

XI. N/Komo

IN THE SUPREME COURT OF SOUTH AFRICA

(TRANSVAAL PROVINCIAL DIVISION)

Vol. 103

CASE NO: 18/75/254

DATE: 1 JUNE 1976

THE STATE

VS

S. COOPER AND EIGHT OTHERS

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LUBBE RECORDINGS (PRETORIA)

THE COURT RESUMES ON 1.6.1976 AT 2 P.M.

GILBERT KABORANE SEDIBE (Still under oath)

BY THE COURT: Mr. Sedibe, we saw photographs of the sportsgrounds where the students were on the 25th of September, 1974. How is it possible for you not to have seen what was happening on the sportsgrounds while you were busy with the women students? --- Well, Your Lordship, I was towards the tuckshop and what I gathered is that the students who - the place where the clash happened was about 100 yards or 120 yards from where I was. So I could not see .... (10)

But if you are 120 yards away from what was happening why you should be able to see what was happening? --- The point is I was busy with the women, and I was trying to take them towards the hostel, and my back was faced from where the male students were, so I was facing that way and it happened the other way, the assault and fight, from where I was.

Wasn't there shouting when the police started dispersing the students? --- Yes, that is why I say the female students also started shouting when the male students were being chased. That is when the shouting started. (20)

And yet you didn't see anything? --- No, I saw them running away. I saw the students running away.

You only saw students run away? --- That is what I saw. Nothing else? --- I didn't see anything.

Well, what prevented you from seeing anything else? --- Well, I was there with the female students quite far from where this thing happened, quite far from there.

Well, I would have thought that it was a matter of great concern to you if the police should sort of start charging these people to know what was happening and to know why it (30)

was/...

was happening? --- I mean afterwards we were told that the students started throwing the stones at the police when they chased them away, that is what I got, but my back was - I was facing to the north and what was happening was southward, so it was quite far from me.

It was a very simple matter to turn round when you heard the shouting? --- Yes, that is when the female students started shouting also that the police are attacking the male students, so I had to usher them and - no, go away, we will solve that problem afterwards. (10)

Well, what is the next thing that you did now when you saw the students being chased away? --- Well, I tried to tell the students, the female students, they were saying let us all go and be assaulted, and let the police assault us if there is anything wrong, now I was trying to cool them. After that that was when I was called to go and see this cripple guy who was lying on the embankment. That is after that we then went to the <sup>road</sup> room to talk with the major.

I am not asking what you saw, I want to know what you did. You were with the female students on the northern side(20) of the sportsgrounds? --- That is correct.

Now what was the next thing that you did? --- I was trying to cool them, because they were saying "Let us go and all be assaulted". I was telling them - no, leave them alone, I will go and solve the problem. After that then I went away to go and see what was happening.

Where did you go to? --- I went first where this crippled guy was lying on the embankment.

Well, what made you go there? --- Well, this woman <sup>Okjo</sup> Okjo, she is a friend to that guy Ishmail, she was telling me/... (30)

*Mkhabela*  
me Kabela had been assaulted and he is lying on the embankment.

Well, how would she know that? --- I don't know but that is what she told me. Then I saw him lying on the embankment and then I .... (Intervention).

But she was with you where you were calming the women students? --- Well, she came to me, I did not notice her during that time where she was, but she came to me afterwards.

And you did not see how the student got injured? ---  
No, I didn't see it. (10)

So you went to the student and what happened? --- Well, I went to the student and then when I arrived there members of the lecturing staff, members of BASA, were already there. Professor *Motiwala* Motiwa, Mr. Nkondo, and then we tried to tell the students to stop shouting and all that because people had been arrested, we will settle the matter with the police.

Where did they come from so quickly? The two professors, Motiwa and Professor Nkondo? --- Well, according to the information I got they were around, when the police arrived, they were around there on the campus. Usually they come in (20) the afternoons to the campus to do their work and all that.

And where did you find them then? --- Well, I found them at the road now. They were trying to cool the male students. That is when I came from the ... (Intervention).

Well, what were they doing? --- They were telling the students to stop shouting because some students had been arrested. The students were shouting "Release them, release them", and then the lecturers were trying to cool them down, to stop shouting.

What were the students doing, were they just shouting or were they also throwing stones? --- No, they were shouting. (30)

I could/...

I could not notice any stones being thrown.

Did you see any stones being thrown? --- No, I can't remember that.

Did you see any stones lie around? --- Well, sometimes the area where we were usually you find - sometimes you see stones there. The only thing is I did not try to focus my attention as to whether there were stones or not.

Then what was the next thing that happened? --- Well, we talked to the major, we told him that ... (Intervention).

Where did the major come from suddenly? --- He was (10) there at the road. You see, Your Lordship, they chased them and then the police came on the road. We went there to talk to them. They were on the road, the major and all the other police.

Where was the vice president, Rathlagane, then? --- Rathlagane was there. The vice president was <sup>a</sup>Mongwati(?).

Where was <sup>a</sup>Mongwati? --- He was also there with members of the lecturers' staff telling the students to stop shouting, I will handle this problem. Members of the SRC, Rathlagane came with me from the women students, because he was with me, (20) and we found other members of the SRC were also there trying to cool the students.

And who was talking on behalf of the student body? --- Telling the students to cool down?

No, no, where you had this sort of talk? --- It was myself, Rathlagane, Mongwati and other members of the SRC, I can't really ....

And who did the talking? --- Myself, I did the talking with the major and Professor <sup>Makwaha</sup> Motiwa, and Mr. Hkondo.

And what was the talking about? --- Well, we told the (30) police/...

police that we believe that the rally was over, there was no need for them to be on the campus any longer so they could just leave the campus because .... (Intervention).

Why do you say the rally was over, I thought the students were standing there shouting? --- Yes, but it is on the hostel premises where they were standing. It was not at the hall. You see, the major was concerned with the fact that the students would go back to hold a rally, so we told him that no, it would not continue.

Surely that would not have solved the problem if the (10) students were concerned about the arrests, the arrested students. Now why would you tell them to leave the campus and what about the rest of the students? --- You see, Your Lordship, the real negotiation was that the students wanted those arrested to be released. Then we thought if the police - if they can release them then there is no need for them to be on the campus.

But did anyone tell the police to release the students apart from those shouting? --- Yes, myself and the members of the staff and Lt. Moloto. (20)

Well, what did you tell the police? --- Well, we asked them to release the students so that they could get medical attention because that is one factor which the students were concerned with, that somebody has been bitten by a dog and then he had to be taken to hospital.

But why do you say that, I thought you said that they were shouting that they should release the students. Now you say they were concerned about the medical attention? --- No, they were shouting that those students must be released. But the primary concern was that they were saying the students have (30) been/...

been bitten by a dog and he should be released so that we can take him to hospital.

How do you know that? --- Well, they were talking there, I mean the students, when we were talking to the major.

The major? --- Yes.

But you were doing the talking? --- Yes, when we were talking to him they were talking about it, that - release that guy who has been bitten by a dog, and such things.

And then was the major prepared to release the student?

--- Yes, he was prepared. (10)

There and then? --- Yes.

And the rector, how did he come into the picture? --- We were still talking with the major when the rector came. Then I went to him, the rector, and told him that we are trying to ask the police to release the students and then to leave the campus. And then he came to ask also with them, he took me to the major and with the other members of the staff and Lt. Moloto. That is where we talked and then it was agreed that they should leave and release the students.

If I understand your evidence correctly there was (20) quite a lot of emotion on the campus, starting with Tiro's affair? --- Well, there wasn't any emotion.

Well, as a result of Tiro's speech a lot of people were sent home, were rusticated? --- You mean in 1972? Yes.

In 1972? --- Yes, that is correct.

And when they came back were they then satisfied? with the conditions imposed? --- No, they were - what we wanted was that the students should be re-admitted, but the authorities didn't agree to it.

The authorities were not prepared to do that? --- That (30) is correct./...

is correct.

Did that satisfy the students? --- No, it didn't.

Well, how did they show it? --- Well, I can't well remember because we never held a meeting after that, but what I know is that generally on the campus you would hear people sitting around, that if Tiro is not re-admitted we are all going back home. So I think the SRC was expelled and all that, members of the SRC.

That was in 1972 still? --- That is correct.

So did that satisfy the students, the fact that the (10) SRC were expelled? --- Well, it didn't satisfy them.

