you know his parents or his father? Do you know what he does? Is his father a teacher?

BY THE COURT: He has been asked three questions. You had better answer each in turn. Do you know his father? -- I say the name George I do not know. Maybe you are talking about Ayanda Ngcola.

MR SKWEYIYA: Sorry, I see the accused have all nodded that Ayanda Ngcola and George Ngcola is one and the same person. I am talking about Ayanda Ngcola.

BY THE COURT: The next question is do you know his father? (30)  
-- No.

The third question is do you know whether his father is a teacher or not? -- No.

MR SKWEIYA: Are you able to say whether Ayanda was at the meeting which was held in P.E. which you referred to? -- No.

Was he there or can't you remember? -- He was not.

What about the meeting which you referred to as the special meeting? -- I did not see him.

And what about the meeting which was supposed to be held in the cellar and which was ultimately held at the kloof? -- I do not remember seeing him in any meeting. (10)

Do you know whether he was in SASH or not? -- I did not see him. I do not know whether he was a member.

Well, you also said that the next morning Gqajela told you that accused No. 3 and 4 would take you to King William's Town to find men to transport you as far as the border. Do you remember that? -- Yes. 3

BY THE COURT: He said: Gqajela had told us on the previous day that No. 3 and 4 would take us to King William's Town.

MR SKWEIYA: Yes, thank you, M'Lord. Accused No. 5 instructs me that he did not know that accused Nos. 3 and 4 were involved in any way in your escapades with Majova, Gqajela and himself until the next morning when he saw them going with you. What do you say to that? -- He did know. 5

What makes you say that, that he had known previously; that is previous to the morning when you left? -- I remember going to him in the dormitory and he gave me 50 cents.

Who is this now? -- Accused No. 3.

BY THE COURT: But that is not the question. What is put to you is that accused No. 5 says he does not know - he did not know that he was involved in an escapade with Nos. 3 and 4 and Majova and Gqajela until the next morning. That is (30)

the question that is being put to you. -- I say he did know.

Yes, but Counsel wants to know why you say that. -- Because he told me the 50 cents comes from Jeffrey Nkolomba as a contribution.

But you say accused No. 3 gave you the 50 cents and Counsel says No. 5 will say that he did not know anything about this business until the next morning about Nos. 3 and 4. -- Stanley Gqajela told us, all of us about this. 3 4

MR SKWEYIYA: When was this? -- The previous night.

And where were you when he told you this? -- Near (10) the dormitory.

And who were there when Stanley Gqajela said this? -- It was myself, Stanley Gqajela, Hsane Majova and accused No. 5.

Accused No. 5 denies that that is so. What is your reaction to that? -- I do not deny.

BY THE COURT: You do not deny what? -- I say it was so.

MR SKWEYIYA: You say that when accused 4 had left - at King William's Town now, had left to go and call some members of SASM at King William's Town, you, accused No. 5 and accused No. 3, according to my note, waited at Nkwekwe's Bottle (20) Store. -- And Majova.

Accused No. 5 denies that you waited at Nkwekwe's Bottle Store. He says that you were a restaurant there somewhere.

BY THE COURT: Near where?

MR SKWEYIYA: Near a restaurant, a cafe. -- Still near the Nkwekwe Bottle Store.

Were you standing nearer a restaurant? -- Yes.

You say that No. 4 arrived and told you that two executive members will come later and that in fact two persons apparently who claimed to be executive members, did come. -- Yes. (20)

Where was this when these two members came? -- Near that

Mkwewe Bottle Store.

What discussion took place between these two persons and you people? -- First introduction.

Did you know them? -- No.

Yes, what were the introductions? -- They were told our names.

And did the two gentlemen also give you their names? -- Yes.

Are you able to remember their names or the name of any one of them? -- No.

Would you be able to recognise anyone of them if you (10) saw them? -- I think so.

Accused Nos. 3, 4 and 5 deny that any two such persons came. -- I still say they did come. 3, 4, 5

And 3 and 4 say that they had gone to see a man to get his advice and that this man said that you people must go back and go back to Healdtown. Did anybody give a report about the fact that you should in fact immediately go back to Healdtown at any stage in other words when you were at King William's Town the next day? -- Yes. 3 + 4

Why didn't you take the advice, you people? -- (20) Stanley Gqajela said we cannot turn back.

