

IN THE SUPREME COURT OF SOUTH AFRICA
(TRANSVAAL PROVINCIAL DIVISION)

CASE NUMBER: CC. 431/77.

PRETORIA,

25th JANUARY, 1978

THE STATE versus

MOSIMA GABRIEL SEXWALE and
ELEVEN OTHERS.

VOLUME 9.

(Pages 398 - 440).

COURT RESUMES ON THE 25th JANUARY, 1978.

SOLOMON BALOYI (Still under oath)

EXAMINATION BY MR. DOWEN (Continued): Now yesterday you spoke about a ballpoint pen that had to be left at the police station, and another article that had to be left in the O.K. Bazaars. Were you told by no.4 why you had to leave these articles in these places? --- Yes.

What were you told? --- He said in that manner we will put the White man's power down.

Did he say anything else? --- No, he did not say anything else. (10)

Now did you tell anybody else about your meetings with David and accused no.4? --- Apart from the people who were with me?

Yes? --- No.

Why not? --- Accused no.4 told us that if we go and tell anybody about this the White people will come to them and arrest them and kill them.

Now do you know where accused no.4 and David were staying in Jonathan? --- My Lord, I did not know, but later we found out that they were staying at Georgina's house, that was Radebe's home. (20)

Now did accused no.4 or David ever tell you why they were in Jonathan? Let me rephrase that question, did accused no.4 ever tell you why he and David were in Jonathan? --- He said that they came there to recruit people so that they must teach them how to get our country back.

Now just before we adjourned yesterday you said something about a Valiant, and then I interrupted you and said we would hear about that today. Now what were you going to say, or what were you saying? --- I said that while David was teaching us, a man came there driving a Valiant motor car. He was with (30)

Georgina. They came there to take David away while he was teaching us.

Now what colour Valiant was this? --- I can't remember.

Would you recognise the man if you saw him again? --- I would not recognise him.

Now you described to His Lordship and the learned Assessors firstly how you had a meeting with accused no.4 at the river, then how you were shown machine-guns by David, then how you were shown how to shoot an air rifle by David? --- Yes.

Now apart from those three occasions, did you see either (10) accused no.4 or David again? --- No, I did not see them again. From that day when the man came driving the Valiant, this man who came with Georgina, they told us that time they would come and see us ... (Court intervenes).

BY THE COURT: Don't tell us what they told you. I only want to know what accused no.4 told you? --- Was that after the three occasions?

MR. DONEN: Yes? --- They did not tell us anything again.

BY THE COURT: At any rate, your evidence is while David was busy teaching you, a man with a Valiant came and took David away, (20) and do I understand you to say that after that incident you did not again see either David or accused no.4? Is that what you are saying? --- I did not see them again.

MR. DONEN: Now I show you part of EXHIBIT 71. Firstly a cardboard box whereon there appears to be some sort of diagram in pencil? Do you recognise that piece of cardboard? --- Yes.

From where? --- It was when David was teaching us, he is the person who made that diagram.

Teaching you what? --- He said we must shoot the diagram in the middle. (30)

Alright, now I show you three tins, also part of Exhibit 71.

Do you/...

Do you recognise these tins? --- Yes.

From where? --- David told us to shoot the tins.

BY THE COURT: Now I see the tins have got marks on them, a number of dents, and in the cardboard I saw there are small holes through it. Now what caused these dents and the holes? --- It was the bullets from the bird rifle.

From the air rifle? Didn't you call it an air rifle? --- Yes, My Lord.

MR. DONEN: I show you some pellets, part of Exhibit 71.

BY THE COURT: I can't see, just lift it up. (10)

MR. DONEN: Four. Do you recognise the pellets? --- Yes.

BY THE COURT: They are in the plastic part attached to this cardboard box? --- Yes.

MR. DONEN: From where do you recognise them? --- David told us to put them in the air rifle and shoot, My Lord.

Now I will show you EXHIBIT 52 which you have already pointed out. Will you look just where the magazine fits into the weapon itself. Can you see any writing there? --- He said that we must put the magazine underneath ... (intervention).

Do you see any writing there? --- Yes. (20)

What does it say? --- SHE.

I have no further questions.

BY THE COURT: I see there is something written here, SHE and then a number. Have you seen it, Mr. Kuny?

CROSS-EXAMINATION BY MR. BOWMAN: Is Johannes Baloyi your brother? --- He is my brother's son.

And this Patrick Khoza and Raphael Moyahe are your friends? --- Yes.

As is Johannes? --- Yes.

Do they all live in the area in which you live? --- Yes. (30)

Have you seen them recently, anyone of them? --- Who?

Have /...

Have you seen Johannes Baloyi? --- Yes.

Is he at school in Aasvogelboom? --- He was at school in town.

And where is he now? --- I came with him, the police came and took us from home.

When was that? --- On Monday.

On Monday this week? --- Yes.

And who else was with you? --- It was myself and Johannes and the police.

And have you seen Patrick Khoza lately? --- Until we were(10) brought here?

No, had you seen him in the last few weeks? --- He came and went away, I did not see him again.

And Raphael Moyahe? --- I have not seen him.

When last did you see Patrick? --- (Court intervenes).

BY THE COURT: Mr. Bowman, I just want to tell you, the typist sent a message to me this morning, they are typing this record during the night and they tell me that they have got some difficulties with the typing of the record. (The Court asks Mr. Bowman to speak into the microphone). (20)

MR. BOWMAN: When last did you see Patrick? --- I forgot, I can't say precisely when.

Well, was it before or after Christmas? --- I can't remember, My Lord.

When last did you see Raphael? --- I can't remember.

Was this before or after Christmas? --- I can't remember.

Have you seen either of them, that is Patrick or Raphael, since you gave evidence in this court last year? --- Yes.

Was that at home? --- Yes.

You gave evidence last year at the beginning of August? (30)
--- I don't know what month it was.

Alright./...

Alright. Now you have spoken about seeing accused no.4 and the man you called David on one evening, at the first meeting, is that correct? — Yes.

You have spoken about seeing both of them at the river? — Yes.

You have spoken about seeing David on two other days at the river? — Yes, on two occasions.

Yes, and you have spoken about the day when you saw accused no.4 cutting some youngsters' hair outside a certain house? — Yes. (10)

Now on each of those occasions were you with your three friends? — Yes.

You were all together and you all heard what either accused no.4 or David had to say? — Was that when no.4 was cutting the youngsters' hair?

Well, either then or at the river? — Yes.

Now is it correct that on the first evening, the first time you saw accused no.4 and David, neither of them spoke about camping with you? — Somebody told us about it.

Who told you about that? — Accused no.4. (20)

What did he say about camping? — He said that same day we must go to the river and they will teach us songs.

Did he say anything about camping? — Yes.

What did they say about camping? — David and accused no.4 told us that the White men came to this country and met the Zulus.

Do you know what camping means? — No.

BY THE COURT: I thought they are not ad idem about what is meant by camping. — They spoke about songs.