So was feeling building up on the campus? --- No, I would not say that there was feeling building up because the campus was quite - you know, relaxed, after the expulsion of the SRC even then.

Was it quite happy that it should happen? --- Well, they were not happy but it was a relaxed situation, after that.

In 1973 did anything happen to stir the emotions of the students? --- No, Nothing. I can't remember anything.

Did they have an SRC? --- That is correct. (20)

In 1973? --- That is correct.

They had an SRC? --- That is correct.

Were they allowed to have SASO on the campus? --- They were still negotiating for it, but they were not allowed to have an SRC on campus.

Were they satisfied with that? --- Well, they were not satisfied but since they were still negotiating, I mean we could - we were just waiting to see what was going to happen.

Well, why do you say the students were not satisfied?

--- With? (30)

With the/...



With the fact that they had not reinstated SASO on the campus? --- Well, not that they were dissatisfied. I mean they wanted it to be reinstated, not really that it was a matter of dissatisfaction, but they wanted it to be reinstated.

How did they show that? --- Well, resolutions were passed in mass meetings, the SRC were negotiating with the authorities.

What was the nature of the mass meetings? Student mass meetings? --- Well, a mass meeting, general student mass(10) meeting.

What was the nature of the resolutions that they passed? --- Well, it was just for the reinstatement of SASO, that they feel SASO should be there on campus because ....

And did anything come of it? --- Yes.

In 1973? --- No, not in 1973.

Well, were the students satisfied with that? --- Perhaps I can say that the university authorities were saying that we were still going to meet to decide whether we should allow SASO on campus. That was the general thing as I say, we were(20) to wait and see what was ... (Intervention).

Did you stop passing your resolutions then, when they told you to wait and see? --- I remember it being passed once in 1973 when that SRC was - when there was an SRC.

Well, I can't understand, if there was nothing untoward on the campus that people should express the views that they did express in those pamphlets. I want to find out why the people felt that way? --- Well, Your Lordship, as I say, I have already said there are certain people really - I mean you generally find people who have certain ideas, any other person,(30) whether/...

whether it is a member of SASO or not. Those are the kind of things you will find a student expresses, and sometimes - they are always you know a minority of students, individuals, who would like to express this kind of thing, this kind of thing.

But you yourself were afraid of a demonstration? --- Yes, I didn't want the rally, not that I was afraid of a demonstration, I didn't want the rally to be misinterpreted in the light of a demonstration.

But surely you must have had a reason for feeling the (10) necessity as to tell the students that? --- Yes, Your Lordship, you see I didn't want the rally to be misinterpreted as a demonstration, that was my primary feeling.

Well, didn't you have confidence in the students? --- Yes, I had confidence in the students.

Well, why was it necessary to tell them that they should not misconstrue it as a demonstration? --- Because usually there are students whenever you do - I mean, Your Lordship, for instance on campus we usually have meetings but you will find students coming to meetings expressing certain ideas (20) which they feel must be, saying we must demonstrate for certain - any other things they feel they want to demonstrate for. That is the kind of thing that I had in mind at the students .... (intervention).

But why were you so averse to a demonstration? --- I felt that a demonstration perhaps it might <sup>appear</sup> depend that we had something against the administration. I mean the SRC, although the SRC we did not feel that there was anything at the moment which we felt the authorities were ignoring.

So you had nothing against the authorities in 1974? --- (30)

As far/...

As far as my SRC were concerned, Your Lordship.

And the students also had nothing against the ... ---  
The students as far as I know they did not have anything  
against the authorities, but I mean there are usually certain  
students who feel we want to do this, we want to do this,  
provocateurs, and all that, some such students.

Now why do you say that? --- I say this because I have  
been on the campus, I know that usually it will be said that  
we are going to do this, and you find quite a minority of  
students planning to do what they think things should go, (10)  
you know, their own thinking, whereas you have decided we  
want to do such and such a thing, but there are other students  
who will come with their own ideas and try to disorganise  
things.

But if you were aware of that did you take any pre-  
cautions against that danger that here you organise a rally  
and you might find that you are at the mercy of these provo-  
cateurs that you mentioned? --- Yes, that is why I say I  
believe the majority of the students on the campus they were  
dissatisfied of nothing, but usually you will find that there(20)  
are students who will do some such things, therefore I had  
to warn them against such a thing.

Now what did you do to satisfy yourself that they  
didn't abuse the rights to write placards and banners? ---  
We give them an example of the kind of placard we wanted.

Now just give us what is the example? --- It was a  
Viva Frelimo placard, I believe Ledwaba has already said about  
it, it was put up as they told me, they put it on the door  
of the SRC.

Surely you did not want three hundred Viva Frelimo (30)  
placards?/...

placards? --- Well, we wanted something in relation to Viva Frelimo.

Now give me an idea what you have in mind which was related to Viva Frelimo? --- "We support the Government of Mozambique, We Support Frelimo for its Government, We wish you luck in your Government", things like .....

Now for whose benefit did they have to say that? --- That..?

For whose benefit did they have to say that they support Frelimo? --- Oh, for the benefit - it was a celebra- (10) tion, I mean celebrate the idea that it is independent.

It was not your intention to convey these sentiments to Frelimo? It was meant for your own domestic ...? --- Yes, for our own selves, just to show our solidarity on our own, I mean, not necessarily telling Frelimo that we are doing this.

Well, what I can't understand is that you saw some of these pamphlets and you didn't think of taking them down, and you didn't sort of think of stopping the rally if it was going to be held in that spirit? --- Yes, as I have already said, (20) these placards as I see them here, really one can't say from these placards we have that all the placards were these. There were many placards, Your Lordship, throughout the campus. Students were just reading them, so I never thought there was a placard which I might have interpreted as this one is a demonstration or a - we were just generally reading them, there wasn't something you know, a feeling that there was a demonstration on the campus.

Didn't those placards show the mood of the students? --- No, the mood was relaxed, quite like any other lay on the (30) campus./...

campus.

Shouldn't one look at the placards to see in what mood the placards were written? --- No, Your Lordship, as I say the mood of the students were - was like any other day. It is only that perhaps some other students wrote what they have written in these placards, but the mood was like any other day on the campus.

How can you say that? I mean you don't even remember what the placards were? --- Yes, what I am saying is that we can't just come to a conclusion from the placards we have here(10) and say the mood was like this, because I know what the mood was on the campus. It was just like any other day.

Well, what indications did you have that the mood was the same as any other day? --- Well, the fact that there was nothing showing that the students have changed their mood, there was a demonstration or something like that.

But you saw the placards, the placards indicated how the people felt? --- No, that is not correct, because as I say the placards were many, so I can't remember that the placards I read were of a demonstration nature. I can't remember (20) that, otherwise I could have done something I believe. Other members of my SRC who perhaps had read some such - they could have come and said - hey look, the majority of the placards are like this and like this, let us pull them down. But we never thought of such a thing because time and again on the campus you read placards but you never say things are like this and .... (Intervention).

You mean if a placard calls for a revolution it makes no impression on you at all? --- I didn't see them, that is what I am saying. I can't remember having ... (30)

I mean the hostility on the campus was evidently such  
that you/...

that you don't notice that sort of thing? --- Well, there was no hostility on the campus.

Well, look at the placards? --- The placards I say they are just - they are just the minor of the placards which were there, it is not that all the placards were like this.

How do you know, you don't even remember what the placards were? --- Well, Your Lordship, mainly because of that that I can't remember what the placards contained, that is why I say everything was alright on campus, there wasn't anything which showed from the reading of the placards that (10) students started saying there is a demonstration or that. The students were just reading the placards like any other placard which you may read on campus.

And the banners that they were carrying? --- Well, the banner I never saw because ... (Intervention).

That is also another thing which amazes me. You see, you don't see the placards, you don't see the banners, and you are the president of the student body? --- I saw the placards, I say I can't remember what was written on them. That is what I am saying, I can't remember that the placards which are in (20) court here are the ones which were dominantly on campus. I just read them as any other kind of placard which is put on campus.

Well, it obviously made - well, left no impression upon you because it really - you accepted that to be the feeling of the students? If I am responsible for a student body and I see a shocking placard it immediately will startle me and I will know well, there is something wrong, that can't be the mood of the students, and I will obviously immediately notice it? --- Yes, that is correct. (30)

It obviously/...

It obviously made no impression on you whatsoever?  
--- Because I didn't notice them, that is the whole thing.  
I mean any other student they might have read them, but they  
never changed the mood of the students, if perhaps I could  
have read it and .... (Intervention).