Yes, Gqajela was the big boy in the whole affair. Isn't that so? He was urging the people to do certain things to go with him and so on. Is that correct? -- Yes.

You were blindly following him without even thinking. -- I can say so.

And that accused 3 and 4 will say that they were discouraged by other persons as well at King William's Town to go out of the country. In other words, they were asked to discourage you people, No. 3 and 4 were asked to discourage you, Gqajela, accused No. 5 and Majova. Can you remember/... (30)

remember them giving such a report? If you cannot remember, say no. -- They did not give such a report.

What is the name of this lady spy in Durban, who was said to be in Durban? -- I do not know the name.

Do you know who said she cannot help you, that is you, Mhjoa, Gqajela and accused No. 5, you must go back to school? -- I do not know his name.

Did you see him at all? -- No.

Where did you part with accused Nos. 5 and 4? -- When we were hiking on our way to Blainey. (10)

Accused No. 5 further says that when you people reached Bloemfontein, he indicated with words to this effect: he does not like the look of things and that he is no longer prepared to go on. You do not dispute that, I take it. -- I do not remember him saying that.

But could he have said it? -- Things like what that he did not like?

BY THE COURT: No, all Counsel wants to know is could he have said this? Counsel says to you that according to accused No. 5, he said at Bloemfontein that he did not like the look (20) of things and that he no longer is prepared to go on. Now you have said you do not remember him saying that. Counsel says well, could he have said it? -- I do not think so.

MR SKWEIYA: Did you and accused No. 5 have any discussion at Bloemfontein about turning back? -- Yes.

And you do not know who started the discussion about turning back? -- I know it.

Who started it? -- It is myself.

Well, I take it that you also did not like the look of things. -- I do not understand you by the look of things. (30)

Look, you are already encountering problems. Firstly you/...

you come to King William's Town, some people advise you there to go back and they specifically say you must go back to school; you cannot find any transport, you cannot find anybody to help you, you have no money, you come to Queenstown and you can only get R30 from Tambo. You did not know whether you would be able to succeed in getting to your destination. Did those factors have any influence on your deciding that look here, I want to turn back now? -- Yes, I can say so.

And those factors also affected accused No. 5. You cannot deny that, I take it. -- No. (10)

Why do you say so?

BY THE COURT: He is agreeing with you when he says no. You ask him if he can deny it, he says no, he cannot.

MR SKWEYIYA: Oh, I am sorry. And you also say that the reason which made you to decide to turn back, you yourself, is that you thought about your parents. And when you asked accused No. 5 what he thought, he said that he also thought about his parents. Now I want to know from you whether this was in fact said by accused No. 5 and you or whether in fact you are presuming, from the fact you yourself thought about your parents. (20)  
-- He did so.

Well, accused No. 5 denies that he ever mentioned his parents as a reason for turning back or for wanting to turn back. -- He did talk about it. He even talked about his grandmother.

What did he say about his grandmother? -- He said his grandmother would be very much worried because his grandmother liked him very much.

And I suppose he would not have liked to leave without his granny's permission. Do you know whether or not he (30) got his parents' permission? -- I do not think he would go as

far as telling his parents about this.

Had you told your parents that you were leaving? -- No.

And before you left had you thought about your parents at all? -- No.

And you say that on your way back from Kimberley when you came to King William's Town, you there met accused No. 3?

-- Yes.

And accused No. 3 told you about the fact that he was from East London; that he had met a man called Mfundisi and that this man had promised that he could arrange that (10) you can be taken out of the country for military training, and that education also would be included. -- Yes.

At this point you showed your willingness to go if this man could arrange this. Is that correct? -- Yes.

But what had happened about your parents now? The fact that look here, you are concerned about your parents. You had hardly reached your home at that stage. Is that so? -- Yes.

What had happened to the fact that you were worried about your parents? -- It ended up in space.

At Kimberley you there met Tamy. Is that correct? (20) -- Yes.

Who told Tamy that you and accused No. 5 had decided to turn back? -- Gqajela.

