

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

CASE NO: 18/75/254

DATE: 21ST MAY 1976

THE STATE

*Vol 101*

VS

S. COOPER AND EIGHT OTHERS

VOLUME 101

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LUBBE RECORDINGS (PRETORIA)

COURT RESUMES ON 21st MAY 1976

G.R. SEDIBE, STILL UNDER OATH:

EXAMINATION BY MR. SOGGOT CONTINUED: Mr. Sedibe, we got I think as far as your being elected a member of the SRC - the chairman of the SRC? --- Yes, yes.

Now, would you tell us, that would be I think the 13th September? --- The 13th September, that is correct.

Tell us whether you on that day gathered together with one or more of your SRC members? --- On the 13th September 1974, that was the day on which the SRC constituted itself, that is giving the SRC members the different portfolios of the SRC. After my election, after the SRC had elected me as its president, I informed the members of the SRC that I thought it would be a good thing if the SRC were to organise a rally to coincide with the handing over of government to Frelimo on the 25th September 1974.

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Now, what I want to ask you on this point is where did this meeting with the SRC members take place? --- It took place in the SRC offices.

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And who were present? --- Myself, Rathlagane, Ledwaba, Mohapi, Mativani, Miss Tshoni, and Metimba Njao, but I believe it is in one of the SRC minutes, we do not have them here, we tried to find them but we could not get them. All the members of the SRC were present.

All the members? --- Yes, Tobatla also.

And was it on that occasion then that you made the first suggestion of a rally, is that right? --- That is correct.

And who did you say should hold the rally? --- The SRC.

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Now / ...

Now, tell us, why did you say that, where did the idea or the inspiration come from? --- There were talks among the law students that the Law Society should try to organise a rally for the members of the Law Society to celebrate with Frelimo on that day. There was no formal decision taken on that, there were just talks amongst the law students.

No matter how informal it is, who in your experience first mentioned the idea of such a rally? --- I cannot really remember because it was a general talk. 10

Amongst the law students? --- Amongst the law students.

Can you just give us some of the names of persons who were present at those discussions? --- I can remember for instance Tobatla, Mike Lange, I believe Mr. Nkademeng would know of this, Mr. Gaele would know of this and other law students.

All right, where did this discussion take place, this informal chat? --- Well generally on the campus, I mean as we come from lectures or at the hostels, at the dining halls, I mean we law students when we are together we generally talk about things which the Law Society ..(Mr. Soggot intervenes)

But this specific discussion where was it first raised?

MR. REES OBJECTS: I don't think the witness said there was a specific discussion, M'lord, my learned friend is now trying to cross-examine his witness and suggest ideas to him. The witness' evidence was quite clearly this was a general talk especially among the law students, how he says the specific discussion, this man is not referring to a specific discussion. 2

Mr. / ...

MR. SOGGOT: M'lord, I thought I might have misunderstood him, may I rephrase the question, and that is this specific suggestion, when and where, if you can remember was it first raised? --- The date?

If possible, and where? --- The date was - in August, before I even stood for elections for the SRC.

Then you made the suggestion to the SRC? --- That is correct.

What was their response? --- Their response was very good, in fact they were appreciating what I was saying we were all agreed that we should hold it. 10

Was a Resolution or a Minute passed or anything like that? --- On that day we did not formalise, it was a general agreement, but we were to hold an SRC meeting to formalise this decision.

Well can you tell us, when did you hold your next SRC meeting? --- That very day, that is the 13th, I told members of the SRC that the following Sunday, that is the 15th September, that we should be meeting in the afternoon just to talk about the general programme which the SRC should embark upon, such things as arranging for library hours for SRC members who feel that they are busy during the day they cannot get to the library when the library is open, or for instance in the dining halls we find that the dining halls especially at lunchtime there is always a long queue of students, we were generally dissatisfied about many things, we were just to discuss those things, you know, to see how we could alleviate those problems. So that on the afternoon of the 15th we held this meeting, it was also a rather informal meeting, you know, just to bring along our ideas / ... 20 30

ideas, to know each other: where do you come from Mr. Ledwaba, where do you come from Mr. Mangwate, where do you come from Mr. Sedibe, just to know our general backgrounds as members of the SRC. On that day one of the SRC members also when we were talking about the programmes of the SRC also raised the issue that we should not forget that I had already mentioned that we should hold the rally on the 25th.

Who was it who said that, can you remember? -- It was Mr. Mativani. On that day we chose to hold an SRC meeting on, I think we chose to hold it on the 21st September, that is the following Saturday, but that weekend it was the formation school, the members of the SRC really could not attend, we were very busy some of us were writing tests, for instance I myself was writing a test, the afternoon of the 21st I attended the formation school, so we could not hold the SRC meeting. 10

When did you hold the meeting? --- We held it on the 22nd.

All right. Now I know this is ignoring the chronology, but would you leave the formation school for the moment, we will come back to it? --- That is correct. 20

And you say that you did not hold it on the 21st but you held in on the 22nd? --- That is correct.

In the meantime, did the SASO local committee hold a meeting? --- I think - you mean after the 13th?

That is correct? --- On the 18th September 1974, the SASO local committee held a meeting and I was invited by the SASO local committee because I was one of the SASO members on campus, so they invited me to attend the 30

SASO / ...

SASO local committee meeting. On that day, Accused No.6, Fhandelani Nefolovhodwe, he told the SASO local committee that the SASO Executive had decided in Durban to hold rallies in different centres, and then he also suggested to the SASO local committee that they should hold such a rally on the 25th. At that stage Ledwaba informed him that no to alleviate confusion of the SASO local committee holding a rally because the SRC had already decided that they should hold a rally, it was better that the SASO local committee should forget about it, the SRC was going to hold a rally, we had already decided on such a thing. 10

Now that is according to Ledwaba? --- That is according to Ledwaba when he was informing No.6.

Now, did you open your mouth at that meeting at all? --- In connection with?

With this topic? --- No, I did not.

And was it left at that or was anything else decided? --- Really nothing else ..(Mr. Soggot intervenes)

I mean in relation to this, I don't think we need go through the SASO agenda for that day, I am now talking about the question of the rally and any possibility of SASO participating? --- Well it was just suggested, I don't know who suggested it really, but if the SRC think they want SASO members to help them arrange the rally they can - they would be very willing to assist. 20

They would be willing? --- Yes.

At any stage subsequently was any request or invitation made by the SRC to SASO? --- According to Ledwaba and Rathlagane who the SRC chose to make arrangements for the rally, they never approached the SASO local committee 30

to / ...

to help them.

I am interested in your awareness, do you know of any approach made to the SASO local committee? --- No, not that I am aware of.

That now is the 13th, I think just to complete this point, No.6, I think it is common cause, was away at this meeting in Durban and on his return to the campus, was there any discussion between him and you relating to the rally?

--- When we had finished with the SASO local committee meeting on the 13th, whilst we were on our way to the hostels, I was with Ledwaba, we met No.6, in fact we found him standing at the tarmac road, I believe it appears in one of the photos which have been handed in to Court, he was talking with some other guy there a friend of his. Well he just called us, he congratulated us for having been elected to the SRC, he gave us general advice on how we should hold ourselves in the SRC, we should not allow people to influence us and all that, we should do things as we feel we should do them, as an SRC body, because we had the mandate of the students.

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Then I think that brings us to the actual weekend before the rally itself? --- That is correct.

Now the rally we know was on a Wednesday, that Sunday preceding the rally was there a meeting of students? --- Yes, there was a meeting in the hall.