MR. BOWMAN: Alright, perhaps I can - we know that they spoke (30) about songs, and we know that you saw accused no.4 the next day at the/...

at the river. --- Yes.

What I want to know is it correct from your evidence that neither accused no.4 nor David spoke at the first meeting about camping, all they spoke about was songs? --- They said that we will go with them to the river so that they teach us songs.

And that is all they said? --- Yes, and they told us that they will teach us something else too.

BY THE COURT: Yes, but the point is - I see that at the previous occasion the witness kept on repeating the word (10)
camp, camp, camp, and I don't know whether he understands what is meant by it? Mr. Interpreter, does he understand what is meant by camping? That means you stay in a place and you sleep there and make the food there and things like that? Because he repeats the word camp, camp? Does that help you Mr. Bowman?

MR. BOWMAN: Yes, My Lord. --- My Lord, they only told us that we will meet at the river and there they will teach us songs.

And they did not speak about camping? --- No, not about camping. (20)

And if anybody comes to this court and gives evidence to say that either accused no.4 or David spoke about camping with them/ at the river that would not be correct? --- I do not know anything about that. I only know of what I have told the court now.

Now did they say what they would teach you apart from the songs that they spoke about? --- We went there and they taught us songs, and after that they told us that they will teach us how to shoot.

BY THE COURT: But the point is did they tell you that, about (30)
how they will teach you to shoot, when you were at the house
on the /...

on the first evening, that is what Counsel wants to know? Is that correct?

MR. BOWMAN: Yes, that is so, well, on the evening of the first meeting? — My Lord, accused no.4 told us that he will teach us how to sing.

And that is all that he said? — Yes.

He didn't say on the occasion of the first meeting that he would teach you anything other than songs? — On the first occasion he said that they will teach us songs.

Now the next day on your way to the river, did either (10) accused no.4 or David say anything about getting you watches? — I don't know anything about that.

And is it correct that you went to the river the next day together with your three friends Johannes, Patrick and Raphael? — Yes, the following day.

Now at the river did anybody speak about Mandela? — No, I do not know.

Well, did you hear anybody speaking about Mandela? — No.

Did you hear anybody speaking about something called the A.N.C.? — No, I do not know. (20)

Does that mean that you did not hear any talk about the A.N.C.? — I only know about what I have said now.

Does that mean you never heard anybody talk about something called Umkhonto We Sizwe? — No, I do not know.

And at the river the whole time you were there your three friends were with you? — Yes.

They heard what you heard? — Yes, but I do not know if they had heard anything.

And if anyone of them said that accused no.4 spoke about Mandela, the A.N.C. and Umkhonto We Sizwe he would not be (30) telling the truth? — I do not know, I only know of what I

have now /...

have now told the court.

Which means that you never heard any talk about an army?
--- I do not understand that.

Would you explain it to him in Shangaan, an army? --- I heard that.

From whom did you hear that? --- When they were teaching us, they told us that they are teaching us how to become soldiers.

Did anybody talk about an army? --- No, I do not know.

All on your evidence that somebody spoke about was becoming soldiers? --- Yes, they told us that. (10)

Now when was that? --- The day while we were at the river they taught us that.

Who taught it to you? --- It was accused no.4.

Was it not David? --- No.

Now at the river at some stage you saw accused no.4 making a diagram, is that correct? --- Yes.

Did you see him actually drawing it, or was it already drawn in his book? --- I saw him drawing it.

And your three friends saw him drawing it? --- Yes. (20)

If anyone of them says it was already in his book when you got to the river, that would not be true? --- He started drawing it while we were at the river.

And did he apart from the sketch that he made, did he draw any writing on the piece of paper? --- No.

And was there any writing on the paper at the time that he started drawing? --- No, I only saw the drawing.

So if anybody says that the word "headquarters" was written at the top of the page that would not be correct? --- I don't know anything about that. (30)

Now you met accused no.4 and David one evening, and then again /...

again at the river the next day, is that correct? — No, we met them on the road.

And was it the next day at the river, or the next week at the river? — The following day.

And thereafter when you met David at the river, was it the next day and the next day, in other words did you meet them on four consecutive days? — Yes, it was on consecutive days.

If anybody says to His Lordship and the learned Assessors that there was a week or a few days between these meetings, that would not be correct? — I do not know about that. (10)

Now when you heard the talk about the O.K. Bazaars and the police station, did you hear any talk about shooting down aeroplanes? — No, I do not know.

At the time you heard that talk your three friends were with you? — What talk?

The talk about the O.K. Bazaars and the police station? — Yes.

If anybody talked about shooting down aeroplanes, that would not be correct? — I do not know.

Did anybody ever talk to you about you being called "freedom fighters"? — I can't remember. (20)

BY THE COURT: Tell me, I have no idea what this place looks like where you had been. You say it was at a river where you had this discussion and where this shooting with the rifle took place. Now is that in a remote place or is it near a township or where is it situated, this place at the river? — My Lord, it was at the river far from the houses where people stay.

Now tell me, when you were at this river, how long were you there, did you go in the morning and stay the whole day, (30) or did you only stay a few minutes, or how long did you spend at the/...

at the river in the company of either David or accused no.4?
— I had no watch with me, My Lord.

Yes, but can you give me an idea, did you stay the whole afternoon or did you stay the whole day, or did you stay only for a few minutes or half an hour? — We did not stay there the whole day but it was quite a long time.

Did you go before lunch time? — After lunch time.

Now do you know time, can you estimate the time that you were there? You say a long time, now could that be three hours, four hours or two hours or what? If you can't make an (10) estimate tell me? — I had no watch with me.

Yes, alright. Did any of you walk around? Somebody had to put up the tins and the paper, how far were these things put up from where you were if you had to aim it? — From this wall up to next to that wall.

How many paces would that be? Twelve paces is it? Shall we make it an estimate of twelve to fifteen paces.

MR. BOWMAN: Solomon, you say that that is the distance that one of the group of you walked to put up the tins? — It was David who put those tins on top of stones. (20)

While the three of you stayed together? The four of you, sorry? — Yes.

And that was on the occasion or the occasions when accused no.4 was not with you? — He went away from us and put those tins there.

You are talking about David, who went away and put the tins over there? — Yes.

It was not accused no.4 because he was not there? — Accused no.4 was not with us.

And on the occasion when accused no.4 was with you, there (30) were no tins to put up? — (Court intervenes).

BY THE COURT: I think I understood his evidence that the shooting exercise took place at the stage when David was there?

MR. BOWMAN: That is so, My Lord. And when accused no.4 was with you at the river there were no tins to put up or no reason to move away one from the other? --- No.

Now you have told us, I think you said yesterday afternoon that it was on the first occasion when you met accused no.4 that he told you about the O.K. Bazaars and about the police stations, is that correct? --- Yes, it was the first occasion.

(10)

Do you mean the first occasion at the river? You don't mean the first occasion when you met them in the street? --- The first occasion at the river. It was the first occasion that we went to the river.

It was whilst you were sitting down at the river? --- Yes, under the tree.