Well, that is what I can't understand how you can  
say that, I mean what indication did you have that it didn't  
change the mood of the students? The best evidence is what  
the students wrote? --- Their mood also should be taken into  
consideration. (10)

You wrote what is on your heart? --- That is correct.

And your heart reflects - is your mood? --- But you  
can't just look at the placards without looking - asking as  
to the conditions on that campus on that day.

Assuming now the placards read - "Kill all White  
lecturers at Turfloop" ... --- That is correct.

What would you have said, oh, it is students? ---- No,  
I believe I could have taken action.

Well, what? --- I could have perhaps removed them,  
those placards, quite definitely. (20)

Why? They are students, as you say you get that type  
of student on a campus? --- No, I am saying you get placards  
every day on campus but you never really try to study them.  
You just read them as a placard on campus. But if all these  
placards were saying "Kill the lecturers at Turfloop", clearly  
if all these placards were saying that, we could have pulled  
them down.

You see, that amazes me, why you didn't do it on this  
occasion? --- Because there were not predominant, I could not  
just .... (Intervention). (30)

Well, how/...

Well, how do you know that? You see, if you can tell me that you remember the placards and you remember seeing the placards, then I can listen to what you are saying, but you keep on telling me that you read the placards but you don't remember what they said? --- That is correct, because you see, there were many. You could not come to a conclusion that - I mean myself I did not come to a conclusion that there is killing, kill Whites on campus, they never created such an impression to me.

That sort of thing does not register on you, even if (10)  
... --- That is correct.

Even if a major comes onto the campus and he wants to speak to the president then it does not also register on you either? --- No, he was talking to the vice president .....

If a man damages the walls of your campus that doesn't register on you either, because you do nothing about it? --- No, we accepted to erase those paintings. We were told at the Disciplinary Committee that we were going to erase them, and they said "well leave it, the workmen will do it on campus". (20)

What did register in your mind on that day? Is there anything that was startling or that shocked you on that day that you can remember? Nothing? --- Firstly I mean the assaults, secondly the .... (Intervention).

Which assaults, I mean you did not see a single assault? --- You see, Your Lordship, <sup>you ask me what</sup> on that day what did register to me and I am trying to show ....

You see, things that you didn't see shocked you, and the things that you did see you don't even remember? --- Like for instance, Your Lordship? (30)

The placards/...



The placards, you said you saw students, it attracted students to - in clump, they went and they read those placards, that is why you read them, that is what you told us? --- Like any other day when there are placards, students read them, that is the general thing on campus.

Well, that also made you read them? --- Yes, I read them.

And then it did not register in your mind at all? --- That there were placards of - for instance that we have in court, it did not register into my mind. But if any other student .... (Intervention). (10)

You see, that is what amazes me, and yet assaults that you did not see, that registers in your mind? --- Yes, I know assaults is a serious thing if a person is assaulted.

But you didn't even see them? --- Yes, I didn't see them but I had to be concerned. Any other thing which is assault which is done on campus, the SRC becomes concerned about it, it is a ..... (Intervention).

What assaults were there that concerned you? --- I mean firstly I heard of the police assaults on the students and ....

What assaults did you hear of? --- Well, the students (20) were going away and then the police set the dogs on them. That is the first thing that I heard.

Yes, but that is to avail?, if a man tells me that people were assaulted and you give me that information then I still know nothing, I don't even know the nature of the assault, I don't know how many people were assaulted, and I don't even know how they were assaulted. --- Yes.

Is that all that you knew, that the police set dogs on the men and they were ... --- No, I was still showing the first thing that I was aware of. (30)

Pardon?/...

Pardon? --- The second thing was the assault on the lecturers, when I came from the .... (Intervention).

No, I am still busy with the assault on the students that concerned you. Can't you give us more detail than you have given just now? --- No, I mean when we were told about them, when we went to negotiate with the major, we tried to see to it that they are taken to hospital and all that. That is what it ....

You say you tried, what did you do to see that they get to hospital? --- I sent for a car of the university to (10) take that guy to hospital.

And who did you take to hospital? --- Peter Tiwi(?)<sup>me</sup>.

I thought he was the first man to ... (speaking simultaneously) .... --- No, he ....

.. by the police? --- There is another one, that is the first guy who was taken, Peter Tiwi is the one which was taken by my asking Motiwane<sup>me</sup> to go and ask the university authorities to give us a car, he is the one. There is another one which was previously taken by the police.

Yes, so two, you mentioned two now? --- Yes. (20)

Is that all that you did? --- After that - I mean when we had negotiated things were over.

But there was a third man who was also injured according to you. What about him? --- The cripple man?

The third man that was injured? --- He was just - he was baton charged, he did not bleed, so he was arrested. He was the one who was released.

He wasn't - well, he didn't bleed but what injuries did he have on him? --- Well, he told us that he had been baton-charged on the body and all that, he had pains on his body but I mean he .... (30)

Did you/...

Did you take the trouble to see whether he was injured?

--- Yes, he was there with us but when they released him from the van he was okay.

Yes, but he told you that he was bitten all over his body, did you take the trouble as the president of the student body to see whether this student was seriously injured? --- Well, now I - he was saying no, I needn't go to hospital and although I was baton charged I am feeling okay but ....

Must he go to hospital before you look at a man's injuries? --- Normally we have got to first see what injuries (10) he had sustained.

Well, that is what I am asking you. Did you look at his injuries? --- No, he was there with us, he did not try to take off his clothes to look at him, that is what he told us, Your Lordship.

Well, he might have been lying to you, he might not have a single injury on him? --- Well, I don't believe he might have lied that he was baton charged, he .....

Why didn't you pull up his shirt and see that he had injuries? --- Well, I took it that he was telling me the truth. (20) He told me and it was very unnecessary to say let me see whether you are telling the truth that you have been baton charged ....

He might have been beaten all over his body? --- He said he had been beaten, not all over his body, that he was lying on the ground and then they beat him. He had been baton charged perhaps twice or thrice and then those are the pains that he said that he had on his body. But he was saying no, I am okay.

And then what did you do after that, after the (30)  
police/...

police left? --- I was on my way to the SRC when these two women came to me to tell me about that .....

Was that after the police had left? --- After the police had left, I was going to the SRC office.

And then? --- Then they told me about the woman with the camera, they said she was being suspected by a friend for being an informer for quite a long time, and her taking pictures, her friend thought no, this is too much now, her suspicions were correct.

And then you immediately gave prompt attention to that?(10)  
--- Yes, because they were accusing her and then they wanted to beat her up. So I wanted rather to see it to that she is protected, nobody is assaulting her and all that.

Well, what did you do to protect her? --- Well, I was always with her and members of the SRC, and then we took her to the hostel to her room.

Yes, to do what? --- Well, to see firstly - to try to take her away from the people, and secondly to try to see whether there was anything in her room to suggest that she was an informer. (20)

Well, what were you looking for in her room? --- Well, we would - I don't know really, we were just going to look to see whether they could say something that she was an informer, I don't know really what informer .....

But you went there, you said you went to her room to look if she was an informer? --- That is correct.

Now I want to know what you were looking for? You don't know what you were looking for? --- We were looking for any other thing which might suggest that she is an informer.

Well, what would you be looking for to see whether a (30)  
person/...

person is an informer? --- Well, perhaps she might be having documents on which she made reports and all that sort of thing.

Leave it there for everybody to see? --- She had a single room, she was staying in a room alone.

Well, you found nothing in her room you say? --- No, I did not find anything.

And then what did you do to protect her? --- Well, after that it was already late, the female students, members of the SRC, were outside trying to cool them down and all that. It was okay, at half past five, and we told them that no, (10) leave this woman, she is okay. We were just waiting for ...

It is okay, it is only just because you didn't find a statement in her room? --- Well, as far as I was concerned there was nothing to show that she was an informer.

But an informer does not write statements. An informer can give messages and an informer can be an informer in a number of other ways. --- That is what we wanted to see, Your Lordship, what you are saying, that she can be an informer in a number of ways. We wanted to try to ascertain what she had to inform on. (20)

But I can't understand how the fact that you don't find a statement in her room, that - how that can convince you that she is not an informer? --- Not that we didn't find a statement. We didn't find anything to suggest that she was an informer, except the camera which was ....

Apart from a statement, what else did you expect to find in her room to show that she was an informer? --- Well, I have never dealt with informers, Your Lordship, so it was really to sort of try to satisfy the students that we were doing something in that respect. (30)

Now when/...