You were not there when Gqajela told Tamy this? -- Yes.

Could you dispute it if I say that, and those are my instructions, that the real reason why accused No. 5 turned back, was because he got wind on the way that you people were going for military training and not for education? -- I do not think so.

Well, could that have been the reason or don't you know? -- I do not know. (30)



Accused No. 3 also denies that when he met you at King William's Town together with accused No. 5, he told you that you should keep it a secret about the fact that he was giving a report about having seen somebody at East London. What is your reaction to that? -- I beg your pardon? 3

No. 3 denies the fact of the secrecy in whatever he told you. What do you say to that? -- He said so.

Well, accused No. 4 also denies that you spoke to him after he had apparently arrived at Healdtown on your way back and told him that you had spoken to No. 3 accused and that No. 3 accused had said to you people that you must keep it a secret that he gave you some information about a man in East London. He denies that you spoke to him about that. -- I did not speak to him about the secrecy of Mfundisi in East London. I told him about our journey. (10) 4

And you told him to keep that a secret? -- He told me not to tell anybody about it. 4

Well, accused No. 4 denies that he told you not to tell anybody about the fact that you people had gone halfway on your way out of the country. -- He did so. (20)

Accused No. 3 also denies that he told you and 5 in the company of Gqajela - no, no, you and 5 because Gqajela had remained in Kimberley - you and 5 that a person named Mfundisi had said that he could help some of you people to get out of the country for military training. What do you say to that? -- He said for military training and education.

Concerning the meeting which you referred to as a special meeting and concerning the fact that you say that No. 4 accompanied you to look for a venue when you decided on the kloof as a proper venue, No. 4 instructs me that there is no such thing. What do you say to that? -- He did tell me to/... (30)

to accompany him to look for the venue.

No. 4 says that never happened. -- And the other thing I forgot, we met Bikunsi Masondo on the way and he told him to accompany us and he did so.

I am instructed from the accused now that he knows nothing about that as well, about Masondo as well. -- He did say so.

Concerning this special meeting again was anybody elected to do the typing of the letter? -- Yes.

Who was it? -- Sorry, nobody was elected. Somebody declared himself to type the letter. (10)

And who was that somebody? -- Ngwana, Fumanikele Ngwana. Lugawana or Ngawana? -- Ngawana.

Was he present at the meeting? -- Yes.

When you made this offer of your hand gloves, the use of your hand gloves, where did you make that offer? -- At that meeting.

No. 5 says that he cannot remember meeting you when you told him about a message from Tamy Nyati as to what you should say if the police do visit you. Where did you meet? -- I met him in the veld near the girls' hostel. (20)

And how long after you had returned did you meet him? -- And can you remember the month when you met him? -- I think it was early in November, I am not sure.

Was there anybody there with you? -- I was sitting together with Tamy Nyati.

Where? -- In that field.

How did it come about that accused No. 5 came to be with you? Did you call him or did you go to him? -- He came to us while we were sitting there.

Accused Nos. 3, 4 and 5 also deny that they told you or anybody else that a meeting which you say was in Port (30)

Elizabeth, its existence must be kept a secret. -- Accused No. 3 said so.

You say that your close friend was Stanley Gqajela. -- Yes.

Well, accused Nos. 3, 4 and 5 say that they were not particularly close to you. What is your reaction to that? In other words, they were not particularly friendly to you. They said that they were knowing you as a student and probably coming from the same place and so on and so on. -- I deny that.

In any event, you were a senior to all the accused in fact. Is that correct? At school. You and Gqajela. (10)  
-- Yes.

And at Healdtown last year was there any other class of seniors to matric? -- No.

So you were senior students in other words? -- Yes.

And would you agree with me that senior students had a lot of influence on junior students at school? -- No.

M'Lord, at this stage may I request not to complete my cross-examination. I have to all intents and purposes completed. but it is again on what transpired with the witness Ngaki and what the State decides on the witness Baleni. (20)

BY THE COURT: What is your first point in regard to Ngaki?

MR SKWEYIYA: It just depends what happens. What I want to put any points after Ngaki has completed his evidence, in other words .. (intervenes)

BY THE COURT: Yes, I follow.