Briefly tell us who was there, where the meeting took place and what was said? --- The meeting of the SRC is that what you are referring to?

No, the meeting of the students, unless I have got it wrong. Let me rephrase the question completely, did you

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say / ...

say anything about the rally and how it should be held on Sunday preceding? --- When we held this SRC meeting on the 22nd to decide, I mean to formalise on the holding of the rally, it was suggested that we should announce at the SASO local committee formation school, there was a drama being played, and it was suggested that I should announce that we were going to hold the rally on the 25th, that is on the Wednesday. I went to the hall and announced that we would be holding the rally on the 25th, and that the SRC - it was a suggestion of Rathlagane that the SRC should give the students placards and then I told them that we are going to give you placards, but the kind of placards that we want you to display would be pinned on the SRC office door, to see what we mean by a rally because we don't want a demonstration like we had seen for instance during the Tiro episode in 1972, when placards were displayed condemning the authorities and all that.

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Now that is the sit-in episode which you described yesterday to His Lordship? --- That is correct.

And did you use the word demonstration? --- That is correct, I used the word.

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And what was the response if any of the students to this? --- Well, it was well received by the students.

Now, Mr. Sedibe, bearing in mind the suggestion that there might have been something particular inflammatory or exciting in the holding of the Frelimo rally, what was the response of the students to your announcement ..(Mr. Rees intervenes)

MR. REES: M'lord, I must object to this type of questioning, bearing in mind there must have been something what was the

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response / ...



response. He can ask the witness whether there was and he can ask him what the response is, but this is just a type of putting ideas into the witness' head. Surely it is his witness, it is not a State witness, and he must ask this witness - he cannot put leading questions to him, and this bearing in mind this and bearing in mind that is just another way of putting ideas into the man's head.

MR. SOGGOT: M'lord, my submission is that the effect of my question is to say the State is going to contend or is contending that this was particularly inflammatory or exciting in some way or other, done in a manner or announced in a manner or having a content which could cause trouble, and I am directing his mind to that. In other words in my submission it is like saying in a murder: did you have an intention to kill. It is a straight question, which would otherwise be objectionable but it is a case which we are called upon to meet.

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MR. REES: M'lord, I would still object to that, I would strongly object to that, he cannot say to the witness bearing in mind this fact and bearing in mind that fact, he can ask the witness the response, it is not a matter of bearing something in mind - in other words he is saying to him: look, the shoe is pinching here, you have got to pay attention to that specific aspect. The witness can tell him what the response was, and bearing in mind other factors can only serve to influence the witness' mind, as to whether the shoe was pinching? --- I think I can clarify Your Lordship on that, I seem to understand what Mr. Rees is saying. The point there is that generally on the campus, the fact that

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Frelimo / ...

Frelimo was to be given government by the Portuguese government, it was really something to be happy about because for instance we were feeling really that Black people in Mozambique, after about 300 years of oppression now they had a chance of being given the time to rule themselves. It was something of general happiness on the campus, so that was how students received my message of holding the rally.

That was then the Sunday, is that right? --- That is correct.

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Now, you were going to talk at the rally, is that correct? --- That is correct.

On the Monday did you do anything in connection with the rally? --- The SRC asked me to go to the library to look for periodicals or any other kind of publication that could give us information about the historical background of Frelimo. I went to the library and looked for that and I could not find anything. But from general information that I had about people talking about Frelimo in the papers, for instance there was on the Monday or the Tuesday a report in the Daily Mail, a statement by Mr. Ramose that he knew Mundlana, he was with him at Lomana High School there in the Northern Transvaal, he knew him as quite a good man so to say given - a gifted person, a leader so to put it. So I just took that document to sort of give myself information on the historical background of the figurehead of Frelimo namely Mundlana. From that I never - apart from that I never had anything to do with the rally because Ledwaba and Rathlagane were mandated to organise for the rally and all that because I was for instance to write a test, a Mercantile

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Law test on Tuesday evening the 24th, so I did not have anything to do with that.. (Mr. Soggot intervenes)

With the physical preparation? --- That is right.

Apart you say from getting this article which you say was in the Rand Daily Mail? --- Yes.

Did you get any other literature in the library relating to the rise of Frelimo? --- No, I did not get anything.

Well that would be Monday? --- That is right.

Now tell us what happened on Tuesday, particularly 10  
in relation to the attitude of BASA, namely the Black Academic Staff Association? --- Well I see that in the Minutes of the SRC meeting held on the 22nd, we decided that we should extend an invitation to members of BASA to attend the rally. Subsequently I believe the correspondence secretary, Ledwaba, wrote to BASA inviting them. On Tuesday afternoon I was informed that members of BASA, the Executive, wanted to see me, the president of the SRC, so I told them that I was very busy, I was going to write a test, I could only make an arrangement with them for ten past four in the 20  
afternoon, so at ten past four in the afternoon I went to the SRC office and met Mr. Nkondo and members of his Executive.

Mr. Nkondo being the chairman of BASA? --- Yes. They told me that they had heard rumours that the rallies to be organised for the celebration of Frelimo were to be banned, so they did not know whether the SRC rally would be banned or not, so they did not want to commit themselves at that time, that was on Tuesday. But they were still waiting to see the Government Gazette which they intended to buy to see 30

whether / ...

whether the SRC would be affected by the banning or not.

May I ask the witness to be shown RALLY B.3 and RALLY B.4 and RALLY B.5? --- Rally B.3 is a letter written by Ledwaba, the correspondence secretary of the SRC inviting BASA ..(Mr. Soggot intervenes)

Well we have had evidence on that, does this record the decision of the SRC? --- That is correct.

Now have a look at RALLY B.4 please? --- RALLY B.4 is a letter written to the SRC by BASA on Tuesday morning. Again on Tuesday morning I had a message that ..(Mr. Soggot intervenes)

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I just want to point out to you that it has 25th September on it as the Wednesday? --- Yes, that is correct. In the morning about 10 o'clock, somewhere there, I was called by Mr. Nkondo and his Executive to Mr. Nkondo's office, where they gave me this letter in which they were indicating that they had heard on their radio that the SASO rallies were banned, and as they got the news they thought no the SRC rally would also be affected, so they were telling me that they could not go along with the rally so they could not attend it. But they did indicate to me that they had not consulted their lawyers so really it was just their opinion, that it would be better for them not to attend it because they really did not understand what the banning implied to them.

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And then RALLY B.5, can we just complete this? --- RALLY B.5, this refers to a letter written to the Rector and the SRC after the holding of the Rally, that is the episodes relating to the police charge and all that.

Now can we return to Tuesday, you say an invitation

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was / ...

was extended to BASA? --- That is correct.

Now on Tuesday evening I think the placards were handed out? --- That is correct.

Can you give any evidence about that? --- No, I was not there, I was writing a test. In fact we started the test very late, there was some problem with the lecturer, he arrived late and he had misplaced some of the answer sheets and his questions, he was not there during the day, so this lecturer, his colleague had mislaid the answer sheets so we started at about half past seven and then we finished at half past ten, so from there I went to my room. 10

Now if I may use the expression, bearing in mind the suggestion that that Tuesday evening something had been said on the radio about the banning, and the suggestion that there was an SRC/SASO meeting, can you tell us anything about that? --- I did not have a radio, I could not have heard anything.

Where were you Tuesday evening? --- Tuesday evening I was writing a Mercantile Law test. 20

And when did that test finish? --- At half past ten.