He was actually sitting down under the tree? --- Yes.

You and your three friends and accused no.4? --- Yes.

Was David there at the time that accused no.4 spoke about these things? --- David went out with Georgina.

(20)

Now if anybody had to tell the court that accused no.4 spoke about the O.K. Bazaars and the police station on another occasion outside a certain house, would that be correct, or not? --- No, it was at the river.

So if anybody had to say that that conversation took place whilst accused no.4 was cutting the hair of some youngster, that would not be true? --- That I do not know, I only know of what I have said here.

Now did you at the last time - do you remember giving evidence in this court last year? --- Yes.

(30)

Did you at the time at which you gave that evidence believe/...

believe it to be true? --- Yes.

Can you think of any respect in which it was not true, or in respect of which you may have made a mistake at the time at which you gave it? --- Everything that I have said here was the truth, and what I have said here now is the truth.

And you are quite clear in your own mind about the correctness of your present evidence? --- Yes, as well as what I have said last year, and my evidence now.

Do you mean that that was consistent with this evidence (10) and that it is all true? --- Yes.

Solomon, may I remind you that on the last occasion when you gave evidence in this court, you said that accused no.4 had spoken about the O.K. Bazaars and the police station on the day after you see him at the river and after you had seen David at the river on those two days? --- No, it was on the first occasion.

So you remember what you said last time? --- Yes.

Page 1398 of the typed transcript of your evidence, (20) it was your evidence-in-chief, you spoke about the last occasion on which you had seen David when the Valiant motor car came to fetch him, and you thereafter without further prompting from my learned friend, the Prosecutor, you said, and I quote your words : "That day whilst we were just walking there we found at a certain house accused no.4 where he was cutting the hair of some youngsters, and whilst accused no.4 was cutting the hair of the children there he called us as we went past, he called us to him." And you thereafter spoke about the conversation about the O.K. Bazaars and the police station? Do you remember that? --- Yes, but it is the same, (30) what I have said last year and what I have said now. It is the same/...

the same thing.

What does that mean, that the conversation took place at the river, or outside a certain house when accused no.4 was cutting the youngsters' hair? — He said that while we were at the river.

Because in cross-examination it was made absolutely clear what you were saying last time? At page 1448 of the record I asked you : "Was it the occasion on which you saw accused no.4 cutting the hair of these youngsters", and you said "Yes". Question : "Do you remember when it was", answer : (10) "Do you mean the date". I said "Yes", and you said : "No, I do not remember." My question was : "Was it after you had seen accused no.4 at the river", and you said "Yes". I said : "Was it after you had seen David at the river a few days after you had seen accused no.4", and you said "Yes". I said : "Was it after you had seen David for the last time", your answer was : ".(very indistinct).. and I said : "On the day that you saw accused no.4 cutting hair", and you said "Yes". I said : "And when you saw accused no.4 was he by himself, David was not with him", and you said : "He was not (20) with him." — (Court intervenes).

BY THE COURT: Br. Bowman, after that long questioning, is it clear that you were in fact referring to the statement about the O.K. Bazaars and the police station?

MR. BOWMAN: If Your Lordship will bear with me.

BY THE COURT: Because where you now refer to the cutting of the hair, I can't quite pick it up.

MR. BOWMAN: Because later on in the record appears : "And was this the first time you had heard this kind of talk about police stations and the O.K. Bazaars", and the witness said : (30) "Yes, that was the first time". I don't think it is

necessary /...

necessary to put that to the witness.

BY THE COURT: I take it Mr. Donen is checking up on whatever he wants to bring out in re-examination?

MR. BOWMAN: Solomon, do you have any explanation for having given that evidence last time? — My Lord, all I know is that what I have said last year and what I have said now before this court is the truth.

Is it different? — I do not know, all I know is that it is the same thing.

Solomon, it is different? Do you not understand that? (10)
All I know is that it is the same.

Well, on the last occasion you said that accused no.4 had told you about the police station and the O.K. Bazaars when he was cutting the hair of some youngsters outside a certain house? And this time you have said no, it was at the river? — He said that at the river, and last year I said the same thing.

Alright, Solomon, I would like to refer you to a number of other ways in which I think your evidence last year was different to the evidence you have given this time. Last (20) year you were asked by my learned friend as his first question to you : "Can you remember the 16th of December last year, 1976". Do you remember him asking you that? — What I have said last year is the same as what I have said now.

No, will you just listen to the question and answer it. Do you remember my learned friend, the Prosecutor, asking you last year : "Can you remember the 16th of December, 1976"? — I don't remember the date.

Yes, well, what happened, your answer in response to that (30) question was : "Yes", and you then went on to talk about your very first meeting with accused no.4 and David? Do you

not/...

not remember that? --- My Lord, all I know is that what I have said here now, and what I have said last year, is the same thing.

Alright, you have said here now that the first meeting took place after the closure of the schools in 1976, when the schools were closed for the December holidays? Is that what you said now? --- Yes, it was after the schools were closed in December, 1976.

And you are now quite sure of that? --- Yes.

There is no doubt now in your mind that that is correct? (10)
--- Everything I have said here is the truth.

Was it before or after Christmas? --- I can't remember.

Well, could it have been in January, 1977? --- When they taught us?

Well, when you first met them? --- It was after the schools were closed in December.

Well, does that mean that it was in December, or could it have been January or could it have been February or could it have been March? --- It was in December.

Now do you remember me asking you about this last year? (20)
--- I do not remember.

I put it to you that on the 8th of August last year in this court the question was asked of you : "Do you remember what the date was", this is at page 1422 of the record, and the date I was actually asking you for was the date when you next saw the people, in other words the day after the first meeting? And you said : "No, I have forgotten". The question: "Do you remember what the date of the first meeting was", and your answer was : "No.". "Do you remember what day it was", and your answer was "No." The question was : "Was it (30)
any particular day", and the court then asked : "How do you mean"....

mean", and I said : "A public holiday", and you replied : "I cannot remember". Question: "Do you remember which month it was in", answer : "No, I cannot remember." Question : "Could it have been January, 1976", answer : "I do not remember". "Could it have been in 1975", answer : "Well, I cannot remember". "Could it have been three years ago or four years ago" - your answer was : "No, I cannot remember." Question: "Could it have been as long as a year or two years before you were arrested", your answer was : "I cannot remember". - Now how, if you were unable to remember then, are you able to remember with such clarity now? --- I remember because it is something that happened, it is something that was done by them. (10)

Yes, do you not agree, Solomon, that you are somewhat more than confused about your evidence? --- No, what I know is that I am speaking the truth, and what I have said last year here, it is also the truth.

Well, if you were really to be honest, wouldn't you concede that the incidents are confused in your mind? --- No, I know that what I have said last year here was the truth, and what I have said now is the truth. (20)

Can you not be confused as to who it was who said what on any particular occasion? --- No, I know that.

Your memory is quite clear? --- I know who said what and who said what.