MR SKWEYIYA: And also whether the State - the second point concerns Baleni.

BY THE COURT: I for record purposes make a note that your further cross-examination arising out of the fact that cross-examination of Baleni is not completed, is reserved. (30)

THE WITNESS ASKS TO BE SEATED.

RE-EXAMINATION BY MR MULLER: Do you remember when being cross-examined about your refusal to testify? -- Yes.

You were asked, among other things, why you did not tell the captain down below before you were called up, that you did not want to give evidence. Do you remember that? -- Yes.

Then a question was put to you: Did you want to come out and perform here in court. Do you remember that question? -- Yes.

Your answer was yes. -- Yes.

What do you mean by the word 'perform'? What do you (10) understand from that word? What do you mean to tell the Court when you say you wanted to perform in court? -- I meant that I wanted to state here if I wanted to give evidence.

Did you mean anything else? -- No.

You gave evidence today about the meeting in Port Elizabeth which took place in the Park Stadium. -- Yes.

You said that you were sitting there, I understand, on the seats made for spectators. Is that correct? -- Yes.

And you said anybody walking past that place could see what was going on. -- Yes, one could see us sitting there. (20)

To what extent would one passing there could he hear what was being said there? -- We were talking softly. One could not just hear.

How far from the place where you were holding this meeting, or what is the nearest distance a person passing by would come to you? Could you perhaps point out in court what is the nearest a casual passer-by would pass you? -- From where I sit up to that bottle on that desk.

BY THE COURT: 10 to 12 paces.

MR MULLER: Did anyone, any strange person in fact (30) pass there while you were having this meeting or not? -- I do not know/...

know.

I want to refer you now, it was put to you that accused No. 5 only got wind of your purpose of leaving the country for military training on the way. Do you remember that? -- Will you please repeat the question?

It was put to you that only during the journey did accused No. 5 get wind of what - of your intention, the group's intention to undergo military training. -- Yes.

I want to know from you at what - what is the first, the earliest stage that it became explicitly apparent that (10) the purpose was for military training? -- It became clear at the time when Gqajela approached me.

Approached you? -- Yes.

Now with regard to accused No. 5, what would you say - when would you say was the earliest stage when it was unambiguously made clear? -- To him I think it became clear when we were on our way to Blainey. It could become clear to him at the time Gqajela was telling me because he told him that we are leaving the country and at the meetings we were told to leave the country for military training. (20)

What did Gqajela say was the purpose for this journey when he spoke in the presence of accused No. 5? -- He only told him that we are going away, leaving the country. \*

BY THE COURT: You mentioned on a number of occasions this question of military training. Was the type of military training ever specified? -- It was not explained.

After Gqajela told you that you were going to get military training, and you were on your journey, did you ever ask what was going to happen specifically to you, what sort of training you were going to undergo and who was going to give it (30) to you? -- No.

Weren't/...

Weren't you interested? -- Well, I thought that I would know about that in front.

Didn't you wonder whether for example you would be given a machine-gun or whether you would be taught how to lay a land-mine or whether you would be taught how to fly an aeroplane or what was going to happen? -- I thought of a machine-gun and handling of a gun.

Yes, but did you ever bother to ask Gqajela whether in fact you would be given a gun? -- No.

Accused No. 5, did he ever ask for details as to (10) just what was going to happen? -- I do not remember him asking.

NO FURTHER QUESTIONS.

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NGCOLA

MR MULLER: M'Lord, may I call as the next witness George Ayanda Ngcola.

GEORGE AYANDA NGCOLA: sworn states: (through Interpreter)

EXAMINATION BY MR MULLER: Where are you residing at the moment?  
-- Here in Grahamstown.

No, normally. -- In Alice.

Are you attending school this year or not? -- Yes. (20)

Where? -- Nhlotlwe High School.

Where is that? -- In Mdantsane.

In which standard are you at the moment? -- Form 5.

MR KIES: M'Lord, could the witness speak up a bit?

BY THE COURT: Ask him, Mr Interpreter, to speak loudly.  
Form 5, what standard is that? -- Standard 10.

What is your age? -- I am 17.