And after that test? --- I went to my room.

And having gone to your room then what happened?

--- Well I mean I slept.

The next morning you went to lectures? --- That is correct.

Now would you tell us when you went to lectures did you see any posters or placards? --- Yes, I did notice a lot of placards pasted on the walls, students were milling around them reading them, I also went there, I read them and then I 30

went / ...

went to my classes when it was time to go to classes.

Now you are familiar with the posters now before Court, is that correct? --- I wouldn't say I am familiar with them, I cannot recall them.

I am not asking you to do that, the point is you have had a good look at them? --- Yes I have.

How many of the posters before Court would you say you actually saw that day? --- I cannot remember, there is one specifically, it was a work of art really, you know, some students really were appreciating it, many students were milling around it, if I could be given the placards, I will show the Court. The placard that I am referring to is RALLY B.12, it has got a map of Africa, and a hand which is seen as surrounding Southern Africa, and it says: "Viva Frelimo, Africa for the Blacks, the death of colonialism", this is the placard which I remember very well, it was clear, it was very emaculate, it was brilliant really, so it attracted my attention.

Now are there any others of these posters which you can recall? --- No, let me see - PAUSE - Your Lordship, I have looked through these placards, there is not one of them really except the one I pointed out that I can remember.

Now that day - perhaps let me rephrase it - before you went to lectures how many placards would you say you looked at? I just want to get the chronology and your experience clear? --- On the way to classes I didn't see them, there were no placards at the hostels and all that.

Then your first lecture ended at what time? --- My first lecture?

Yes? --- It was something after nine, really I

cannot / ...

cannot remember when it came to an end.

And after that lecture where did you go to?

--- I went to my hostel to have tea.

Yes, and then? --- After that I went to the SRC office where we sat trying to organise the SRC office to orientate ourselves in the work of the SRC office to allocate to ourselves the cabinets of the SRC, putting things in order generally.

Not relating to the rally? --- Not related with the rally.

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Now by this time had you seen posters? --- Yes, yes, I had already seen them.

How many would you say? --- There were many placards on the walls of the campus.

How many would you say you saw without necessarily reading them? --- I would say perhaps I saw more than a hundred.

How many had you read? --- Well I read - it couldn't have been more than thirty really.

And would you tell us what you saw on those posters and what impression you had? --- Well, as I have already said students were just really milling around the placards, reading them, I couldn't have grasped anything, because students generally were looking at placards and reading them.

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Yes, and what did you think about the placards? --- Well, I mean - PAUSE - it was the general kind of placards you know, in my mind there was nothing in those that was something out of order, it was just the placards as I read them of a general nature that are usually put on the campus.

And did these students express any response to the

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placards / ...

placards? --- Not that I know of.

Not that you know of? --- Yes.

COURT: Well, as president of the SRC how did you feel about the paint on the walls of your campus? --- That point, I mean we never raised it, I mean ..(Court intervenes)

I am talking about you, how you felt, I am not asking whether you raised it? --- How I felt about them?

Yes, destroying the walls of your campus? --- Your Lordship there were placards.

I am talking about the paint, certain things were painted on the walls I understand? --- Yes, that is true. 10

And there was difficulty in getting the paint removed.

MR. SOGGOT: I think it is RALLY B.6, M'lord. --- Yes.

COURT: Yes, if I remember the evidence correctly they couldn't remove the paint? --- Well, Your Lordship, I mean if I ..(Court intervenes)

You were the president of the SRC of your campus? --- Yes, it is so, I saw it was a bad thing really to paint on the walls. 20

Well what did you do about it? --- Well I never raised the matter with my SRC.

Well why not, I mean you are entrusted with this high position on the campus, you were the president of the SRC and here they cause damage to your campus and you say you don't do anything about it? --- Yes, Your Lordship, I should clarify the point there, usually on the campus when there is anything - if anything has been done by the students, the SRC does not first of all go about investigating to see what happened..(Court intervenes) 30

No / ...



No, but the SRC was the cause of it, because the SRC invited them to write placards, and the SRC gave them material with which to prepare placards, and they were carrying out the idea of the SRC and you are the president, and here they damage your campus? --- No, they were purely placards not painting the walls.

Well quite, now instead of doing that they damage your campus? --- That is the question that even Ledwaba raised, it does not mean - we saw some paintings on the wall, but we couldn't know, because the SRC didn't even ..(Court intervenes) 10

Well did you go to the Rector and say well they misunderstood you and it was your idea and here they went and caused damage to the campus, it was never intention to cause this damage? --- Well if there was a misunderstanding I mean they could have painted the walls of the hall where we were going to hold the rally.

I am not asking you what they could have done, I am telling you what they did, and I want to know what you did in order to show your responsibility as president of the SRC, 20 the man who was behind the whole idea? --- Yes, Your Lordship, as I have already pointed out that usually on the campus when something wrong has been done, the SRC usually waits for the administration to tell them something, that is why on the Thursday we were called by the Rector, the Disciplinary Committee, they were asking us about these paintings on the walls, we told them that we don't know really who painted - who made the paintings on the walls ..(Court intervenes)

Well now what did you do as president of the SRC to find out who was the man responsible for this damage? 30

Well / ...

--- Well we were arrested after that.

No, but you say the Rector saw you - when did he see you? --- He saw us on Thursday.

On Thursday - well this you saw on Wednesday morning? --- That is correct.

So from Wednesday morning until Thursday you had opportunity to find out who the culprit was who - or the vandal was who had damaged your campus? --- Well, Your Lordship, I mean with 1 500 students really, it would have been very difficult for us with no investigation ..(Court intervenes)

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So you did not intend doing anything about it?

--- No, we had already been told that we would be called to meet the Rector on the Thursday by the Dean of students, to come and explain these things.

Well I take a very poor view of you as president of the SRC, where damage is caused at your instance and you do nothing about it? --- Well, Your Lordship, that is where I don't know whether it was at my instance, as I say if it was at our instance that these things could have been done .. (Court intervenes)

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It costs a lot of money to keep those buildings neat and clean for you people? --- Well, I mean, that is true, Your Lordship, but as I have already pointed out the Dean of students informed us that we would be called to come and explain to the Disciplinary Committee about ..(Court intervenes)

So you wanted the Rector to go and ask the students, it is obvious from your attitude, you wanted the Rector to go and find out who the culprit is, and you the person who is responsible for it, you don't do anything to assist him?

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No / ...

--- No, Your Lordship, we were going to assist him, that is ..(Court intervenes)

But you were sitting back waiting for him to ask you who it was? --- Yes, as I say we couldn't just start by turning to our own investigation without first having you know to explain to the authorities of the campus, the Dean, that we were waiting for you to come and tell you about that, - the paintings on the wall the SRC is not responsible for..(Court intervenes)

But these people all live in hostels, every hostel 10 has a primarii, or a primarius? --- That is correct.

Why didn't you ask the primarii of the various hostels to assist you to find out who the culprit was who did the damage? --- This is on the administration block, not the hostels.

Well the person who did it must live in the hostels? --- That is true.

So why can't the hostels assist you to find out who the culprit was? --- That is why I say that we were arrested before we could even delve into this matter. 20

MR. SOGGOT: When were you told that you were to go to the Rector and explain this? --- We were told on Wednesday.

At what time? --- It was when the Dean of students informed us about the opinion of the Rector that he had consulted his legal advisers about the rally, that is when he told us that the Rector would like to have an explanation about the paintings on the walls, and he told us that tomorrow we would be appearing before the Disciplinary Committee to explain this.