Now when the prosecutor asked you about conscientisation, you said that the Bantus all feel oppressed? --- That the Black people ....

Well, the Black people, all the Black people feel oppressed? --- That is correct.

Now what is the work of SASO then politically if the Black people all feel oppressed? --- Well, SASO/<sup>I</sup>understood it to be trying to intellectualise on how we should achieve our liberation, to show - to try to bring forth ideas to the Black people as to how we can, you know, try to get us support amongst ourselves ... (Speaking simultaneously). (10)

Well, I thought from the documents that the complaint is that you should not intellectualise, you should do something about it? --- I am merely saying that SASO was trying to intellectualise as to what Black people can do to achieve their liberation, not that they were trying to get support for themselves, that is what I am saying.

But wasn't the complaint that there should be less intellectualising and more activity to get liberation of the Black man? --- Students should be less intellectualising in the struggle, that is they must be involved in community projects and so forth. (20)

Well, why did you tell us then that students have to intellectualise, if you now say that they don't only have to intellectualise? --- Well, in respect of Black Consciousness, in trying to expound it, that is why I say they were trying to intellectualise on the expansion of Black Consciousness in the country and all that, not that they were in - rather, really involved in trying to get support for themselves in that sense, Your Lordship. (30)

Why do/...

Why do you say that? On what authority do you say that? --- Well, I say that because ...

Because we have seen the documents here, the SASO documents and the BPC documents. Now why do you come with that type of evidence? On what do you base it? --- I base it on the fact that SASO really never wanted support from the Black people, because SASO is concerned with Black students. So our concern with liberation .....

Is that what you think or do you base it on anything, this statement that you now make? --- I base it on what I have(10) been addressed on by members of SASO, and SASO Newsletters and all that.

Have you read the Newsletters that we had here in court? --- Some of them I have read.

And do you agree with them or do you disagree with them? --- Well, I mean others I agree with, and others there may be something that I - I haven't read all of them.

Now what did those newspapers say that you didn't agree with? --- Well, as I say Your Lordship, I can't see - I have not read all of them so I can't say there is anything I (20) disagreed with, but if I may read all of them perhaps there may be something that I disagree with.

Now what you have read, do you agree with it or do you disagree with it? --- No, I agree with it.

You have been telling us about the formation school too. You say that you know SASO policy. Now if you know SASO policy and it is a rigid policy, what is the purpose of a formation school? --- Well, I believe SASO tries to - perhaps to expand and expound its policy, so it must time and again get the feelings and the ideas of the students, whether it is still (30) with/...

with the students or not.

And if the students are against the policies of SASO?  
--- Well, I believe such people who are against the policies of SASO, they will just have to cease from being members of SASO.

Well, what is the purpose then of holding - is it a shaking out sort of assembly, this formation school, to shake out those who do not follow the SASO policies? --- Well, rather perhaps to get the ideas and where they do not understand things to try to clarify them on those matters. (10)

So it was in the nature of a seminar then, to inform them what the policies are? --- Well, I believe Your Lordship, SASO informs the students on its policies through the newsletters and the addresses by its members, the Executive and all that, but seminars I believe is also certain people who I may say are experts, come to give ideas on certain fields and all that.

Then I can't understand what you say a formation school is. --- Well, as I understand it is to get ideas from students.

Yes, but you say if the ideas are in conflict with (20) SASO policy then those students must resign? --- No, I say if they feel they cannot pursue the policies of SASO they must cease from being members of SASO, but SASO what it will do after getting such ideas, it will be to clarify them on those policies.

But musn't SASO try and get the ideas from them? Because if it is a formation school as you say it is, find out what the thinking of the students is? --- Yes, that is exactly what it - what they do.

Well, if they find out what the thinking of the students(30) is and/...



is and it is in conflict with SASO policy, will SASO change its policy or will it then just throw those students overboard? --- I think the point is that students generally - we get ideas from any other kind of student, but when it comes to a real formulation, formulating the policy, we get what I may call perhaps people who are right in the political field, students who have been say involved in SASO, who know the policies and all that, who know the clarifications and all that. But you can't - a student may perhaps say any other thing in that he is not perhaps clear on what SASO stands for. (10)

Now when you were walking to the hall where the rally was to be held, did you also see a car and hear students shout to the car to go away? --- I can't remember but - I can't remember hearing shouting and so. I was told that they had seen a car pass by, Ledwaba when he came to the SRC he told me about that. I thought perhaps they just wanted to see whether there were students perhaps trying to walk around on campus, doing something out of order.

I don't follow that. Are you not allowed to drive on the campus with a motor car? --- Well, we never see police driving on the campus. (20)

Well, was it a police car? --- As I got the information, from Ledwaba, that it was a police car.

Well, why does one shout at the police car if you don't know what the business of the police is? --- Well, I think perhaps the students might have thought perhaps the police are coming to interrupt our rally, some such things you know, when we had information that the rally was not banned. That was the general thing that they might have expected perhaps. (30)

Why do/...

Why do you say that? What makes you say that, what you are saying now? --- Well, this is just my opinion, that perhaps they shouted at that - I have got no basis, but I .... (Intervention).

What makes you think it is a police car that they saw? --- Well, that is what they told me, I don't know whether it was a police car or not, that is what they told me, Your Lordship.

You see, another thing that is not yet clear to me, is why you, the president, is not interested in the police (10) when the police come onto the campus? --- Your Lordship, I mean I don't see the reason why it can be said I was not interested, because <sup>a</sup>Mongwati<sup>e</sup> was there talking, he is a member of the SRC, he is - like the vice president, he is just like the president, he can talk on behalf of the SRC.

Did you hear the major trying to speak ... --- In the hall?

On the megaphone in the hall? --- That is correct. That is correct.

Did you hear what he was saying? --- No, it was squeak-(20) ing, I could not have heard what he - it was just making a lot of noise. I didn't hear, but the students who were next to him they started shouting, that he says that we should disperse, and they started leaving the hall.

Now how is it that you did not hear what they were saying on the megaphone? --- It was squeaking, I could not have heard anything.

Surely an instrument that squeaks does not squeak in such a way that you don't know what is said over the megaphone? --- Well, it happened like that, Your Lordship. (30)

Fekane/...

Kekane and Ledwaba have already said that it was just like that. I mean I am no different from them, I couldn't have - because I am a president I must understand what he was saying. It was just like that. I didn't hear.

Then why didn't you quieten the students and say well, let's hear what the police have to say so that they don't have to use the noisy or the squeaky megaphone? --- Well, those who were near him were already saying "Let us disperse, let us disperse", and they were - they started leaving the hall, and also the other students started (10) following, so there was no reason why we should stop them, because I believe he asked them to disperse, then they were dispersing.

You see, the evidence of the police was that they didn't leave the hall after they were called upon to leave the hall? --- Well, I don't know about that because I know we left the hall.

Well, you certainly didn't disperse? --- Well, we dispersed from the hall, that is correct. Not for ..(away from microphone). (20)

But if you are not allowed to hold a meeting it does not mean to say that you are not allowed to hold it in a hall, you are not allowed to hold a meeting? --- That is what I say, the students didn't understand. They felt perhaps leaving the hall is dispersing, that is why these law students came to me to tell me about that, if the students are on the field, it would be said that they still have continued the rally, go and tell them. You see, I was still in the hall trying to see to it that the students should leave the hall. Now they came to tell me that the students are gathering on (30) the field/...

the field, so I had to go and tell them to disperse.

And what did you use to be able to let the students hear you? I mean you didn't have a megaphone and they could not hear with a megaphone, now how could they hear you? --- No, I told members of the SRC to help that the students should leave the <sup>sport field</sup> hall, and we just started telling them to disperse, disperse.

But how would they hear you? --- They were towards the centre of the sports fields, they were together some of them, they were congregated, so we just told them. It was not (10) necessary that we should have perhaps a megaphone to tell them that.

You didn't hear a thing that they said over the megaphone? --- No, it was squeaking.

You didn't hear a thing? --- I didn't hear, except the sounds that it emits.

Now how did the other students know what was being said over the megaphone? --- No, they didn't know, they were told by Mongwati there at the door that they are asking us to disperse, then that is why they started leaving the hall. (20)

Well now can you imagine why the police used a megaphone if the students were responding to this call by Mongwati? --- Why ...?