MR MULLER: What school did you attend last year? -- Healdtown.

In what standard were you then? -- Form 4, standard 9.

What organisations were there for students at (30)  
Healdtown last year? -- There was an SCM and SASH.

Were you a member of any of these? -- I was a member of SASM.

When did you become a member? -- At the end of March.

How long did you remain a member? -- I stopped in August, end of August.

As member did you attend meetings of this organisation? -- I did attend some.

What do you mean when you say 'I did attend some'? -- I did not attend others. During week-ends I used to go home.

What does SASM - what do the letters SASM mean? (10)  
-- South African Students' Movement.

When did you hear of SASM for the first time? -- At Lovedale.

What was happening at Lovedale? -- There was sports there.

Yes? -- At the end of this sports meeting Sotomela Ndukwana and Patrick Qwindi came to me while I was sitting on a bench.

Who is Sotomela? -- Accused No. 1.

Yes, and what did they do with you or what did they say to you? -- Sotomela Ndukwana said Patrick Qwindi would like to open a branch. He said Patrick Qwindi would like him (Sotomela) to open a branch in Healdtown and he asked me if I would not like to join and be a member. (20)

Was it explained what SASM was all about? -- Yes.

Who explained? -- Patrick Qwindi.

What did he say? -- He said this is an organisation for high school students and secondary schools.

And what was it to do? What were its aims? -- It was to help the Black people by building schools for them and also poor people. (30)

And what was your attitude at that stage towards an organisation/...

organisation like SASM? How did you feel about such an organisation? -- To me it appeared to be a good thing.

What is the next thing you know about progress made with forming this branch of SASM? -- In Healdtown?

Yes. -- A branch was formed.

On what day was this sport meeting? What day of the week?

-- It was on a Saturday.

When was the first instance when you first - that you know of that this subject was again taken further at Healdtown?

-- On Monday. (10)

What happened then on Monday? -- After studies Sotomela asked me to wait for him.

Yes, and what did you do? -- I remained there reading a book.

Where was that? -- In a classroom, 4.B.

Yes? -- Sotomela came back with Vuyo Jack. I remained sitting there and talking about things which were happening.

Who is Vuyo Jack? -- Accused No. 2.

And what did you talk about? -- Vuyo Jack said - accused No. 1 then introduced accused No. 2 as the person who is assisting him in forming the branch in Healdtown. (20)

Yes and then? Was there anything discussed? -- We discussed political matters.

Was anything that you remember discussed about how to go about forming this branch in fact, this branch of SASM? -- I do not remember.

What kind of politics was discussed? -- In fact he was trying to show me that there was nothing wrong with this SASM organisation. As I have said I am afraid of joining this organisation. (30)

Why were you afraid? -- I was afraid of politics.

What/...



What of politics scared you? What aspect? -- Everything which concerns politics, any movement that was in politics.

But why? -- Because you are followed and you get arrested.

What did accused No. 1, Sotomela, say to convince you that there is nothing wrong with SASM or how did he explain it?

-- He told me that this movement had lawyers who protect the members and so I need not fear.

Do you remember anything else he said at that occasion about SASM's politics? -- Accused No. 1 asked me if I knew of any people whom I trust who would like to join this organisation. (10)

What did you say? -- I told him about those whom I knew, those who came with me from Jabavu.

What names did you mention to him? -- Bandile Khetele, Nkululeko Sinzo, Benson Giyo; those three.

What did he say when you told him about these people? -- He said he would meet them.

Anything else you remember said during this discussion? -- No, I do not remember.

What time of the day was this discussion being held? (20)  
-- It was after study.

How late is that more or less? -- After 4, something to 5.

What is the next thing you remember that was done about SASM? -- There was a meeting held on a Friday.

Did anything take place later on that Monday you told us about? -- After supper I went to listen to the radio, at the tennis court.

Who went to listen to the radio? -- It was accused No. 1 and 2, myself, Nxula and Mkisa.

What time was that more or less? -- About 7. (30)

Whose radio did you use? -- It was accused No. 1's radio.

Do you remember what this radio looked like? -- Yes.

Can you describe it? -- It had a brown cover.