COURT: Do you appreciate that to be a leader of people is 30

not / ...

not to try and destroy, a leader also tries to get his people to preserve? --- That is what we were doing.

No, you did not do it, you have not persuaded me yet that you had done something to try and protect your own campus? --- Perhaps, Your Lordship, the point is that that may bring the impression that we were not concerned about this. The Dean of students approached us on this point even before, I mean, on the evening of the 25th we as an SRC could decide on what we were going to do about the paintings, so we were to appear before the Disciplinary Committee to explain this, after that we were to investigate the matter. 10

MR. SOGGOT: You say after that you were to investigate the matter? --- Yes.

When was that discussed? --- In the Disciplinary Committee, we informed them that if they felt that the SRC was responsible for this, we are very much prepared to go and investigate this matter.

Had there been, prior to this, defacement of walls of this particular kind? --- Yes there were. 20

On the campus? --- Yes.

What used to be the reaction and who usually took up the problem? --- The ..(Mr. Rees intervenes)

MR. REES: M'lord I am sorry, but the State and the Court are entitled to get this thing clear. My learned friend puts a question and presupposes that there were a number of this type of thing on the campus, and I would like to get it clear, because just now when I cross-examine him he says there is only one. My learned friend should put these different questions one at a time. 30

Mr. / ...

MR. SOGGOT: M'lord, perhaps the witness can explain whether it was on more than one occasion. Prior to this particular defacement that we are talking about, had there been other occasions? --- Yes, for instance I remember some students were not satisfied with some other lecturer whom they felt was victimising them in their courses, he made them feel (sic), then there were paintings on the wall, when you move from the library there is a big wall there, but what happened was that the Rector sent the workers to go and erase those paintings. 10

And was there any attempt to find out who had done it? --- No, there was none, I cannot remember, it was just a general thing on the campus that paintings were there against a lecturer and the administration asked the workmen, us workers to go and erase them.

COURT: So if you knew that students were prone to this sort of thing, what did you do to warn them not to do this sort of thing? --- I warned them on the 22nd.

What did you tell them? --- I told them that a rally is not a demonstration. 20

Yes, but now I am talking about painting on the walls? --- I didn't, I mean, I didn't expect paintings on the walls, so I couldn't have warned them. I only warned them about what I expected that perhaps they could misinterpret the rally.

MR. SOGGOT: Would you please tell us in detail now about what the Dean said to you people? --- That is at 12.15 on the 25th, the Rector he called me after I had had my Constitutional Law class, and he told me that he wanted to meet the Executive of the SRC. I went and I called the members of the Executive / ... 30

Executive, we went to his office at 12.30. He told us that the Rector was concerned about the holding of the rally by the SRC. He had already found out from the chairman of the SASO local committee whether SASO was holding the rally or not, the chairman of the SASO local committee, Ramaphosa had informed ..(Mr. Rees intervenes)

MR. REES: This evidence is hearsay, M'lord, to which I object.

MR. SOGGOT: M'lord, my submission is, again my learned friend does not appear to understand what hearsay is about. This involves discussions on the legality or otherwise of the rally, and my submission is that any opinion uttered in his presence is relevant to his state of mind.

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COURT: Then I'll only admit it on that basis.

MR. SOGGOT: As His Lordship pleases. Will you carry on please? --- Your Lordship, when we went to the Dean of students, he told us that the Rector was concerned about the banning of SASO and EPC meetings, he had consulted his lawyers, the legal adviser of the university, the legal adviser had told him that the banning was so wide, he could not really include it to mean the SRC office, because it was specifically said BPC and SASO rallies, and if the rally on the campus was to be held by the SRC according to the legal adviser it did not fall within the banning order. He also told us that the Rector was very much concerned about the paintings on the walls, and he had wanted to meet the SRC the following day on Thursday, at 2 p.m.

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All right, then after that did you then go to the rally? --- Yes, after that we were first very happy with the assurance that our rally did not fall within the banning

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order / ...

order, and then we went to the hostels - I mean to the dining hall to inform the students that they should not be worried if they had seen a report in the Daily Mail, legal advisers had ascertained that the SRC did not fall - the banning of the SASO and BPC rallies did not fall - the SRC did not fall within that banning order. I also, to make sure, approached senior law students, one of them is a lecturer there at Turfloop right now, one is serving articles of clerkship in Pietersburg..(Mr. Soggot intervenes)

Well let us hear, who were they? --- Mr. Ngademeng, 10  
who is serving articles ..(Mr. Soggot intervenes)

What was he then? --- He was doing his final year LL.B. and Mr. Galeng who is a lecturer at Turfloop now, who was doing his LL.B - no, who is a lecturer now, and then another man called Kwena, he is an attorney right now in Johannesburg. They also assured me that the banning of the SASO and BPC rallies would not affect our SRC rally.

Now at this stage had you seen a copy of the banning or any report of it? --- When we left the Dean's office, when we went to report to the students about the continuation of 20  
the rally, that is when I was shown a copy of the Daily Mail in which there was an excerpt of the banning order.

Who showed that to you? -- A Mr. Ngaga(?)

And what was he? --- Well he was a law student on the campus. He also told me that he had read it but he could feel that the SRC could not be affected, but he referred me - he told me that it would be better even to go to senior law students to get their opinion on that point.

All right, so you did that, and what opinion did you get? --- Well it was that the SRC would not be affected by 30

the / ...

the banning order.

Then I think you can now tell His Lordship what happened at the rally itself, that is in the cinema hall, is that right? --- Yes.

Did you go along there? --- At about 2 o'clock we went straight to the hall. When I entered the hall students were already filling the hall, some standing against the wall, some sitting, the hall was packed. Then I opened the meeting by first giving the assurance again that our SRC rally did not fall within the banning order of the SASO and BPC rallies, and then I told them that any person who wanted to talk there he should not talk on behalf of any organisation, because we did not want to be involved in the implication of saying we invited members of other organisations such as SASO to come and talk at our rally.

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What was the position of students who had lectures that afternoon? --- There was a normal relationship on campus, normal way of life on the campus.

Had any instructions been given relating to that? --- Yes, the Dean had given us the instruction that we should tell the students that those who wanted to attend the rally that since we were normal on the campus they should not abstain from lectures but they should attend lectures, and I again informed the students ..(Mr. Soggot intervenes)

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Did you pass that on to the students? --- I did.

When did you do that? --- We did that firstly in the dining halls and in the hall I also told them again about that.

Is this in the cinema hall? --- Correct.

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So / ...



the banning order.

Then I think you can now tell His Lordship what happened at the rally itself, that is in the cinema hall, is that right? --- Yes.

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What was the position of students who had lectures that afternoon? --- There was a normal relationship on campus, normal way of life on the campus.

Had any instructions been given relating to that? --- Yes, the Dean had given us the instruction that we should tell the students that those who wanted to attend the rally that since we were normal on the campus they should not abstain from lectures but they should attend lectures, and I again informed the students ..(Mr. Soggot intervenes) 20

Did you pass that on to the students? --- I did.

When did you do that? --- We did that firstly in the dining halls and in the hall I also told them again about that.

Is this in the cinema hall? --- Correct. 30

So / ...

So you opened the meeting? --- Yes, I opened the meeting. I first apologised to the students for being unable to get publications on the historical background of Frelimo, but I told them that I would share what they had perhaps seen in the papers on a statement written by Mr. Ramose that he knew the late Mundlana, the first president of Frelimo. I told them that basically what they knew from the reports is what I also knew, I could not give them more information besides that, and then that the Portuguese government had given Frelimo provisional government in Mozambique, and on the 25th we were then celebrating the real giving over of power to Frelimo.