Why the police still used the megaphone, the squeaky megaphone, to tell the students to disperse, if the students were in fact dispersing so easily at the request of Mongwati? --- You see, he was trying to tell us in the hall and those students next to the door they were already leaving out, that is why we started following them.

And the police, the major was still using the megaphone? --- Well, he was using it at the same time, he was trying to (30)

talk/...

talk but it was not clear, but at the same time Mongwati, as I was told afterwards, was telling the students they say you must disperse, and then they started leaving the hall.

Can you suggest any reason why the police should want to use the megaphone in those circumstances, if the students are already dispersing? --- Well, that is surprising because if they wanted us to disperse they could have easily come to the chairman, to myself, and said let the students disperse.

Did you hear the teargas ... --- Yes, I saw it when I (10) was towards the tuckshop.

You only saw it? --- Yes, I saw it.

But you did not hear the explosion? --- No, I heard the - I mean I heard and I saw it, the vapour as it comes out, and I saw it fired. I heard sounds of it.

And you don't know why that was used? --- No, the students were saying they were moving away ....

Apart from what the students told you, I mean you were oblivious of what was happening there, I mean then somebody told you, you don't know what happened? --- No, I don't know.(20)

You didn't hear dogs bark? --- No, I can't remember having heard a dog bark. It might have, but ....

Did you see dogs there? --- Yes, afterwards when I went there I saw dogs.

When did you see dogs? --- When I went to the road to talk with the major.

And where were the dogs then? --- Well, the police had them with them, just there next to the road.

How many dogs? --- I can't remember how many were there, but I didn't see many, but I can't remember how many were there.(3)

Well, how/...

Well, how many more or less did you see? --- I might have perhaps seen two or three, I can't remember, they were not many.

And what were the dogs doing when you saw them? --- They were standing with their handlers.

You did not see the police use the dogs? --- No, I didn't see them using them.

And what prevented you from seeing the police use the dogs when you were on the sports fields? --- As I say I was that far away from them so .... (10)

You were about a 100 yards away and you can't see further than a 100 yards? --- No, I mean I didn't see them chasing the students with the dogs, that is what I am saying. I didn't see them.

Was there anything to obstruct your view or any other reason why you didn't see them? --- No, the students, the female students were starting to make a noise, so I was with them.

Does it affect your vision if they make a noise? --- No, I was talking with them and we were facing that way, so I could not have turned around to see. (20)

So you at no time saw dogs running after students? --- No, I didn't see them.

Were you on the sportsground? --- No, we were already off towards the tuckshop, it is away from the sports field.

Where were you going to? --- Well, I was trying to tell the female students to go to their hostel.

But they were already off the sports field? --- Yes, as I say at that stage they were already baton charges on the male students, so they were making a noise, so I had to drive(30) them/...

them even up to the tuckshop.

But why do you say they were making charges, you obviously saw nothing? --- No, as - they were making a noise saying they are attacking them, but I never turned around to see what was happening. I was concerned with them that they were saying no, we must go, and then I was concerned with them, that - no, leave, we will go and solve the problem afterwards. That was what I was concerned with.

NO FURTHER QUESTIONS.

MR. SOGGOT INFORMS THE COURT THAT THE NEXT WITNESS WISHES TO (10)  
GIVE EVIDENCE IN AFRIKAANS AND THAT AN INTERPRETER IS RE-  
QUIRED.

ADAM SMALL v.o.e.

ONDERVRAGING DEUR MNR. SOGGOT: Mr. Small, I understand that there are already complaints, you have got to talk into the microphone and a little bit louder. --- Ja, ek sal my bes probeer.

My Lord, I understand from the accused that they have no objection in the meantime to the matter proceeding in Afrikaans. --- Edelagbare, as dit die hof enigsins sal help dan sal ek (20) Engels praat.

Praat liever die taal van u keuse. --- Nee maar goed.

Mnr. Small, sal u asseblief vir Sy Edele sê wat is u beroep en kortliks sal u u opvoeding beskryf? --- Ja, seker. Ek is op die oomblik uitgewer in Kaapstad, ek is verbonde aan 'n uitgewery in die stad.

Ek is jammer om u in die rede te val. Kan u 'n bietjie harder praat want dit sal seker baie moeilik wees vir die beskuldiges wat nie baie goed Afrikaans praat. --- Ja, seker. Ek is op die oomblik 'n uitgewer in Kaapstad, ek is verbonde aan (30)

'n uitgewery/...

'n uitgewery daar. Ek was natuurlik vir jare, ek dink dit was vir veertien jaar dosent en hoof van die Departement Wysbegeerte aan die Universiteit van Wes-Kaapland.

Hou voordat u dosent geword het, waar het u u matriek behaal? --- Ek het my matriek behaal aan die Hoërskool St. Columba in Athlone in Kaapstad.

En daarna kan u kortliks u universiteitsloopbaan beskryf asseblief? --- Ja. Ek is in 1953 Universiteit van Kaapstad toe. Daar het ek die graad B.A. afgelê. Ek het daarna die B. Honneurs gedoen en in 1962 nadat ek reeds 'n (10) dosent was by Wes-Kaapland het ek my Meestersgraad daar afgelê. Ek het ook vir 'n klompie semesters klas geloop aan die London School of Economics en 'n bietjie later aan die Universiteit van Oxford in Engeland, waar ek nagraadse studie in die Filosofie, spesifiek die Etiese en Morele Filosofie, gedoen het. Ek weet nie of u meer besonderhede in verband met my prestasies aan die Universiteit van Kaapstad en elders nodig het nie.

Dan u het eintlik dosent geword soos u alreeds gesê het by die Universiteit van Wes-Kaapland? Vir veertien (20) jaar? --- Dit is heeltemal reg, ja. Ek was ook een jaar verbonde aan die - destyds die Universiteitskollege van Fort Hare, dit was in 1959, en sedert 1960 was ek toe by die Universiteit van Wes-Kaapland.

Wanneer het u daar begin en wanneer het daardie pos aan 'n einde gekom? --- Ek is in 1973 daar weg. In 1974 was ek by die Universiteit van die Witwatersrand waar ek die Studente Welsynsorganisasie, WITSCO, gedien het, ek was direkteur van WITSCO in 1975, eintlik einde 1974 is ek weer terug Kaapstad toe. (30)

Wanneer/...



Wanneer het u u pos by die Universiteit Wes-Kaap begin?

--- Dit was begin 1960.

Was u daar vanaf 1960 tot 1973? --- Van 1960 tot 1973.

Tydens u loopbaan daar het u kontak gehad met die organisasie SASO? --- Dit is heeltemal reg.

Sonder om op hierdie stadium enige besonderhele te gee, u het noue kontak met hulle gehad? --- Ek het baie noue verbintenisse met SASO gehad, ja.

Noue verbintenis met die organisasie gehad? --- Ja.

Dit is reg.

(10)

En kan u net kortliks vir Sy Edele vertel watter boeke u geskryf het en ook wat u geskryf het in die SASO Newsletter?

--- Ja, ek sal probeer onthou. Ek het begin jeugwerk met twee digbundeltjies, die heel eerste Verse van die Liefde, daarna Klein Simbool. Dit was baie vroeg, dit was seker 1957/58 maar ek dink die datums is nie belangrik nie. Daarna het ek Kitaar met Kruis gepubliseer in die vroeëre sestiger jare. Ek het 'n boekie met die titel Die Eerste Steen die lig laat sien waarin ek die sosio-morele en seker ook politieke probleem ten opsigte van die sogenaamde Kleurling in Suid-Afrika probeer skets het volgens my insigte van destyds. Ek het daarna Sê Sjobbolet gepubliseer, weer 'n bundel gedigte. Oos Wes, Tuis Bes, Distrik Ses - in 1965, dit is ook 'n bundel gedigte. Ek het 'n Engelse digbundel onlangs die lig laat sien Black/Bronze Beautiful. Ons mag weer daarna verwys, ek weet nie. En dan het ek van Van Wyk Louw se poësie vertaal in Engels onder die titel Oh Wide and Sad Land. Ek is seker daar is miskien iets wat ek uitgelaat het maar ek dink dit is die belangriker werk.

Het u ook 'n drama ... --- O ja natuurlik, dit is die (30)

belangrikste/...

belangrikste werk, dit is Kanna Hy Kô Hystoe.

Kanna Hy Kô Hystoe? --- En dit is 'n drama. Dit is natuurlik die gepubliseerde werk. Daar is ongepubliseerde werk wat in 'n sekere sin reeds bekend is eenvoudig omdat ek die werk op die planke gebring het, ook drama.