Anything else you remember about the radio? -- It was a small portable radio (indicates the size).

BY THE COURT: That is about 12 inches across.

MR MULLER: What program did you listen to? -- Radio Zambia.

What was this program about? -- It was about Matanzima.

Yes, anything else? -- He was criticised because he went to the United Nations. Nothing else.

Nothing else about Matanzima or was nothing else (10) said over the program? -- It was only Matanzima who was being criticised.

What did you do when the program ended? -- I went back to the classroom and No. 2 said he was going back to the dormitory. 2

You told us about a meeting. When was the first meeting held that you know of? -- It was on a Friday.

How long after this incident at the tennis court when you listened to the radio? -- It was in the same week.

May I show you a radio, EXHIBIT 1? Have a look at (20) it please. -- Yes, I see it.

Do you recognise that? -- It is similar to the one we listened to.

I also want you to look at EXHIBIT 2. Have you seen that before? -- No.

Now, how did you learn to know about this first meeting on that Friday? -- I was told by accused No. 1 that there was going to be a meeting. 1

When were you told by accused No. 1 about this meeting? -- It was on the Friday after supper. (30)

Yes, and did you go to the meeting? -- Yes.

Did anyone accompany you? -- I went there alone.

Where was this meeting? -- It was on the verandah of the primary.

Primary school? -- Yes.

Who took part in this meeting or who attended? -- Accused No. 1, No. 2, myself, Bandile Khetele, Wilberforce Sinxo, Nxula, Benson Giyo.

How did this meeting proceed? How did it start? -- We sat down there and then at 7 o'clock the radio was switched on and then a program was listened to. It was about the bus boycott in Natal. Those people were being praised for the part that they took in boycotting that. Thereafter we introduced one another. (10)

MR KIES ASKS THE WITNESS TO SPEAK UP.

BY THE COURT: When you answer the questions, answer as if you are talking to the people in the back row. They also want to hear what you are saying. -- Yes.

You say they were being praised for the part they took in boycotting the buses? -- Yes.

MR MULLER: In what language was this program? -- In Xhosa. (20)

How long did you listen to the radio? -- Until half past seven.

And then? -- Then we introduced one another.

How did you do that? -- One would give his name. Each say it is a good thing to join this movement and help those who are in need.

How did the persons present know that they were to introduce themselves? -- Accused No. 1 suggested that we should introduce ourselves. (30)

At that stage did he say anything else? -- Nothing else

he said.

After the introductions were made, what followed? -- He explained about SASM and its aims.

Who explained? -- Accused No. 1.

And what kind of explanation did he give about SASM? -- He was mentioning its aims.

Can you remember the aims he mentioned? -- Yes.

What were they? -- To help in building schools, to help those in need, fund raising and other projects in helping the people. (10)

After he had explained this, did he say anything else that you can remember? -- No.

Was there any reaction in the meeting as to what he had said? -- There was no reaction.

Was anything else - did anything else take place at this meeting? -- Nothing else. We dispersed.

That was on a Friday, as you said. -- Yes.

When was the next meeting that you attended? -- It was on a Saturday.

How long after this Friday? -- The next day. (20)

How did you know about this meeting? -- I was told by Sinxo.

Where was this meeting held? -- It was in the rugby field.

What rugby field? -- Healdtown rugby field.

What time was it held? -- Past 7 - between 7 and 8.

Did you go to the venue alone or did anyone accompany you? -- I was accompanied by Sinxo.

Was this still in March or late March, would you say, or was it in April? -- It was the beginning of April.

Can you again tell us how this meeting proceeded from (30) the moment you arrived? -- It was opened with a prayer.

By whom? -- I do not remember.

Then introductions were made; each person introduced himself.

Can you remember who attended this meeting? -- I still remember some.

Name some of them please. -- It was myself, accused No. 1, 2, 3, 4, Mentoor, Khetele, Sinxo - no, excuse me, not Mentoor, Giyo, Ngaki, Nxula; I do not remember the others. Vuyo Baleni, Zola, Zokufa. I do not remember the others.

There were quite a few new persons at this meeting. (10)  
-- Yes.

Did you see the radio at that meeting? -- Yes, there was.