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What was the mood of the students? --- Well it was a general normal mood when you hold meetings.

And when you addressed them were they silent?

--- Yes they were very silent.

And when you finished your speech was there anything said, exclamations? --- No, when I finished I told them to shout with me "Viva Frelimo, viva Nachel". After that we gave the power sign, and then after that I invited members of the student body to talk.

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Now who spoke after you? --- After me No.6, Nefolovhodwe spoke.

And also a lady? --- And also a lady.

And you have heard No.6's evidence? --- That is correct.

As to what he says? --- That is correct.

Is there anything you want to add? --- No, there is nothing really I can add to what he has said, I agree with what he said, that is what I heard him to be saying on that day.

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And / ...

And his evidence as to what the lady said, do you go along with that? --- Yes, I would go along with that.

May I ask the witness to be shown RALLY B.36 and 37, M'lord, M'lord these are the photographs showing the students in the hall? --- Yes I have got them.

If you have a look at B.36 and B.37, you will see that two posters appear? --- Yes, that is correct.

Now, were you in the hall at the time when these photographs were taken, can you help us? --- No, I believe I was out at this stage, because when the students streamed 10 out of the hall, these very law students Nkademeng and Kwena, came to me and told me that the students were moving towards the sports field and according to them they thought that would constitute a gathering in terms of what the police were believing to be a rally organised by SASO and BPC, so that they advised me to go and tell the students to disperse, so this might have been taken after I had left.

Now, did you at any stage see these posters or any other posters in the cinema hall? --- No, I did not see any, I cannot remember seeing any, no. 20

Then I just want you to carry on the sequence, the story then seems to be that the police then arrived and ordered the students disperse, and the students in fact dispersed, I think that is common cause? --- That is correct.

They then left the hall? --- Yes.

MR. REES: It is not common cause that they dispersed, M'lord, it is common cause that they left the hall.

MR. SOGGOT: M'lord, I qualify that, they left the hall. How did they leave the hall? --- Well I was inside the hall when the majority of them were leaving, because I wanted to see 30

to / ...

to it that the students should all leave the hall.

Well the question is tell us about their orderliness or disorderliness, noisiness or otherwise?

--- Well they were singing as I remember the national anthem. That is what I heard inside the hall, but when I went outside I found them milling around on the sports field.

On the sports field? --- That is correct.

And by now had you got the report from Nkademeng?

--- Yes, that is correct.

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So what did you then do? --- So I went there, I told Rathlagane and Ledwaba and other members of the SRC that we should tell the students to leave the sports field because according to our law students that could constitute a gathering in terms of the Riotous Assemblies Act, so they advised me that it is better for the students to leave the sports field and go to their hostels. So I went there, I told the students: leave the sports field, and then they responded, but some of the women really, they weren't really prepared to leave, they were saying no they had dispersed, they had left the hall and the rally was over so they didn't see the reason why they should even be told to leave the sports field. But I persuaded them to leave the sports field, that is why I told them towards the tuck shop to make them go to their hostels.

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Where were the other members of your SRC at this stage? --- Well I was with Rathlagane at that stage, we were telling the women to go to their hostels.

All right, so you were driving the women towards the tuck shop, and what is the next thing that happened? --- Well

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when / ...

when we were at the tuck shop, I mean there was general noise, the students were shouting, the female students were shouting, you see I was facing the east driving them away. Now they were saying: look, you are driving us away and look the police are chasing the students there with baton charges. I said: well leave them, and go to your hostels, we will solve that problem after that with the police, it doesn't matter, leave them - leave them drive them even if they feel they are against the law perhaps.

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Take your time, Mr. Sedibe? --- What I was really telling the students was that they shouted at the men students because the police may think that you are encouraging them, you know, you are encouraging them not to leave the sports field, leave them - the students will go away, so if you shout at them you are going to encourage them not to leave the sports field.

All right, so while you were at grips with the women, you made mention there were baton charges? --- There were baton charges.

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What did you see of that? --- After that a woman called ..(Mr. Soggot intervenes)

No, hold on, my question is, did you see baton charges at all? --- No, the baton charges I did not see, you see I was facing east talking with the students, they were arguing with me you see. So I didn't see really the baton charges. What I saw was when the students were running towards the hostels, there was tear gas, tear gas was shot towards them, that is what I saw.

Now at what stage is this? --- I believe it is when

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the / ...

the students left the sports field.

When they left the sports field? --- Yes.

Did you see any stone-throwing that day at any time? --- No, I did not.

You did not? --- I did not.

All right, now after dealing with the women students, what did you then do? --- After that a woman called Okjo, she came to me and told me that a cripple guy called Ishmail Kabela had been assaulted, and then he was lying on the embankment, so I went to that guy and I asked him: are you injured or what, and he said no.

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You made enquiries as to his state? --- Yes, as to whether he was injured or not and he said no he was hit on the head and he felt drowsy and all that. I asked whether he could identify the police who had assaulted him, he said yes, he could identify him.

All right, well after attending to this person's needs, what did you then do? --- Well I went together with the other SRC members, we now gathered towards the road, we went to the major together with members of the staff, the Black staff.

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Well can you please so that your evidence has some coherence, indicate who was where at that stage, where the police were, where the students were and what happened? --- The police were standing along the road, and then the students were standing opposite the road, that is on the southern side. At that stage Professor Motiwa I remember was there, Mr. Motsologane was there, Mr. Ikondo was there, and other members of the Black lecturing staff, they were telling the students: be quiet you people, let the SRC

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handle / ...

handle the matter with the police.

COURT ADJOURNS

COURT RESUMES:

G.K. SEDIBE, STILL UNDER OATH:

EXAMINATION BY MR. SOGGOT CONTINUED: You had got as far as saying that the BASA people were telling the students to leave it to the SRC? --- Yes.

Just carry on briefly from that point please?

--- When the members of BASA were telling the students that they should leave us to handle the matter with the police, 10 we negotiated with Major Erasmus, we told him that we were .. (Mr. Soggot intervenes)

Well just deal with this carefully please, take it step by step? --- When the members of BASA were telling the students, then some of the SRC members were trying to quieten the students because they were generally making a lot of noise, I went with the Executive first, with Professor Motiwa, and Mr. Nkondo, we went to the major ..(Mr. Soggot intervenes)

Is that Major Erasmus? --- Major Erasmus. We told 20 him that we could give him the assurance that the rally would never continue, and they could leave the campus with that assurance. And then Major Erasmus said as long as we did not go to the hall again, according to him it was okay, because he was just against us holding the rally, and we did assure him that if they could leave the campus, the students would never go to the hall to continue the rally again.

Now you mentioned that Professor Nkondo and Professor Motiwa were there, anybody else? --- Mr. Motsologane also was 30 there / ...

there, members of my SRC were there. Later the Rector, Mr. Boshoff also came, he also told the police that he could give the assurance that the students would not go back to the hall, and then the police agreed with us that if we don't go to the hall then they felt their duty was finished on campus, they would leave the university. After that, I called the students together, I told them that they should go to their hostels, the rally was over, they should not go to the hall again because the police felt the rally was against the banning order that was imposed on that Wednesday. And then the students left to their hostels, the women went to their hostels, I remember when I was leaving with them towards the hall the majority of them were taken towards their hostels, the women came to me and told me that they had found another woman, a Mrs. Victoria Maja, who was taking photos of me when I was with the students at the tuck shop telling them that they should not go to the sports field. She told me that this woman was taking photos of us, and then that she felt that she might have perhaps ..(Mr. Soggot intervenes)

Well she made a report to you about this woman and then you made subsequent investigations? --- That is correct.