Nou sover as SASO se dokumente betref, u het 'n opstel of 'n artikel geskrywe in SASO General K.5 onder die opskrif Blackness versus Nihilism? --- Blackness versus Nihilism, dit was ....

Dit was in Augustus 1971? --- Dit was in Augustus 1971.(10)

Ons sal 'n bietjie later daarna verwys. Sover as u onthou enigiets anders in SASO ... --- Miskien moet ek tog net hier vir die hof sê dat daardie stuk van my 'n voorlesing was by die 1971 General Students Council van SASO.

Het u daarna GSC bygewoon? --- Ek het dit bygewoon ja, ek was teenwoordig daar.

En ek wil net vir die notule - ek dink in dieselfde SASO G K.5 is daar ook 'n stukkie poësie deur u blykbaar - I am sorry, it looks like SASO E.1. It is SASO E.1, page 8. 'n Stukkie poësie getitel A Poem After the Bannings, by Adam (20) Small. This is in the Newsletter of March/April, 1973. Is dit ook deur u? --- Ja, ek onthou dit.

"What poetry my friends could they have read"? --- Ja, dit is heeltemal reg, ek onthou dit.

Nou mnr. Small, kan u vir Sy Edele asseblief kortliks u kontak met SASO en SASO se dokumente beskryf. Wat sou u sê was u eerste kontak met óf die organisasie óf lede van die organisasie? --- Ek sal dit so goel as wat ek kan probeer doen. My heel eerste kontak met SASO was seker deur mnr. Steve Biko en Barney Pityana te ontmoet. Dit was gedurende die 1970 (30)

universiteits-/...

universiteitsvakansie, die Desember vakansie, met ander woorde eintlik vroeg Januarie 1971 by die Abe Bailey Seminaar wat oor studente houdinge gegaan het aan die Universiteit van Kaapstad. Daardie stukke is uiteindelik gepubliseer in die boek Student Perspectives on South Africa ....

Is dit die boek wat nou voor u lê in die getuiebank?

--- Ja, dit is die boek wat hier voor my lê ja.

En dit bevat drie artikels, een deur mnr. Steve Biko, een deur mnr. Pityana en nog 'n ander deur uself? --- Dit is korrek, deur myself. (10)

Afgesien van andere persone wat bygedra het? --- Dit is heeltemal reg.

Hou laat ons net hoor wat u uitgevind het van die organisasie en wat se soort indruk dit op u gemaak het? --- Ja, ons was almal saam by die Universiteit van Kaapstad. Dit was min of meer 'n informele akademiese aangeleentheid en ons het vryelik met mekaar gepraat, soos dit by sulke geleenthede gaan nie altyd met mekaar saamgestem nie, maar wat insiggewend was vir my was dat daar by beide Biko en Pityana 'n soeke was na wat 'n mens kan noem identiteit. Ons het later die woord "swart" begin gebruik heeltemal positief, en ons het begin praat van Swart Identiteit, en by my was daar op daardie tydstip presies dieselfde aanvoeling, nie heeltemal soos hulle dit reeds gehad het nie, maar my aanvoeling het in daardie rigting gelê, en die interessante vir my by daardie geleentheid was hoe dat ons .... (Tussenkoms). (20)

U praat nog steeds van die geleentheid toe hulle getuig het by die Abe Bailey ... --- By die Abe Bailey Seminaar, ja. Dit is heeltemal reg. Hoe dat ons heeltemal onafhanklik van mekaar in dieselfde rigting begin dink het. Later is (30)

hiardie/...

hierdie vermoede van my bevestig, dit was by geleentheid toe ek daardie stuk van my gelees het, Blackness versus Nihilism, dit was ook die geleentheid as ek reg onthou toe SABO se eerste sogenaamde policy statement voorgelê is. Dit was by die 1971 GSC as ek dan nou maar die Engelse afkorting mag gebruik. En heeltemal onafhanklik van mekaar het ek gevind was daar nogmaals hierdie samevoeling oor sake as't ware.

U het melding gemaak van die vraag van identiteit en die gebruik van "swart" in 'n positiewe sin, nie waar nie? (10)  
--- Dit is reg.

Hou waar het u eers 'n verduideliking van SABO se beginsels en ideologie, as ek dit so mag noem, eers getref of ..? --- Ja, ek sou sê in daardie einste twee opstelle, die een deur Biko, die ander deur Pityana - as ek hulle vanlag lees en ek het hulle ..... (Tussenkoms).

Mag ek u in die rede val. My Lord, I understand the interpreter has come into court. Perhaps he could interpret to the accused. I understand he is a sworn interpreter, My Lord. (20)

DEUR DIE HOF: U is 'n geswore tolk?

MNR. VAN DER MERVE (TOLK): Ja, U edele.

DEUR DIE HOF: Nou ek dink die vlotste manier om te tolk as u miskien net die beskuldigdes kry wat nie Afrikaans magtig is nie, dat hulle net naby aan mekaar sit, dan kan u dit aan hulle oor tolk en as mnr. Small 'n bietjie te vinnig gaan dan kan u dit net vir my te kenne gee en dan kan ek hom 'n bietjie stop. Die alternatief is dat u langs hom staan en alles tolk maar dit is vertragend dink ek. Ons kan dit maar net op proef stel en kyk hoe werk dit. (30)

MNR. ROBERT:/...

MNR. SOGGOT: Sal u hangaan asseblief, mnr. Small? ---

Dankie. Ek verwys nou weer na daardie twee opstelle, die een deur Biko en die ander deur Pityana. Pityana se opstel dra die titel "Power and Social Change in South Africa". Biko se opstel verskyn onder die titel : "White Racism and Black Consciousness".

DEUR DIE HOF: Wag net 'n bietjie. Mnr. Van der Merwe, kan u die getuie hoor?

MNR. VAN DER MERWE: Hy moet 'n bietjie harder praat.

MNR. SOGGOT: Gaan maar aan? --- (Mnr. Rees kom tussenbei (10) en maak beswaar).

MNR. REES: U Edele, ek het nog nie beswaar aangeteken nie. Ek wil op hierdie stadium die Staat se regte voorbehoud om beswaar aan te teken teen hierdie hoorsê getuigenis.

MR. SOGGOT: I don't begin to understand what is hearsay about it, My Lord. The words are the actions of SASO.

MR. REES: This witness must then be able to prove it as being the actions of SASO, he is talking about the meeting in Cape Town, Cape Town University, something where two individuals were. And he is ..... (Court intervenes). (20)

BY THE COURT: Anyway, he left that long ago. U is nou besig met die bydraes wat u gemaak het op die GSC? --- Ja.

MNR. REES: Nee, Edelagbare, dit is 'n boek wat hy in sy hand het. Hy kan nie vir my sê nee nie, hy het 'n boek in sy hand ... --- Maar Edelagbare, as u nie omgee nie, wat ek probeer doen is om aan die hof te sê dat hierdie twee mense, Biko en Pityana, baie belangrike mense in SASO geword het 'n paar maande daarna en dat dit 'n paar maande voordat hulle baie belangrike mense in SASO geword het, hulle denkwysse was, en dat dit hulle denkwysse gebly het dwarsdeur. (30)

MNR. SOGGOT: /...

MNR. SOGGOT: Het u kontak met hulle daarna ook gehad? ---  
Ek het kontak met hulle daarna gehad, ek weet nie of ek dan  
mag voortgaan nie?

Gaan maar aan? --- Baie dankie.... (Mnr. Rees kom  
tussenbei).

MNR. REES: U Edele, dan moet dit duidelik wees wat die boek  
is waaruit hy kwoteer en watter bladsy dit is. --- Ek het dit  
reeds genoem, dit is Student Perspectives on South Africa,  
en die bladsy nommer vir Pityana se artikel die is 174, daar  
begin dit, en onmiddellik daarna volg Biko se artikel en die (10)  
bladsy nommer vir die begin daarvan is 190.

MNR. SOGGOT: En net duidelikheidshalwe, daardie seminar  
was gereël deur Professor Hendrik van der Merwe? --- Dit was  
gereël deur Professor Hendrik van der Merwe van die ....

Wie is daardie professor? --- Professor Hendrik van  
der Merwe is - ek weet nie of ek hom hoof moet noem nie, ek  
weet nie presies wat sy amptelike titel is nie, ons noem dit  
maar hoof van die Abe Bailey Institute for Inter-Racial Studies  
dink ek word dit genoem.