Do you remember giving your evidence yesterday about accused no.4 saying you must find three people? --- Yes.

Did he say that each one of you was to find another three people? --- He said each one must find three people. (30)

Now do you remember what you said last time about the

number/...

number of people each one was to find? --- All I know is that what I say now and what I have said last year is only the truth.

Well, let me read to you from page 1392 of the transcript of your evidence. You said: "The short one, accused no.4, made or drew some diagrams, some four cornered diagrams on an exercise book, and as he drew the diagrams he said to me - that you will have to get two others, and the others two, like Raphael also gets two others, and that he will tell us when to get those people, and he told us that they want to teach us how to shoot." - Now which is correct, did he ask you to get two people or three people? --- Three people. (10)

So that evidence is not correct? --- It is correct and true what I have said last year and what I have said now.

Will you not even concede that this one? --- No, all I know is that what I have said last year and now is the truth. BY THE COURT: But now you see, it is put to you that yesterday you said that you each had to get three people, and last time it was put to you you said each of you how to get two people. Now how do you work the two and the three? How do you explain it, if you can? --- My Lord, I know that he told us that we must go and find three people. (20)

MR. BOWMAN: Therefore at the time you gave your evidence last time you made a mistake? --- No, I know that I told the truth here last year and now.

BY THE COURT: Yes, but two and three can't be the truth at the same time? --- My Lord, I know that he told us to go and find three people.

Yes, but now the question is why did you then when you gave evidence at the previous occasion say you were told to go and find two people? --- I do not know that. I know that he told /... (30)

he told us that we must go and find three people.

MR. BOWMAN: Well, I put it to you Solomon, that the two are obviously irreconcilable, that one or the other is wrong, and that you are in a confused state of mind? --- No, I know that I am speaking the truth.

I put it to you that you cannot be sure exactly what was said or who said it? On each occasion? --- Well, I know.

BY THE COURT: Solomon, listen carefully, when you drew the diagrams yesterday, if my memory is correct, you first drew two diagrams, do you remember that? And afterwards you added (10) a third diagram, do you remember that? --- Yes, I had forgotten about the third one yesterday, but he made three and said that we must go and find three people.

MR. BOWMAN: Solomon, may I point to another that I consider to be a difference in your evidence. When you were asked yesterday by my learned friend, the Prosecutor, why you were to be taught to shoot, you said: "He said we would be taught to shoot so that we could get our country back". Do you remember saying that? --- Yes.

Is that correct? --- Yes.

(20)

Last time at page 1392 the question was asked of you: "Did you ask accused no.4 why he wanted to teach you to shoot", and your answer was: "No, I did not ask him that." The next question, and this was your evidence-in-chief: "Did you ask him why you each had to get two people", and you said: "Well, I did not ask him, but he said that he also wants to teach them how to shoot"? You did not there talk about "taught to shoot so that we can get our country back"? --- I know that what I said last year and now is the truth.

BY THE COURT: Yes, at any rate, there is a difference in the (30) words you used. Yes?

MR. BOWMAN:/...

MR. BOWMAN: And in cross-examination my learned friend draws my attention to page 1444, where I put to you the portion that I just put to you of your evidence-in-chief last year, I said, the question was : "Did you ask accused no.4 why he wanted to teach you to shoot", and you then said : "He said that we will get our country back". The question then was: "Do you remember my learned friend the Prosecutor asking you that question on Wednesday", and you said : "Yes, I remember." This was a few days, a day or two after you had given that evidence on the Wednesday. The question then (10) was : "Do you remember what your answer was", and you said: "Yes". The question was : "What was your answer", and you said : "I said that he said we would get our country back". The question then is : "No, what you said was no, I did not ask him that".

BY THE COURT: But isn't there a difference, the one is "I did not ask him", but the other one may indicate that he just told him without having asked him?

MR. BOWMAN: That may be, My Lord, the record will speak for itself. I won't ...(intervention). (20)

BY THE COURT: Yes well, I'll read it carefully.

MR. BOWMAN: Solomon, after your first meeting with accused no.4 and David, you say now that one of them told you to meet them the next day? --- (Court intervenes).

BY THE COURT: Mr. Bowman, are we now coming to the second meeting at the river?

MR. BOWMAN: We are talking about the first meeting on the first evening, one of them said "We'll meet you at the river".

BY THE COURT: On the very first evening?

MR. BOWMAN: On the first meeting. --- Yes. (30)

Now who was it that told you to meet them the next day? ---

Accused /...

Accused no.4.

Only accused no.4? --- Yes, he is the person who said that we will meet at the river so that they will teach us songs, My Lord.

This was not David? --- No.

If anybody said that it was David, that would not be correct? --- I do not know.

And it was not both of them who said that? --- No, I know it was no.4 who said that.

If anybody said it was David then that would not be cor- (10)
rect? --- I do not know, I only know what I say now.

In your evidence-in-chief on the last occasion at page 1390 you said it was "they" who told us? And in cross-examination at page 1420 you were asked : "And do you remember who it was who told you to meet at the river", and you said: "Both of them". My question was : "Were they talking together", and your answer was : "First one said we must meet at the river the next day, and the other one also said we should all meet at the river the next day"? The question was: "Who spoke first, do you remember", your answer was : "The (20)
sun was down at that time and I could not see them properly". Question : "How then were you able to attribute what either of them said", your answer was : "Well, I saw them." Question: "Could you see who was speaking", and your answer: "The one spoke and then after that the other one also spoke". The question : "Which one spoke first", the answer was : "Well, I did not see, but I saw one talking and the other one also talking". - Now is that evidence thus correct, Solomon? --- My Lord, all I know is that what I have said last year and what I say now is the truth.

Are you still not prepared to concede even that you are (30)
confused?/...

confused? --- I know that I am speaking the truth.

Alright, then you met with accused no.4 and David at the river the next day? --- Yes.

And after that meeting one of them again told you to meet with them the following day. Who was that? --- I can't remember.

Well, do you remember telling His Lordship and the learned Assessors who it was yesterday? --- I can't remember.

Are you now saying that you don't remember if it was accused no.4 or if it was David? --- I can't remember but all (10) I know is that I am speaking the truth.

When you said yesterday that it was David were you speaking the truth? --- I can't remember.

And likewise you couldn't remember last year? --- I would not remember.

Last year in your evidence-in-chief you said it was David, that is at the bottom of page 1392, and in cross-examination at page 1446 the question was asked : "When you left from the river that day, that was the first day at the river with accused no.4 and David, were any arrangements (20) made to meet again", your answer : "When we left the river they said we would meet/^{on}the following day". The question was: "Who said that", and you said : "Accused no.4, Bafana". The question then : "On Wednesday", and I put to you the passage at the bottom of page 1392 - my learned friend said to you "Is that all he said that day", - when he was referring to accused no.4 - and the answer to that was : "Yes, and the tall one told us that we will meet the next day." And you said "no, it is no.4 who told us". Question : "Not David", answer "No". Question : "You are not just confused about (30) who said what", answer : "No, it was no.4". - Now Solomon, is the/...

is the truth not that you really are not in a position to say whether it was accused no.4 or David who told you to meet on any of the occasions? --- I know My Lord, what I have said last year and what I have said here is the truth. It is the same thing.