To find out about her use of the camera? --- That is correct.

Now subsequently did you discuss the whole matter with the Rector? --- Yes, the following day, on Thursday afternoon at 2 p.m. we went to the Rector to account for what he had told us about the paintings on the walls. We told him that the paintings on the wall had nothing to do with the rally, but if they wanted us to do anything about

it / ...



it, we were very much prepared, we could remove the paintings from the walls if they wanted us, but they said no, it does not matter, they would ask the workmen to go and do that kind of work. They accepted our explanations that the paintings on the walls had nothing to do with the rally according to our explanations.

All right, now, Mr. Sedibe, is there anything else of relevance you want to tell His Lordship relating to the rally, because I want to pass on to the formation school? --- No, basically I mean in relation when I read the charge sheet I just thought really I couldn't grasp the fact that they said we intended to do some other things such as embarrassing the affairs on the State. Really I think that experience on the campus for instance couldn't have thought of embarrassing any other person, we are just together there, if we do things just to make ourselves happy, the Rector for instance said that he did not see the rally as an embarrassment of the authorities on the campus, so really if at all we wanted to embarrass anybody it could have been perhaps the authorities of the campus, but he also said that the rally according to him was not to embarrass the authorities of the university.

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At what stage was that said? --- This is what he said on the day when we told him at the Disciplinary Committee.

This is after the fact? --- Yes. So that Your Lordship the point that I really wanted to make was that the holding of the rally really, it was just a way of trying to show our jubilation towards the people of Mozambique for having been given, you know, their independence from colonialism, that was the main issue of the rally, just to

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celebrate / ...

celebrate with them the fact that they were being given their independence.

You have heard evidence before as to the understanding of how Frelimo came to power. I don't think it is necessary for you to go into your own understanding, is your understanding different from what for example Accused No.6 has said? --- No, there is no difference.

What I have not asked you is what knowledge you have of the attack on certain white staff lecturers subsequently on the 25th September? --- Your Lordship, when I was from this woman, Victoria Maja, who had been accused (sic) of taking photos, I came from her room at half past five where we had been, you know, trying to find out from her whether it was true that she was an informer according to her accusers. When I came from her room at about half past five, I came to the SRC office, I told them that really there was nothing we could find at Mrs. Maja's room, there was nothing really that made me think she was an informer but we could wait for the processing of the film to see what it contains. Then at that stage there were members of the SRC there in the SRC office, they told me that they had heard that there were assaults on some members of the lecturing staff, White lecturing staff, but they were very worried about that in that the authorities on the campus could for instance say that: you people you arranged a rally and then afterwards our lecturing staff are assaulted. So they felt that the following day when we go to the Disciplinary Committee we should bring that point up that really it was after the rally, if at all it happened, it was not because of the holding of the rally, it was something which the SRC couldn't / ...

couldn't really account for, but we felt that it was a pity that it had happened like that.

Well apart from it being a pity, what did you do as president of the SRC to find out who the culprits were? --- Yes, it is connected with this one of the paintings, the SRC - there is a student affairs committee on the campus, and the Disciplinary Committee of the SRC. Now we first go to these committees to tell them about the matter which we want to have investigated. Now as I have already pointed out to Your Lordship that on the 27th September we closed, it was a vacation, a short vacation, we were to open I think on the 14th October. But since then I never went back to the campus, the students went for their holiday so there was nobody on the campus.

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But how can a Disciplinary Committee investigate such an incident without knowing who the people are who were being accused? --- Yes, well I mean we also did not know, so we were ..(Court intervenes)

Well what did you do to find out? --- From the students?

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Yes? --- Yes, well, we did announce this in the afternoon of the rally, there was a film show in the evening, I remember it was "Judgment in Nuremberg", and I went there and I announced to the students ..(Court intervenes)

What did you announce? --- I told them that I have heard that there were assaults on police and I felt that ..(Court intervenes)

Not on the police? --- On the students ..(Court intervenes)

On members of the university staff? --- On members

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of / ...

of the university staff, and I felt really that it was a bad thing, but the SRC was still to tell the Disciplinary Committee, I mean I didn't tell them that the Disciplinary Committee and the student committee would investigate that, but I told them that the SRC was very much concerned about that point and we would see to it that it is investigated.

MR. SOGGOT: What were your duties in so far as any investigation is concerned? --- The Disciplinary Committee of the SRC is chaired by the vice-president of the SRC.

COURT: But are they detectives or do they just hear 10  
complaints? --- Well, they generally, you see, Your Lordship, say for instance something has been stolen on campus, they go to the relevant hostel and they interview members of that hostel, asking them: where were you at this stage of the day, and such things, trying to ..(Court intervenes)

So they are actually the detectives of the university then, your disciplinary committee? --- Of the SRC, the disciplinary committee, they must first gather the points together and come together to see what they can advise the SRC.

That is the SRC? --- No, it is composed of non- 20  
members of the SRC, but it is a committee of the SRC, it is chaired by the vice-president of the SRC.

Well anyway you did nothing to get them to try and find out who the culprits were? --- No, Your Lordship, as I say we were going to investigate that, but the university was closed on the 27th.

MR. SOGGOT: Would you tell us briefly about the formation school, and what your participation therein was. You have heard the description by Accused No.6, is that correct?

--- That is correct.

Did / ...

Did you participate in one of the commissions?

--- Yes, Your Lordship, on the day of the formation school in the afternoon, when we were in the hall, the chairman of the formation school, Gerald Phokojoe, who was regional director of SASO in the Transvaal, he asked me to be chairman of the Bantustan committee - commission, of which Kekane was the secretary, the man who came and gave evidence here. Then I agreed to go and be chairman of that commission. So the commission sat in the hall, the hall in which we were sitting before breaking up into commissions, when we were in that hall then I introduced the matter of the regional director which he wanted us to investigate, the practicality of the Bantustans, the theory, practicality and to make recommendations to SASO.

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And then did your commission sit? --- Our commission sat and then we finished at about half past five, it was nearly supertime when we finished.

Were you in the commission the whole time? --- I was in the commission the whole time except that towards the end some students who were from the other commissions, they were already outside, they were making a noise as they were going to the hostel, I remember that time I went outside and told them: please don't disturb us we just want to round up our things here.

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Now, eventually we know that certain recommendations were made in that commission? --- That is correct.

Now, can you tell us anything about SASO O.L and the phrase which has been repeated many times in this trial, and that is preparing the minds of the people and making them aware for example that the Bantustans means

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conscientising / ...

conscientising, for example if a freedom fighter comes to the house of an individual he should be prepared to house him. Can you tell us what discussions if any took place about that in your presence? --- Firstly I agree with Kekane, there were really no discussions on the recommendations. People were just talking, it was towards the end of the commission, people were just talking, and then he was just taking them down as they talked, we never discussed any of these recommendations, because members of the commission felt no, we must go away now, it was time up, 10 they were rather, well, as I put it - they wanted to go and have supper because it was a formation school, there were many people on the campus, they felt that they would have a shortage of food or something like that.

COURT: Was there an input paper for this commission? --- No, there was not.

Well it was not on the agenda? --- No, Your Lordship, I cannot remember because I had not seen the programme before that.