What was done with it? -- A program was listened over it. What program was that? -- It was broadcasting from Zambia. At what stage did you listen to this radio? Before this prayer and introduction or afterwards? -- I think before the introduction.

Can you remember what the program was about? -- I do not remember. (20)

May I bring you back then. You said you listened to the radio, there was a prayer, there was this introduction. -- Yes.

What followed the introduction? -- Explanation was made for the new members about SASM.

Will you just repeat that please? -- Explanation was made about SASM to the new members.

Who made this explanation? -- Sotomela Ndukwana, accused No. 1.

What did he say? -- He was telling the new members about the aims. (30)

Yes? -- He was assisted by accused No. 2.

What/...

What did accused No. 1 say about the aims? -- He mentioned of the aims, the building of schools, etc.

And accused No. 2, what did he say? -- He talked and said you must be prepared to suffer for your own people, to serve them and sacrifice.

Did he say how one was to suffer or in what way one could expect to suffer? -- A person must be prepared to suffer, whether he is suffering in any manner.

BY THE COURT: I cannot hear, I am sorry. -- To suffer in any manner. (10)

MR MULLER: What did he say about service? -- He said a person must serve his people.

How? By doing what? -- To help those who are in need of help.

Did he say anything else? -- He then said some of the things is to skip and go to other African states.

Did he say where one - to which countries one would skip? -- Botswana and then go upwards, further north. 2

Did he say what route one would take to go to Botswana? -- You start from the head quarters at King, then you go (20) to Durban, then you go out.

Why, according to accused No. 2, would one skip the border? What could one do? -- To be trained.

To be trained in what? -- In weapons.

What kind of weapons? -- Fighting, military weapons.

For what reason would one undergo this training? What would one do with this? What should one do once one has completed this training? -- To come and liberate his people here. 2

How? -- By guerilla warfare. (30)

Did he explain anything else, that is accused No. 2? -- I

do not remember anything else.

What was accused No. 1's reaction to this speech as far as you could see? -- He also did some explaining that he knew about SASM.

BY THE COURT: What do you mean by that? -- He assisted in this and mentioned the head quarters in King in Zwelitsha.

MR MULLER: Did he have any comment on this matter of skipping the borders, as you say, and undergoing this training? -- He said that was the main object of it.

Did you ever see a constitution of SASM? A written (10) or a typed constitution? -- I did see it.

Was this aspect of skipping the country and undergoing military training referred to in this typed constitution or not? -- No.

Did anyone else speak at this meeting you have just been testifying about? -- No, I do not remember any other person talking.

After accused No. 1 and 2 had addressed the meeting in the manner you said, what then followed that you can remember? -- It was suggested that the songs should be sung. (20)

Who suggested that? -- Those which were sung in that program which we used to listen to on the radio.

But who suggested that? -- I think it was Sizani if I am not mistaken. 3

What songs did he refer to? What are the names of the songs? -- Mayibuye E Afrika.

Can you remember the name of any other song? -- Yes, there was another song but I do not know its name.

What were these songs about? -- Those were the songs which were sung in those programs. (30)

BY THE COURT: Yes, the Prosecutor says what were they about?

What/...

What were the contents of the songs? -- Hayibuye E Africa, Africa should return.

MR MULLER: Do you remember what the other song was about? -- Vorster will cry when we come back.

Repeat that please. -- Vorster would cry when we come back. Those were the songs which were sung there.

After this, the suggestion was made that these songs be sung, what took place on this meeting? -- I do not remember anything else.

Did the meeting close as far as you can remember? (10) -- I think an executive was elected if I am not mistaken.

Are you sure about that, that the executive was elected at this meeting? -- I think so, I am not sure.

We will come to that just now. After the election, as you remember it, what took place? -- A subscription fee was mentioned as 50 cents and 30 cents monthly.

Anything else? -- It was said that the constitution could be got from the head quarters in the region.

By whom was it said? -- By accused No. 1.

Anything else? -- I do not remember anything else. (20)

How did the meeting end? -- By prayer.

Can you remember who said the prayer? -- I do not remember.