And you really are not in a position to say whether it was accused no.4 who told you something, or whether it might have been David? --- I know what accused no.4 said and I know what David said.

Well, is your mind quite clear now about what it was that(10) David showed you on the first day that he saw you alone at the river? I am talking about the first time David saw you when accused no.4 was not there? Do you remember what it was that he showed you? --- Is that David?

Yes? --- Yes.

What did he show you? --- He showed us two firearms and a certain thing which he said was a hand grenade.

And was it on the next day that he showed you the bird gun, the pellet gun? --- Well, he showed us two firearms, it was the second day. The air rifle he showed us on the third (20) day.

He showed you the firearms before he showed you the air rifle? --- Yes.

Now are you quite sure about that? --- Yes.

It may not be of importance but are you sure that there is no possibility of your being confused? --- I am sure. It is the truth.

Is there no possibility of his having showed you the pellet gun on the first day you saw him and the weapons on the next day? --- No, he showed us the two firearms first and the (30) following day he showed us the bird gun.

Do you /...

Do you remember what you said last time? --- It is the same as I am saying now.

Well, I put it to you that starting at page 1393 you put it the other way around the last time. Now what do you say about that? --- No, it is the same.

Alright, did David arrive on the day that he taught you how to shoot at those tins with the tins himself? --- He brought the tins and the cardboard box.

David brought them himself to the river and when you got there to the river they were already there? --- He had them (10) with him when we went there.

Yes, and was that the first time you saw the tins or had any conversation about them at all? --- Yes.

David never told one of you to bring the tins? --- No, I don't know that.

And he didn't tell one of you to get the cardboard? --- No, I don't know that. I saw them in his possession and he said that we must shoot them.

Is your memory quite clear on that point? --- Yes, everything is true that I have said last year. (20)

Well, will you not concede that you are either now or were then confused? --- No, I know that I have said the same truth.

Do you understand that if you don't remember all you need to say is that you don't remember? --- (No reply).

Do you know that? --- Yes, but I know that what I have said today and last year is the truth.

Alright, at page 1393 of your evidence last year you were talking about meeting the next day with David, and the question asked by my learned friend was : "And what happened"(30) your answer was : "The tall one, David, told my elder brother,

Johannes/...

Johannes Baloyi, that he should bring some tins, he said Johannes Baloyi should bring three small tins and also said that my elder brother Johannes Baloyi should bring a cardbox". --- I saw that the tall one had them with him and we went with him to Moretele.

Yes, but before you went with him, the day before, did he tell anybody to bring those things with them? --- No, I saw that David had them with him.

Could accused no.4 have told somebody to bring those things with them? --- No, I do not know. (10)

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

Could you please look at Exhibits 28 and 29. Will you please have a look at Exhibit 28 and Exhibit 29, the two hand grenades. Will you agree that they are very different in appearance? --- No, they are not of the same colour.

Not only that, but Exhibit 28 looks like a pineapple and Exhibit 29 like a small Brasso tin that has been painted green? --- I don't know that.

Well, can you not see that they are different? --- They (20) are not very different, they both have handles.

Yes, are they alike in any other respect? --- But what he showed to us had got a shelly colour.

Yes, but what shape was it, which one of those two? That is Exhibit 29 you are pointing to? --- Yes, it is the same shape of exhibit 29 but it has got no holes at the bottom.

And it was a different colour? --- Yes, it had a shelly colour.

And it had the same shape? --- (Witness talks to inter- (30) preter).

Are you talking about the little thing that protrudes on the /...

on the top of the object? --- That is correct.

Was that slightly different? --- (Court intervenes).

BY THE COURT: He is now referring to the ring at the top of the ..(pause). --- He is referring to the ring.

He is showing the ring, which is attached to the part protruding at the top of the Exhibit 28 I take that to be?

MR. BOWMAN: Is it the same sort of ring attached to the one that you saw? --- (Court intervenes).

BY THE COURT: Well, he is pointing at the ring, I don't know what he is saying about it. --- There was a ring to the one (10) he showed to us.

MR. BOWMAN: Pick up Exhibit 29 and see if there is a ring attached to it? Can you see that there is a ring attached to Exhibit 29? --- Yes.

Now is that what you are talking about? --- Yes, it had a similar ring but it had a shelly colour.

The shape was identical and the colour was different? --- Yes, it had the same shape but there was nothing like this attached to it.

That little cork at the top? --- (Court intervenes). (20)

BY THE COURT: Didn't have the cork and he also indicated that the one that was shown to him didn't have the hole at the bottom he said just now.

MR. BOWMAN: That is so. So isn't it correct, Solomon, that it is simply not possible to confuse those two objects, they are very different in appearance? --- Yes.

That is Exhibits 28 and 29, and the one that David showed you was Exhibit 29, that fat one? --- It is similar to that.

Exhibit 29? --- Yes.

Well, in your evidence-in-chief last year at page 1397 (30) you were shown Exhibit 28 and you were asked to you recognise any /...

any part of that exhibit, and your answer was : "This he referred to as a hand grenade". — No, it was not this one.

Did you make a mistake when you gave your evidence last year? — No, it was not this one.

Or you simply told a lie? — No.

And then in cross-examination last year at page 1453 you were asked : "I would like you to look at Exhibit 28, was that the hand grenade which was shown to you by David", and you said : "No, it is not". — It is not, yes.

"Would you look at Exhibit 29", and you said : "No, I (10) cannot see the colour properly". My Lord, it may be a convenient stage to adjourn? .

BY THE COURT: Yes, I think so. The court will adjourn.

COURT ADJOURNS.

COURT RESUMES AFTER TEA BREAK.

SOLOMON BALOYI (Still under oath)

CROSS-EXAMINATION BY MR. BOWMAN (Continued): The next question to you last time was "Would you look at Exhibit 29", and your answer was : "No, I cannot see the colour properly". — (Court intervenes). (20)

BY THE COURT: Are you still reading from - what is this page?

MR. BOWMAN: 1453, My Lord.

BY THE COURT: I think I will treat the quotations that you read is to this record.

MR. BOWMAN: And then by the Court : "Why, is this in the plastic", you said : "I cannot see it well, no, it is not". And my next question was : "The exhibit which has been shown to you now is Exhibit 29. You say it is not that exhibit", and you said "No, it is not". "And it is not Exhibit 28 which was shown to you", your answer was "No". The next (30) question was : "Now do you remember on Wednesday," - that is when /...

when you gave your evidence-in-chief on the last occasion, -
"Exhibit 28 was shown to you". The question continues : "Do
you remember my learned friend showing you that exhibit on
Wednesday", your answer was : "It was a certain European who
showed it to me". My question was : "Yes, but is that the
object that was shown to you", you went on to say : "Yes, that
was shown to me but it is not what David showed me". And
then there is a brief further discussion about the hand
grenades. But do I understand you now to say it was Exhibit 29
that was shown to you except that it was a different colour? (10)
And without the little cork on the top and without the little
hole in the bottom? --- Yes.