Haven't you got the exhibit there, it is SASO O.1, 20 you have got the agenda there? --- No, there was no input of a speech by somebody.

Now what do you say, how did that commission come to be formed if it was not on the agenda? --- Well the regional director, namely Gerald Phokojoe, he just told us in the hall that there were three commissions that were to sit, item 3: breaking into commissions - I believe it fell under that item No.3.

Well now item 6 is also breaking into commissions, doesn't that require an input paper? --- No, Your Lordship, 30 you / ...

you see item 1 to 3, they were to be held in the morning, but unfortunately in the morning the formation school could not sit, so they started in the afternoon.

Well then is my appreciation of it incorrect, item 2 is a paper? --- Yes.

Item 3 is a commission? --- Yes, that was to be the morning session.

Item 5 is a paper, item 6 is breaking into commissions? --- Yes.

Now the breaking into commissions, has that got anything to do with the paper that was put in? --- Your Lordship, as far as I remember before we broke into commissions only two people talked, namely, Rubin Hare and N.M.Y. Kraai. Rubin Hare was introduced as the vice-president of SASO. What I remember he talked about was our dedication towards the struggle, he was accusing the students at Turfloop that you know they were just people who wanted to sit rather - fence sitters and ivory towers advocates, people who just talked saying Black Power, Black Power, without being dedicated to the community.

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Well now Rubin Hare, he delivered the opening speech? --- Yes.

But did he not say all those things in the opening speech? --- Yes he said that in the opening speech. I mean Your Lordship, in the afternoon it did not start at 4 as far as I am aware, I did not have the programme, but as far as I can glean from what happened at that formation school Rubin Hare opened the formation school, he delivered the opening speech.

I don't think I followed you correctly, you say at a 30

commission / ...

commission you only have two people speaking, when do you have two people speaking? --- That is before we broke into commissions.

So that you have two people addressing the school on a particular topic? --- Yes.

And then you have a commission on that particular topic? --- No, Your Lordship, we broke then into the different commissions, the two commissions on Bantustans and the one on communalism.

MR. SOGGOT: But the question is whether the two people who spoke were intended to speak in relation to the commissions which were to follow? --- No, as far as I could remember really, I cannot remember whether they were speaking according to for instance what we were given on the ..(Court intervenes) 10

COURT: Well, look at your Minutes, now your first report is "Topic: The consummation of the struggle - what does it entail almost in its entirety"? --- Yes.

Now look at item 5 on your agenda there is the paper? --- Yes. 20

Now is it coincidence that the commission is the same as the paper? --- I don't really think so, Your Lordship, it is not a coincidence really it must have been prepared, but what I am saying is that the only person who spoke before we could break into commissions was N.M.Y. Kraai and Rubin Hare, those two are the only two people I can remember who spoke there, I cannot remember any other person who spoke.

Well I think the evidence is that Mrs. Kgwere did not turn up? --- She didn't turn up. So the only people who spoke were Rubin Hare and N.M.Y. Kraai. 30

So / ...



So at a commission the members of the commission would then give their own views on that particular subject, and you say that was taken down? --- Yes, I mean for instance on the commission at which I was chairman, we were given the theory of the Bantustans, the practicality and to make recommendations, we had to discuss that.

But would a person express views which are in conflict with the policy of your movement? --- Well, Your Lordship, as far as I had understood a formation school to be, I understood it to be the bringing up of ideas, but I never thought it would be against the policy of the organisation, I just thought you know that any kind of idea that could be brought up. 10

But isn't the purpose of a formation school to get ideas to further policy of the organisation? The policy will be explained, and then they will be asked to discuss it to enable the other members of the commission to get an in-depth point of view of that particular topic? --- No, Your Lordship, it would seem at this formation school really it was not like that. We were just given things which I think SASO had never attempted to investigate. Now they wanted to get the ideas from the students as to what they thought about it. 20

Would you say that a formation school is the same as a seminar or a symposium? --- Well, Your Lordship, I think a symposium and a seminar really, I think there is a little bit of difference, for instance a symposium is where you can invite people say on a rather big topic such as the Black education in South Africa, you can invite speakers to come and give their views, you know just to get the general views of people about Black education in South Africa. A seminar 30

I see it in this light, that you invite people who are sort of experts in certain fields, to come and give an in-depth brief on that particular point you want to investigate, say Black education, you may invite experts on that point, you know, say professors in education, statistics on education in South Africa, and from what they give you you can draw some information from them that education is like this, education is like this from a professional point of view.

Now you have heard some of the witnesses refer to the formation school as a seminar or it may be in your literature? --- Your Lordship, as I say I have never tried to see the difference between them, this is just my idea about them, I never really tried to find out. 10

MR. SOGGOT: But as a matter of fact, not talking about this formation school only, but formation schools generally, if there is an input paper to what extent does it or should it reflect official policy? --- Your Lordship, it was for the first time that I attended a formation school really, I don't know really what happens, it was my general idea of what a formation school is to get ideas from people. 20

Can you just explain one other thing, if you have a look at this programme for the formation school, item 7 says: "A paper - Freedom Struggles of the Past", now that item has got after it the word "commissions". --- Yes.

Can you explain why commissions is tagged onto that particular title, and how it fits into your evidence relating to the commissions? --- I should imagine, Your Lordship, that this paper on freedom struggles of the past it would say perhaps be after the commission had sat and come back to 30

report / ...

report in the plenary session, then before they report a person would give a paper on the freedom struggles of the past what they can learn from them, and then after that the commissions would have sat on item 6, and they would then give a report.

COURT: Doesn't it mean there was not an input paper as in the other cases, there was no speaker so you probably had a commission dealing with freedom struggles of the past, and then it would mean that you would probably break into commissions on that topic without the input paper? --- Well 10  
I am not very sure of that, Your Lordship, but this commission I think it perhaps refers to item No.6, the reporting back of the commissions, I think it is like that, I am not very sure. You see this programme was never followed to the letter, so things were just confused, I don't know really what was happening.

MR. SOGGOT: Now what Kekane wrote, when did you see that for the first time? --- I first saw that ..(Mr. Soggot intervenes)

Or shall I be a little more precise, when did you 20  
read that for the first time? --- When I was in Compol ..(Mr. Soggot intervenes)

When you had already been arrested? --- Yes, I was already arrested.

Now we have also heard that these recommendations were read out the following day? --- Yes, that is correct.

Now where were you the following day? --- Your Lordship, the following day, on Sunday, Gerald Phokojoe told me that he wanted my commission to come and make a report, I went to Kekane, I told him that here is the report, the 30  
previous / ...

previous night he had given me at the SRC office, and I had left it in the SRC office, so I went to the room - straight back to my room, I told him: let us go so that we can make a report on the commission. When we got to the hall he started reading, at that time Ramaphosa was the chairman of the SASO local committee, he came to me, he wanted to talk with me about funds which they wanted to pay to a drummer group which was performing that previous night. So he was asking me whether the SRC could not help them, and I told him that really we did not have funds..(Mr. Soggot intervenes) 10

All right, he spoke to you about a problem, I do not think you need go into the details? --- Yes.

And then what happened? --- Well after that I went back to the hall, I found that Kekane had already made a report and another commission, I can't remember which commission, but I just got into the hall and I found that Kekane was over and another man was making a report, then I went back to the SRC just to deal with matters of the SRC.