Can you remember broadly speaking, what the contents of the prayer was? -- Jehovah's guidance was requested to guide us in all that we were doing.

Now, you mentioned the executive. Who had what position in the executive? -- Accused No. 1 was the president, the vice-president was accused No. 3, Nkululeko Sinxo was the treasurer assisted by Andile Ngaki, accused No. 2 was the organising secretary assisted by Vuyo Baleni, and (30) additional members, Benson Giyo and myself.

Was/...

When?  
Does not know when elected



Was there a secretary? -- It was accused No. 4.

Do you have any idea why accused No. 2 was put forward or elected as organising secretary? -- He was the person to go and collect the constitution in King.

BY THE COURT: Why was he elected organising secretary?

MR MULLER: Why not for instance yourself? -- It was said he was the person who was going to travel for this organisation. 2

Can you remember any other specific meeting that you had attended? -- Yes.

When was that meeting? How soon after this meeting (10) that you have just testified about? -- I am not sure, but that was after Tusso had announced in the hall that there were other people who are misleading other students by listening to the radio, listening to programs which are not proper.

And then a meeting was held? -- Yes.

Can you remember where? -- It was also held in the field.

What happened at that meeting? Firstly, what time was it held more or less? -- Between 7 and 8.

How many persons were present at this meeting? -- The same people who were present and others. There were also (20) new members.

BY THE COURT: When you say the same people who were present, do you mean present at the previous meeting or present where? -- At previous meetings. Vague

MR MULLER: How did this meeting start? -- With a prayer.

By whom? -- I do not remember whether it was accused No. 4 or not.

What was the date of this meeting more or less? -- I do not remember clearly, but it was in April.

Did you pray in any special way, in any special (30) bodily attitude? -- I do not follow the question.

Did you stand or sit in any special way whilst praying? -- I was standing on my feet and raised the right fist.

After the prayer? -- Then a discussion about what Tuso had said. It was Sons of Africa were mentioned.

Who mentioned this? -- Accused No. 1.

What did he say about the Sons of Africa? -- He said Tuso dislikes the fact that they had just arrived there. He was accusing him by accused - Tuso Kewana accused accused No. 1 of misleading the others.

Yes, was Tuso Kewana present? -- He was not at the (10) meeting, he said this in the hall, in the dining-hall.

Yes? -- It was suggested that people should be elected so that they should go and speak to the Sons of Africa.

Was anyone elected? -- Accused No. 4 and accused No. 1 were elected.

What next took place on this meeting? -- Accused No. 4 then gave an explanation about phase 1 and phase 2 of SASH.

What did he say was phase 1? -- Black consciousness, awareness.

Awareness of what? -- Of your being Black. (20)

And phase 2? -- That was to undergo military training.

Where? -- In the African states.

What kind of military training? -- War tactics.

Did he mention where this training was to be undergone? -- In countries like Mozambique and other African states.

Did he explain what one who had decided to undergo this training, had to do? In other words what steps had such a person to take if he wanted to undergo training? -- No.

Did he say what one had to do after completing the training? -- Would come and liberate the Blacks by fighting. (30)

By fighting in what manner? -- In guerilla warfare.

Who/...

Who of the accused were present at this meeting, if any? Apart from accused No. 1 that you have mentioned and accused No. 4? -- No. 2 and 3 were present. 2/3

After accused No. 4 had explained these two phases, did he say anything else? -- Accused No. 3 also talked about Black awareness.

Is that after accused No. 4's speech or before? -- Yes.

After or before? -- After.

What did he say about Black consciousness? -- He said one should like himself and not take himself as an inferior. (10)

Did he say anything else about aims of SASM? -- That unity in the organisation.

Anything else? -- Nothing else.

Do you remember anyone else saying anything at this particular meeting? -- No, there is nothing else I can remember.

Do you remember how the meeting was closed? -- With a prayer.

By whom? -- I do not remember whether it was accused No. 4 or not.

THE COURT ADJOURNS.

(20)

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**Collection Number: AD1901**

**SOUTH AFRICAN INSTITUTE OF RACE RELATIONS, Security trials Court  
Records 1958-1978**

***PUBLISHER:***

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

*Location:*- Johannesburg

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