It was not the pineapple type exhibit which is Exhibit
28? --- No.

Now Solomon, you said that the police came to fetch you
on Monday? --- Yes.

When did they fetch you? --- I was at school.

And did they fetch you and then fetch Johannes? --- They
came to take me at school, Johannes was at home. The school
is not far from the home. (20)

But did they fetch you at school and then go and fetch
Johannes at home? --- No, I went home. I changed my clothes
and then they took us.

Did they take you from school to your home to change your
clothes? --- They told my mother to come and fetch me at school.

And were they waiting for you at home? --- And they waited
for me at home and Johannes was with them.

And what did they say to you when you saw them? --- I
greeted them and they told us that they came to fetch us.

Did they say why? --- They said that we must go to court. (30)

Did they say it was for the same case as last year? ---

Yes, /...

Yes, Your Lordship.

Did they explain that the judge in the previous case had died, and that it was necessary to give your evidence again?

— Yes.

And did you know what evidence it was that you were supposed to give this time? — Yes.

Did they say to you it was the same evidence as last time? — I knew that I am coming to give the same evidence as I gave last year.

Were you worried at all about not being able to remember (10) it as carefully as you did last year? — I remembered.

Did you refresh your memory in any way before you gave your evidence yesterday? — I knew and I remembered my statement, My Lord.

Did you see your statement again after they fetched you on Monday? — No, I did not see it again.

Did anybody read it to you? — No, but I knew what I was coming to say. I knew what they taught us.

What who taught you? — Accused no.4 and the tall man.

And you say from the time the police fetched you on (20) Monday, neither the police nor either of my learned friends the Prosecutors have showed you your statement and let you read it, or read it over to you? — Where?

Well, I don't know, perhaps in a motor car, or perhaps at home or perhaps at Pretoria or perhaps at the police offices? Or perhaps outside court in the corridor? — No.

So from the time you gave your evidence last time until the time you gave your evidence this time, is it correct that you neither had your statement read to you, nor read it yourself? — I knew what happened and I knew what they taught us. (30) I knew everything.

Will you /...

Will you answer the question please? --- What?

Did anybody either read your statement to you or show it to you from the time you gave evidence last year until yesterday when you gave evidence in this court? --- Well, they reminded me and I remembered what happened.

Who reminded you? --- The police.

Do you know which police, do you know their names? --- No, I know them by sight.

Were they Black policemen or White policemen? --- It was a Black policeman. (10)

And when did he remind you? --- It was on Monday.

Where was that? --- At the offices.

What did he say to you when he reminded you? --- He asked me whether I still remember what I said in my statement, I said yes. He asked me whether I remember it well, I said yes. And he read certain lines to me and I remembered everything.

Did he read portions of your statement to you or did he read the whole statement to you? --- He read my statement to me but not the whole statement.

Did he take out a paragraph and leave a bit, and then take out another paragraph? And then leave a bit? --- He read certain portions to me and I remembered it, and I told him what they taught us. (20)

Yes, but did he say to you those are the portions you must not forget? --- I knew because it was the statement I made.

Yes, but did he read to you the portion about no.4 accused telling you about the O.K. Bazaars and police stations? --- That I knew.

Did he read it to you? --- No.

Because that is a portion of your statement which didn't (30) appear in your first statement, but which was added later?

When /...

When you originally made your statement? --- I made the whole statement.

But when you came here yesterday you knew, did you not, that you had to try and give evidence in accordance with that statement? --- Yes, on the statement that I have made.

Yes, and you made that statement some time after your arrest last year? --- Yes.

And you were then kept in jail I think it was for seven months before you were brought to court to give evidence? --- Yes. (10)

And during that time that you were kept - I think it was in a police station was it, or was it in the jail? --- It was at the police station.

Was it at Sunnyside? --- Yes.

Were you kept by yourself in a cell, or were you kept with other people? --- I was alone.

And did your parents come and see you during those seven months? --- I don't remember when they came to see me.

Well, did they come and see you? --- Yes.

How often? --- I do not know, but the Sunnyside police (20) told me that they were there.

You did not see them yourself? --- No.

Not for seven months? --- I think it was three months that I did not see them while I was there, and then after that my father and my brother came. I met them. After that my mother came and I met her.

So you met your father and brother on one occasion and your mother on another separate occasion? --- Yes.

Alright, and you knew that at the time you had to come to this court and give evidence last year that you had to (30) give evidence in accordance with that statement you had made to the /...

to the police? --- Yes.

And did you think then that if you gave evidence according to your statement you would be released from your detention? --- I did not know that I will be released.

Did nobody tell you that? --- No.

And when do you think you will be released now? --- I do not know.

Has nobody told you that you will be released after giving your evidence yesterday and today? --- Nobody told me.

Alright, Solomon, on the first day that you saw accused (10) no.4 and David, were you and your friends singing a freedom song at the time at which they stopped you? --- No, we were not singing.

The accused no.4 says that he and David stopped the four of you because you attracted their attention by the song you were singing? --- No, I don't know anything about that.

And he says you exchanged conversation about schools that the four of you went to, and then eventually you made an arrangement to meet at the shop at 2 o'clock the next day? --- No, I don't know anything about that. (20)

And that you could go to the river in order to exchange songs between your group and accused no.4 and David? --- No, that was not the arrangement. I don't know about that.

And accused no.4's recollection as to what happened at the river is also different to yours. --- Well, I do not know.

He says that there was a discussion of a general nature between the four of you and himself? --- I do not know that.

That he never spoke about teaching you to shoot or about fighting and to get your country back from the Europeans? --- I do not know that. (30)

He says that David may have spoken to you at the river

but/...

but at the time at which David spoke to you, he, accused no.4, was not there, he was sitting behind a tree with Georgina? --- No, Your Worship.

And he says if an arrangement was made for you to meet with them the next day that arrangement must have been made by David because he doesn't know about it? --- I do not know.

Well, do you remember leaving the river after that first meeting at the river? --- Yes.

Did you leave with your three friends? --- The tall one and Georgina went ahead of us and we were with accused no.4, (10) and we found the tall one sitting on the stoep at Radebe's house, and accused no.4 went in there.

And was that where he left you? --- Yes.

And did he say anything to you on the walk up to Radebe's house? --- (Court intervenes).

BY THE COURT: That is now David?

MR. BOWMAN: That is no.4 accused? --- No.

And if anybody comes to this court and says that he was talking about political matters on leaving the river, that would not be correct? --- I do not know. (20)

Because he also says that he in fact did not walk away from the river with the four of you, the four of you walked off together? --- I do not know that.

And he remembers the occasion when you saw him cutting the hair of a young child? --- Yes.

Do you remember that the four of you, you and your three friends, had wanted some water from that house? --- No, I do not remember.