...(onhoorbaar) ... University of Cape Town? --- Ja, (20)  
dit is 'n moeilike vraag. Die verhouding tussen die Abe  
Bailey Institute of Inter-Racial Studies ....(Praat tegelyk).

U weet eintlik nie hoe ... --- en die Universiteit is  
'n eienaardige verhouding maar daar is 'n verband, dit word  
in elk geval dink ek deur die Universiteit betaal.

Sal u aangaan asseblief. --- Ek wil net vir u die  
slot van Pityana se artikel lees, eenvoudig omdat ek dink dat  
dit wat my betref opsom baie bondig en baie kragtig waaroor  
SASO eintlik deur die jare .... (Mnr. Rees kom tussenbei).

MNR. REES: Edelagbare, ek wil duidelikheid hê, gee hierdie (30)  
getuie/...

getuie deskundige getuienis of kom hy hier as 'n SASO lid  
of as wat?

MR. SOGGOT: My Lord, I do think my learned friend should  
have a little patience. I have already introduced one fact,  
and that is that this witness has had an intimate contact  
with the organisation.

MR. REES: I am still entitled to know, My Lord, before he  
is referring to all kinds of books here, whether he has come  
as an expert, or whether he has come as a member of the orga-  
nisation? (10)

MR. SOGGOT: My Lord, he comes I would suggest as neither  
an expert in political science, nor as a member of the organi-  
sation, but as a person who has had as much contact with the  
organisation as any member and who can perhaps throw a useful  
light on the impression that the organisation, its activities  
and explanations, made on him as a person in contact with it.  
But this here My Lord, is part of his contact with the litera-  
ture, the thinking, of persons who as Your Lordship knows  
later .... (Court intervenes).

BY THE COURT: I think you should qualify a bit more about (20)  
his association with SASO, because he is now really giving us  
a summary of the authors' writing and he says well, that was  
the attitude of the author when he became an important  
figure in SASO. I think that is the effect of the evidence.

MR. SOGGOT: I think what he is saying, this expresses what  
he subsequently understood SASO to stand for. It might be a  
little bit cart before the horse My Lord, but I have no doubt  
my learned friend will be satisfied as his evidence unfolds.  
He in effect had years of contact with SASO.

MR. REES: My Lord, let the witness tell us what he had, (30)  
before/...

before we lead this evidence which may be highly prejudicial to the State. If he is not entitled to do so then it should be eliminated. If he is entitled to do so it should be put before the court in proper form.

BY THE COURT: Perhaps you could lead his evidence of his association with SASO.

MR. SOGGOT: I will do that, Your Lordship.

Mr. Small, kan ons terugkom na hierdie geleentheid, dit in elk geval was u eerste kontak met mnr. Biko? --- Dit is korrek. (10)

Nou op daardie stadium was SASO alreeds soos u verstaan het, het dit alreeds bestaan? --- SASO is natuurlik in 1969 - het in 1969 ontstaan. Die heel eerste belangrike GSC was die 1970 GSC.

En wanneer het u mnr. Biko ... --- Met ander woorde ek het hier gepraat met die president van SASO want dit was in Januarie 1971 dat ek die man ontmoet het. Eintlik is ek dus so 'n bietjie verkeerd wanneer ek sê dat hy later belangrik geword het, hy was toe alreeds belangrik en Barney Fityana was sekretaris, algemene sekretaris van SASO, dit is heeltemal (20) reg ja, dit is .....

MR. SOGGOT: My Lord, my submission is that is in fact the evidence which we have had before this court.

BY THE COURT: The witness then is trying to show that it really portrays the policy of SASO, now I think he better just tell us more about his knowledge of SASO.

MR. SOGGOT: Yes, My Lord, may he without comment tell Your Lordship what his experience was at that particular seminar at the Abe Bailey Institute, My Lord. Sal u dit asseblief vir ons doen, meneer? --- (Mr. Rees kom tussenbei). (30)

MR. REES: /...



MR. REES: Edelagbare, dit is nog my submitisie dat dit het op die oog af niks met SASO te doene nie. Ek kan hier uitgaan en ek kan allerhande dinge gaan doen vanaand wat niks met my amp te doene het nie. Hier praat die man van 'n boek wat gepubliseer is deur buitelanders wat op die oog af niks met SASO te doene het nie. Die feit dat hierdie mense vooraanstaande lede was van SASO - as hy persoonlik niks weet nie, nie 'n lid was of 'n aktiewe ondersteuner van SASO nie, dan kan hy nie vir ons kom sê dat Barney Pityana het so gesê en daardie man het so gesê nie. Barney (10) Pityana kan vir ons kom sê wat het hulle gesê en wat het hulle bedoel. Dan as die getuie kom as 'n deskundige getuie dan kan hy sê daardie en daardie vertolking moet daaraan geheg word, maar hy kan nie kom sê hierdie mense se standpunt was hierdie en hierdie standpunt was daardie nie. Hy kan homself kom baseer op wat Biko gesê het hierso as hy 'n deskundige is, maar skynbaar is hy nie 'n deskundige nie, en hy is ook nie 'n deelnemende getuie nie. Ek weet nie wat sy bedoeling is hier nie, dit is die probleem waarvoor ek staan. (20)

MR. SOGGOT: My Lord, my submission is that there is a fair amount of confusion in my learned friend's objection. We are dealing here with the chairman of SASO and my submission is his statements about SASO and about Black Consciousness as pursued by SASO are highly relevant and admissible. These are the acts of the organisation, My Lord.

BY THE COURT: Does he say it in that book as chairman of SASO? I think the contribution that he made in that book and I think the witness is merely trying to give us the purport of his thinking, and he says well, this man became an important (3) member/...

member of SASO subsequently and that portrays the policy of SASO.

MR. SOGGOT: My Lord, may I try and get clarity as to the relationship of that book to the seminar? Mnr. Small, daar is verwysing gemaak na twee artikels, die een deur mnr. Biko en die een deur mnr. Pityana. Wat is die verband tussen daardie twee artikels en wat gesê was in die seminaar? Indien enige? ---- (Mnr. Rees kom tussenbei).

MNR. REES: Watter seminaar is dit?

MNR. SOGGOT: Die Abe Bailey Seminaar. --- Dit was die (10)  
stukke wat hulle voorgedra het. Hulle het dit letterlik so voorgedra in die seminaar. Die seminaar ek moet net herhaal het oor studente houdings in Suid-Afrika op daardie tydstip gegaan soos dinge besig was om te ontwikkel en ons weet dat die ontwikkeling destyds, die ontwikkeling van SASO was, of liever, die belangrikste ontwikkeling in studente geleedere myns insiens destyds was die ontwikkeling van SASO.

Mnr. Small, het u persoonlik met mnr. Biko gesels? --- Ek het persoonlik met Biko en Pityana albei gesels by daardie geleentheid en ..... (20)

Het die gesprek oor SASO gegaan in enige mate? --- Dit is heeltemal reg, ons gesprek het oor die nuwe begrip Swart Bewustheid. Black Consciousness, gegaan hoofsaaklik. Ek as 'n buitstander, 'n akademiese buitestander, 'n nuuskierige mens, ook as digter, wat bewus was van 'n ontwikkeling wat ons begin noem het "Swart Poësie", het met hulle gepraat en probeer uitvind presies wat hulle as Suid-Afrikaanse mense wat met hierdie begrippe begin werk het in gedagte gehad het.

Hou kan u vir ons kortliks vertel wat mnr. Biko vir jou gesê het? --- Ja.... (Mnr. Rees kom tussenbei). (30)

MNR. REES: /...

MR. REES: Ek objekteer daarteen, U Edele, dit is duidelik hoorsê getuienis, wat hy nie kom handel as deskundige nie. Biko kan vir ons kom vertel, dit is 'n voël van 'n ander kleur, maar wat Biko vir hierdie getuie gesê het op 'n seminar het - wat niks met sake te doene het nie is nie toelaatbaar nie.

MR. SOGGOT: My Lord, I never thought that the basis of admissibility was geographical. That if a person is inciting as my learned friend suggests in a direction which is illegal, it does not matter that it is done on a SASO (10) platform or indeed at a church bazaar, and my submission is that these are the explanations of an ideology by leaders of an organisation and my submission is there is no .... (Court intervenes).

BY THE COURT: I think the basis of Mr. Rees's objection is that if you take those views in isolation then it is inadmissible because it is irrelevant to the case. If you take it in conjunction with the policies of SASO then this witness must be able to correlate it because - and he can only correlate it if he has personal knowledge of SASO and (20) its policy.

MR. SOGGOT: That may be My Lord, but if the evidence is that this is Black Consciousness par SASO, that this is SASO ideology, then the witness is giving evidence of the conduct of the organisation, My Lord, as much as having seen ....

BY THE COURT: How can the witness say this is SASO ideology if he does not know much about .....

MR. SOGGOT: That is perfectly so, My Lord. What I am saying is if this is what Biko put to him as SASO's thinking, I have no interest at all in leading evidence of Biko's private (30) thoughts, /...

thoughts, it is totally irrelevant. It is the last thing I want to do, to prolong the case.

BY THE COURT: But Biko gave evidence and Biko referred us to his contributions, and if Biko referred us to another book in which his contribution and that of Barney Pitjana, and - but are we not referring to the same .....

MR. SOGGOT: I don't think so, My Lord, I think that was Black Theology. This book has never been put in before the court, My Lord, and the purpose of this evidence is to show - I thought this would be rather uncontentious and more or less introductory, but the purpose is to show the effects of this sort of ideology and thinking on a person like Mr. Small, who we would submit is a member of the Black community. And obviously we are not asking Mr. Small to express any opinion evidence and say yes, I identify this as belonging to the SASO ... ?.. I will ask him, My Lord... (Intervention). (10)

BY THE COURT: Yes, but then you must show that that is SASO policy.

MR. SOGGOT: I will rephrase my questions to leave that beyond doubt. (20)

Mr. Small, kan u vir ons vertel wat mnr. Biko vir u vertel het omtrent SASO beleid en beginsels? --- (Mr. Rees intervenes).

MR. REES: Then My Lord, I must object, because Biko can come and tell us, this court, about what he says the principles and activities of SASO were. It is pure hearsay evidence. Biko is not an accused person, and what Biko said to this person was quite clearly private conversation, it is not going to help this court one iota. If this witness is an expert then the expert evidence on which he bases his opinion must be laid/... (30)

be laid before this court and then he can come with all the opinions he likes on that. But he cannot come here with hearsay evidence and then come and say this is my opinion of what a man said to me. Your Lordship will recollect, my learned junior has just reminded me, that when I tried to lead the evidence of what Mangena had said about the organisation's activities they objected very strongly, and Your Lordship upheld that after full argument on the matter, and I submit the same principle applies here, but very much stronger. This is clearly hearsay. My learned friend is asking this man - tell me what that man told you - and then give me your impression as to how this fits in with SASO philosophy. (10)

MR. SOGGOT: My Lord, my submission is, it is unfortunate that so much time must be spent on arguments. The fact of Mangena is not proper. Your Lordship in my respectful submission ruled that evidence inadmissible because it was not within the ambit of the charge nor of the evidence of the organisation's principles and the ambit of the agreement. Here what we are attempting to do is to lead evidence of what Mr. Biko said, which has as much admissibility and relevance, if not much more so, than a discussion a Kombi as led by my learned friend on the BPC, as a discussion in no.1's flat as alleged, and My Lord, these are discussions of people who are members of the organisation reflecting or purporting to reflect the views of the organisation. (20)

BY THE COURT: Mr. Biko was here, he gave evidence?

MR. SOGGOT: That is so, My Lord, but it is one thing for Mr. Biko to give evidence, it is another for an outsider as it (30)

were/...

were, to inform Your Lordship in its proper chronological order of his relationship with and response to the organisation, and this contact with Biko I submit is of great relevance, as showing a first contact with the chairman of the organisation. This is what the chairman, be it in a public moment or a private moment says "this is what we are about".

BY THE COURT: Well, are you contending that these are Executive acts?

MR. SOGGOT: That is so, My Lord. (10)

BY THE COURT: But are they Executive acts?

MR. SOGGOT: My submission is yes, because it is in pursuance of an agreement to disseminate an ideology to propagate a view, it is no more or less .....

BY THE COURT: Well, a conspiracy(?) does widen the ambit of admissibility of evidence, so I shall admit the evidence provisionally, if it cannot be related to the main issue then it will fall away.

MR. SOGGOT: As Your Lordship pleases. Mnr. Small, die vraag was kan u asseblief vir Sy Edele verduidelik kortliks wat mnr. (20) Biko vir u as SASO beleid en beginsels verduidelik het? --- Ons het lank daarvoor gepraat, ek het nie net met Biko gepraat nie, ek het met Pityana gepraat, met .... (Mnr. Rees kom tussenbei).

MNR. REES: Edelagbare, hier gaan weer verwarring kom. Hy moet asseblief van een man op 'n skoot praat. Die ding om te sê ek het met Biko gepraat, met Pityana gepraat, en opsomming van wat hulle gesê het is dié, as ek hom kruisverhoor oor wat Biko sê dan sê hy nee, maar ek dink dit is miskien Pityana.

--- Nee, ek sal by die een man bly. Ek sal by die een man bly.

Ons praat dan maar net oor wat Biko vir my gesê het. U moet (30)

natuurlik/...

natuurlik ook in ag neem dat dit 'n taamlike lang ruk gelede was en daarom moet die Staat my nie kwalik neem as ek soms 'n bietjie vir Biko met Pityana deurmekaar krap nie, in elk geval .....

DEUR DIE HOF: Wel, u was besig om vir ons eintlik die opsomming te gee van wat ... --- Gee u om as ek vir u daardie stuk uit die opstel lees, dit som vir my ... (Hof kom tussenbei).

Dan kan u kommentaar daaroor ... --- Ja, dan wil ek graag, want dit som so pittig en bondig op wat ek vir u wil sê, dit is baie beter as mense in hulle eie woorde praat. Ek kry dit net hier. Dit kon enigeen ... (10)

MNR. SOGGOT: Watter bladsy is dit nou? --- Dit is bladsy 189 en u gaan my nie kwalik neem nie, ek kon net so goed uit Biko se artikel gelees het, ek lees vir u wat Pityana hier skryf en ek hoop dat die hof my dit nie verkwalik nie. - "From

this discussion it becomes clear that before any meaningful and just change of status quo takes place, the Black people must re-assess their values and standards. They must be deeply rooted in their own being and see themselves as a functional monolithic structure. In this way they can better assess and crystalise their goal and aspirations and articulate these in terms of what is best for themselves. This means that Black people must build themselves into a position of non-dependence upon Whites, they must work towards a self-sufficient political, social and economic unit. In this manner they will help themselves towards a deeper realisation of their potential and worth as self- (20) (30)

respecting/...

respecting people. The confidence thus generated will give them a sense of pride and awareness, and this is all that we need in South Africa for a meaningful change to the status quo. Blacks only are qualified to determine the meaningful change" - volgens Pityana - "... (inaudible) .. for a future South Africa. What is required immediately is a complete overhaul of the system. This is necessary for a clear revision of the future. Only liberated minds are able to shape their future society, thus consciousness must result in a condition of closeness that cannot be broken even by the most violent disagreements. The way to the future is not through a directionless and arrogant multi-racialism, but through a purposeful and <sup>positive</sup> unilateral approach." (10)

En dan daardie taamlik bekende woorde van hom : "Black man, you are on your own." En dan 'n bietjie kommentaar daarop, die rede waarom ek dit hier doen, Edelagbare, is omdat ek hierna wil sê dat ek gedurende 1971, 1972, 1973, die nouste kontak met SASO mense gehad het, miskien as die hof dit goed vind, moet ek later 'n bietjie uitbrei oor die probleme wat ons in 1973 by die Universiteit van Wes-Kaapland gehad het waarin SASO tog 'n rol gespeel het soos ook in die Van Wyk Verslag uiteindelik neergeskryf is. Met ander woorde die dinge waaroor ek dit nou het is nie maar sommer net dinge wat van buite af ingesleep word nie, dit het te doen met die hele atmosfeer, die geestelike atmosfeer, wat vir my SASO en SASO denke was gedurende daardie jare, of ten minste vir my dan die belangrikste SASO denke van daardie jare. (20) (30)



SMALL

DEUR DIE HOF: Voor u nou u kommentaar gaan gee, ek dink dit is 'n geleë oomblik om te verdaag, dan kan ons môre-oggend daarmee begin. --- Baie dankie.

HOF VERDAAG.

/YC.

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