Do you remember that Johannes Baloyi had a portable toy battery-operated organ with him? --- I do not remember. (30)

Can't you remember if Johannes had anything with him? ---

I do /...

I do not remember.

Because on the last occasion you gave evidence you said he had a camera? --- I don't know whether I said that, I don't remember.

You said that, and you said that it was the camera and the discussion about taking photographs of police stations, the suggestion was that it was that that sparked off the whole conversation about the O.K. Bazaars and the police stations? --- I don't remember that.

You say that is not correct? --- I don't know. (10)

Page 1398 of the record, My Lord, whilst talking about accused no.4 cutting the hair of the children, you say: "My elder brother, Johannes Baloyi, had a camera with him", and you then went on to say - and I am leaving a few lines out - "He said to us that when they want to attack a police station they send someone with a camera to take a photo of the police station", and then you go on? --- That I remember, yes.

Do you remember accused no.4 talking about that when he was cutting hair? --- I don't remember who said that.

You don't remember who said it? --- No.4 said that if (20) you have a camera you must take the photographs.

Why do you say you don't remember who said so? --- I was referring to a person who had a camera with him.

Could it have been David who said that and not accused no.4? --- It is accused no.4 who said it.

When did he say so? --- He said it on the day when he was cutting the youngsters hair.

What else did he say on that day? --- That is all that I remember what he said.

Did he speak about the O.K. Bazaars and the police stations on that day? --- No, that he said on the first occasion while (30)

we were at the river.

Because the last time you gave evidence you said it was on that occasion he spoke about the O.K. Bazaars and the police station? — No, I do not know that.

In any event, accused no.4 says that the day that he was cutting hair, he helped Johannes fix this little organ that he had because it was broken? — I do not know.

He says there was no conversation about cameras and police stations and O.K. Bazaars or anything like that? — Was that no.4? (10)

No.4 denies that he said it either on that occasion or at the river? — He said it at the river and while he was cutting the children's hair he talked about the camera.

Well, he denies all of that evidence. He says at no time did he speak to you about putting explosives into cigarette boxes or into ballpoint pens for any purpose? — He said it.

He also denies having said that, the evidence you gave this morning about putting the White man's power down? — He said it.

I think the suggestion was by putting the ballpoint pen (20) and the cigarette packet in those places, that would be the result, but he denies that? — He said it.

And he also denies ever having said to you anything about recruiting people to teach them how to get our country back, or how to become soldiers? — He said it.

And he says that if David at any stage said that then this was not in his, that is accused no.4's, presence? — It was no.4 who said it.

I have no further questions.

RE-EXAMINATION BY MR. DONEN: The evidence you have given in (30) court, is that the truth as you remember it, or is that a repetition/...

repetition of your statement that you made to the police? ---
It is the truth what I have said here.

I have no more questions, My Lord.

BY THE COURT: You are now fifteen years of age, is that correct? Do you know what is your date of birth? --- My Lord, I was born in 1963, I do not remember the date and the month.

I notice when you gave your evidence you looked the interpreter in the eyes most of the time, did you follow clearly what he said to you, you didn't have difficulty in following the interpreter? --- I follow what the interpreter (10) says, My Lord.

NO FURTHER QUESTIONS.

MR. VAN PITTIUS: My Lord, the court was cleared for the previous witness. That does not apply to this witness.

BY THE COURT: The public may have access to the court again.

JOHANNES BALOYI d.s.s. (Through interpreter)

EXAMINATION BY MR. VAN PITTIUS: My Lord, we consider this witness as an accomplice. I ask the Court to warn him in terms of Section 254.

BY THE COURT: Johannes, as you have heard, the Prosecutor (20) who is calling you as a witness informs me that in his opinion you are an accomplice of the accused in the present proceedings. You are obliged to be sworn and to answer questions which may incriminate you. If however you fully answer the questions put to you to my satisfaction you will not be prosecuted and you will be discharged from liability for such offence. Such discharge will be considered and granted in due course.

MR. VAN PITTIUS: Now first of all, when you give your answers to the interpreter will you speak up loudly so that all can hear. Now the previous State witness, Solomon Baloyi, do (30) you know him? --- Yes, I know Solomon Baloyi.

Is he/...

Is he a friend of yours or related to you? --- He is related to me.

In what way? --- He is my uncle's son.

Who are the eldest of the two of you? --- I am.

Now where do you stay? --- I stay at Jonathan.

With whom? --- I stay with my mother and my father, and my father works in town.

Now Jonathan, where is that, in what district? Do you know? --- Jericho district.

Is it near Brits? --- Yes.

(10)

Now do you remember during November, 1976, you were at a certain shop, is that right? --- Yes, that is right.

Now can you tell the court what happened and what shop was this first of all? --- It was myself, Solomon, Raphael and Patrick. We were walking taking Raphael halfway, and we met a tall person and a short person.

You were walking from a shop, is that right? --- Yes, that is right.

And what was the store called? --- It is Modiba's Shop, Communal Cash Store.

(20)

Yes, now you were taking Raphael halfway, and then? --- We met a tall person and a short person.

Now do you see the tall person or the short person here in court perhaps? --- I see a short one, accused no.4.

Does the court want accused no.4 to stand up?

BY THE COURT: Yes, he may stand up. I must say he looked in any case to no.4.

MR. VAN PITTIUS: Is that accused no.4? --- Yes.

I want to show you a photograph EXHIBIT A. Do you recognise the person on that photograph perhaps? --- Yes.

As being /...

As being who? --- The tall person.

Now you met this accused no.4 and the person on Exhibit A, the tall man, and what happened? --- They greeted us and asked us whether we live at the vicinity.

Yes? --- We told them that we live there. They told us that they are strangers, they were visiting the place and they will be pleased if we are willing to camp with them.

BY THE COURT: When you say "they" told us and "they" did that, who did? --- My Lord, I do not remember who was doing the talking, but it was one of the two. (10)

MR. VAN PITTIUS: And when they mentioned the camping did you know what they meant by that? --- When they spoke about camping I thought that they were strangers, they were visiting the place, they want us to be with them and be pleased.

Now after they said that what happened? --- They said that we must meet at 2 o'clock in the afternoon the following day, My Lord.

Yes? --- The following day the four of us met the short man at the shop, he had a bottle of Pepsi Cola in his hand.

Why do you mention that, the fact that he had the Pepsi (20) Cola in his hand? --- He bought Pepsi Cola so that we will drink it at the river while we are camping.

Who said that you should drink it at the river? Did anybody say so or what? --- The short man told us that we will drink it at the river while we are camping.

Yes, now if you refer to the short man refer to him as accused no.4 please. --- Yes, it is no.4.

Yes, and then what happened? --- We then walked towards the river, further on we saw the tall man with a girl.

BY THE COURT: When you say "we" saw that, I take it you mean (30) you saw that? You don't know what other people saw. Yes? ---

Just /...

Just tell me what you saw? — My Lord, I saw the tall man and a girl walking behind us and we were in front of them.

Is this now the same person you referred to on the previous day as also the tall man? — The same man.

MR. VAN PITTIUS: Yes, carry on? — We sat under a tree with the short man.

With accused no.4? — (Court intervenes).

BY THE COURT: If he prefers to call him the short man it will be easier for him then. Let him carry on. — No. 4, My Lord, and then the tall person and the girl walked past us. (10)

MR. VAN PITTIUS: Yes? — The tall man and the girl disappeared, we don't know where they went to sit.

Yes? — We sat with accused no.4 under a tree and he told us Jan van Riebeeck's history.

Now just before you carry on, where was this now that you sat? — We sat under a tree near the river.

And what was this river called? — Moretele.

What did the vicinity look like where you were sitting? — It is in the bush but not a thick bush, we were sitting under a tree. (20)

And were you near houses or far from houses, were there any buildings near you or not? — There were no houses near us.

Now you sat down and the group of you, who were they now all? Who were all in the group? — It was myself, Raphael, Patrick, Solomon and accused no.4.

And you started telling us how no.4 told you about the history of Jan van Riebeeck? — He told us how Black people met the Whites, and how they sold cattle to one another.

Yes? — And that the Blacks stole cattle from the Europeans and then a war started. The Whites were fighting with guns (30) and Black people using assegais. He told us that there is a

man /...

man called Mandela. Mandela belongs to A.N.C. and he fights for the Black people. That long ago Mandela told people that the Black people used to get into a train with cattle, and Mandela fought against this method and Black people were later treated accordingly.

Yes? --- He wrote down something and told us how each of us can go and get two people. He told us that if one wants to burn down the O.K. Bazaars you must mix magazine with glycerine and put it at a certain spot and then it will burn that now. (10)

Now this magazine that you are talking about, what is it actually? --- It is something that one buys in a bottle, it is black powder.

It is a powdery substance, is that it? A powdery substance? --- Yes.

Yes, now what did he say about the O.K. Bazaars? --- He said that if you go and put that substance in a hidden place it will burn that place down.

Yes? --- And if you want to destroy police stations you must take a ballpoint pen and put something in, he did not tell us what that something is, and you must go and put this ballpoint pen in a hidden place and it will do what you want it to do, Your Worship. He told us further that if we want to take photographs of police stations we can do that so that they will know how to get there. (20)

Carry on? --- While we were on our way he told us that we will meet again on the following week but he did not tell us when.

Now just before you carry on, when he told you about the two people that you should each obtain, did he say why you should obtain two people? --- He had a paper with him and he wrote /... (30)

wrote down on the paper, and told us how we can get the two people each, and that if we get those two people each we will strengthen Umkhonto We Sizwe.

Will you be able to draw what he drew? --- Yes.

I am giving you a piece of paper. Can you draw it. ---
(The witness draws on the paper).

My Lord, that will be EXHIBIT M then. Now you wanted to explain what accused no.4 showed you on the diagram? --- I showed there where he said I can go and get two people, the other man two people, and like that we will strengthen (10)
Umkhonto We Sizwe.

Did he say why it would be necessary to strengthen Umkhonto We Sizwe? --- They wanted us to be his soldiers.

Why? Did he tell you or not? --- I think that he wanted to ask again what he was explaining.

Did he explain to you why you should become soldiers, or not? --- No, he did not tell us.

And did he explain why it should be necessary to burn down things like the O.K. or the police station? --- He said that they did not want something like police stations. (20)

Did he say who the "they" are? --- He was talking about himself, accused no.4, and Umkhonto We Sizwe and A.N.C.

Now you said that after this was said you went away, is that right? --- Yes.

Now before you went away, what happened to the tall man and the lady that you saw? --- They came back and they were behind us while we were walking in front of them with accused no.4, Your Lordship.

When exactly did they come back and wherefrom? --- Before we left the tall person came to us and he repeated what (30)
accused no.4 told us.

About what? --- He told us about history.

Now what happened, where was the lady then, the woman then at that stage? --- She was standing a distance away from us.

Did you know her at that stage? --- I did not know her.

Now I show you a photograph, EXHIBIT K. Can you just have a look at that photograph and tell the Court if you recognise that person? --- Yes, it is the lady.

Exhibit K, My Lord. Now the tall man, did you ever get to know him by any name? --- I did not know their names.

Now you said you left then and you said accused no.4 said(10) something on the way back? --- (Court intervenes).

BY THE COURT: Tell me, did you at no stage come to know the names of these people, because you said "I did not know" and I don't know to what tense you refer? --- My Lord, I do not know their names up to this day. Perhaps I know the girl's name.

Yes, that is all I want to know.

MR. VAN PITTIUS: Now just to repeat the question again, you said you came to the point where you said you left then from the spot where you had been sitting with accused no.4 and (20) the others, and what happened on the way back after you left there? --- On our way back accused no.4 told us that we will meet again on the following week but he did not say on what day, Your Lordship.

Did he say where? --- I thought that he meant that we would meet again at the shop and that we will go to the same place to camp again.

Well, what happened after he said this? --- We went home.

Do you know what happened to accused no.4, the girl and the tall man then? --- I do not know what happened to them. (30)

BY THE /...

BY THE COURT: Tell me, do you know for how long you were under the tree with accused no.4? --- I do not know how long we were there, but we left the place towards sunset.

And what time did you get there? --- I do not know what time we got there, I had no watch with me.

Was it round about midday or after in the afternoon, or what? --- It was late in the afternoon.

Now I see you used the word that you would "camp" there again. What do you mean by camp? --- He said that we will go there, go and sit and be pleased and enjoy ourselves. (10)

That is what happened that afternoon that you told us about, you referred to that apparently as camp? --- Yes.

MR. VAN PITTIUS: Just one question on this aspect that My Lord just mentioned. Was it before or after lunch that you went to the river? --- After lunch.

Was it - let me rather put it like this, when you went back and accused no.4 said that you should meet again, on another day, how were you walking? Were you all walking in a group, were you walking behind each other, or what was the position? --- Myself, Johannes, Patrick and Raphael and accused no.4 were walking together. I do not remember whether the tall man and the girl were behind us or in front of us. (20)

And Solomon, you didn't mention Solomon? --- He was with us, Your Lordship.

Were you all walking in a group next to each other or behind each other, or what was the position? --- Myself, Solomon, Johannes, Raphael and Patrick ... (intervention).

He is Johannes? --- Myself, Raphael, Solomon, Patrick and no.4 were walking in a group.

And you say you don't know what happened to the tall man and the girl? --- I don't know where they were. (30)

And/...

And accused no.4, do you know what happened to him? —
He turned away and went to the house of the girl who is in
the photo.

Now the following week, what happened? — (Court inter-
venes).

BY THE COURT: Mr. Gey van Pittius, I take it what happened
the following week will take us longer than a few minutes to
before 1 o'clock. Don't let's interrupt, let us rather take
the adjournment at this stage.

COURT ADJOURNS.

(10)

COURT ADJOURNS TO THE 26th JANUARY, 1978.

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