What does the word freedom fighter mean to you? 20  
--- This word really I mean it may have two meanings such as it may refer to a guerrilla fighter, it may also refer to a person who talks about liberation is a freedom fighter. I think this is very clear for instance in northern Sotho, where there is really no difference between for instance the word that is used for a guerrilla and a freedom fighter, say a person like a member of BPC or SASO who talks about the freedom of the people. In northern Sotho for instance there is no difference between ..(Court intervenes)

COURT: It is the same word? --- Yes, so really..(Mr. Soggot 30  
intervenes / ...

intervenes)

MR. SOGGOT: What is that word? --- It is molelwe la pokologo.

COURT: And what is the literal translation of that?

--- It means a freedom fighter, it just means a freedom fighter, so that is why I say that for instance in northern Sotho when you say: 'I am a molelwe la pokologo, really it can mean either that you say: I am a freedom fighter in the sense that I am a member of BPC and SASO, I am talking about the liberation of the Blacks, or you may be talking about a guerrilla fighter. 10

And a terrorist, is there a word for terrorist?

--- Yes, usually Your Lordship I think a terrorist is referred to as a guerrilla, that is how I generally understood it, to mean that terrorists are guerrillas.

MR. SOGGOT: Mr. Sedibe, you have read SASO O.1? --- Yes.

And Kekane's report? --- Yes.

Just speaking for yourself, how do you interpret the words freedom fighter and its use in this context?

--- Well, I think really, I mean, when you just talk about in the commission, I cannot remember having heard a person talk about a freedom fighter, so I wouldn't trace it perhaps to such a person, but now as I read it here for instance I think he may be referring to a BPC member or a SASO member, people who fight for the liberation of the Black people. 20

Now I want to pass on from the formation school unless there is something of any importance that you want to draw to His Lordship's attention? --- Yes, Your Lordship, on that SASO O.1 Your Lordship will for instance see that there is usage of words such as conscientisation, I mean a person 30

really / ...

really who knows what these words mean such as conscientisation, you know, he can see the kind of ideas that SASO really tried to get from students to see where students are lost, to try and show them the correct path for instance, therefore this word conscientisation is used in the wrong manner as if conscientisation for instance means indoctrination, in that sense as it appears in SASO O.l. So really I believe that report, it seems really that a formation school is where really SASO wants to see what Black students think about, whether they may not be misunderstanding certain things, and then after that they may go to GSC to see: oh this is where people perhaps don't understand things, this is what the people for instance want us to do, and then they will take decisions on that to correct mistakes here and there.

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Now, have you prepared a list of exhibits which you were aware of prior to your arrest? --- Yes, yes, but I just wanted to say something here, you see for instance if I had known that the recommendations that we were making to SASO really would become policy, I believe I could have defended them, I can give an example, Your Lordship, in 1973 the Law Society at Turfloop wanted to visit Potchefstroom University. Now some students in the Law Society were saying: no, SASO says we should not have contact with White students. I remember I was one of the people who protested vehemently that: you are misinterpreting the policy of SASO, you don't understand really what it means. When we talk about contact with Whites we are referring to the principles about our liberation, that I mean you can go to Whites and talk to them

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about / ...

about your academic career and all that, that does not mean anything, there is nothing wrong in that. That is when I found for instance that I had to clarify SASO's stand, because people wanted to sign a petition on it.

COURT: So you say that in political matters you felt that you should stand alone, but in anything outside politics you feel that there should be discussion? --- Yes, Your Lordship, because I believe that education should be shared amongst people, there is nothing wrong in that.

MR. SOGGOT: Now that interpretation of it which you argued for, was that accepted or rejected? --- It was accepted, and subsequently the Law Society went to Potchefstroom and after that they went to Wits University, they were invited by the respective Law Societies for both campuses.

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In what organism of SASO did this take place, was this at a branch meeting or what? --- No, it was a Law Society meeting.

COURT: What do you say to the evidence of No.6 accused, he says well you people stood for dialogue, and he gave illustrations in the papers, they were mostly related to education, so would you say then that that is the exception to the rule because it does not relate to politics? --- Well for instance, Your Lordship, sending Resolutions to the different departments, I believe really that is trying to show the people the kind of political stance that we believe in, although we wouldn't like them to interfere with what we believe in, but we would like to show them where we stand. I believe that is good politics according to me, in trying to show other people where you stand although you don't want

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them / ...

them for instance to interfere to tell you how things should go along.

MR. SCGGOT: Apropos of No.6's evidence, you heard him give evidence about the way people write things at Turfloop and the response to things which are written?

--- That is correct.

Do you go along with his description of that?

--- Yes, I agree with him.

Now I asked you the question have you a list of exhibits you were aware of? --- I have already mentioned that when I went to Turfloop in 1972 the SRC was affiliated to SASO, and the exhibits are more really of - for instance the SASO Constitution SASO '72, generally the following documents I know, SASO G.1, SASO G.3, SASO G.4, SASO O.1, as far as the commission is concerned, SASO P.1, SASO T.3, SASO Q.1.

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And what about SASO Q.2, SASO on the attack? --- I never saw it.

And what about BPC? --- BPC I don't know any of its documents, I just heard about BPC.

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I just want you to be specific, had you not seen any of the BPC documents - as far as you remember? --- I saw them as they were presented by the State in their volumes, but before that I had never seen a BPC document.

Now what had you to do with BPC prior to your arrest, were you a member or supporter? --- No, I would just say I was a sympathiser of BPC.

You never considered yourself a member? --- Well I felt I was still a student, I couldn't become a member of BPC.

And did you ever attend BPC meetings? --- No, I

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have / ...



have never attended a meeting.

COURT: Now you say that you have been a student since 1972? --- Yes, Your Lordship.

Did you know anything about SASO before you were a student? --- No, I only heard about it but I didn't know anything about it.

Did you know anything about this South African Student Movement? --- No, I didn't know anything about it.

And you say you were a member of SASO when the local branch was formed at Turfloop? --- Yes. 10

Now what contact did you have with SASO from 1972 until you became a member in 1973 - well until SASO was recognised at the university in 1973? --- In 1973, Your Lordship, I went to the SASO GSC as an observer on my own, that was for instance when I came to know ..(Court intervenes)

Was that your first contact with SASO? --- That was my first contact with SASO.

MR. SOGGOT: Would that have been the 4th GSC? --- That is correct.

COURT: Well that is at Turfloop in July, or was it the one at Hammanskraal? --- Yes, it was in Hammanskraal in July 1973, I just went there as an observer, because I felt SASO was no longer on campus I just wanted to see what was being done in the organisation, so I felt I should go there. 20

MR. SOGGOT: M'lord, may I refer him in this context to the Minutes of the 4th GSC, that is SASO G.1 - just while the document is being obtained, did you go to any other GSC in your life other than the 4th GSC? --- No, that was the only one.

Now what I would like you to refer to ..(Court intervenes) 5

Court / ...

COURT: Before you deal with that, how did you stand with newsletters, SASO newsletters? --- I think they are contained in this, those I know, but I didn't put which ones are SASO newsletters.

MR. SOGGOT: But the newsletters are in the general exhibits, I don't understand your list? --- SASO G.1.

That is the 4th GSC? --- And SASO G.3, SASO G.4, SASO O.1, SASO P.1, SASO P.3, and SASO Q.1.

No, I think there is a mistake, Mr. Sedibe, there are a number of newsletters such as K.2 and K.4 which are in the general file? --- Oh, yes, I made a mistake, I didn't check the general file, I checked Volume 1 and 2 only. 10

COURT: But didn't people at university get the SASO newsletters? --- No, Your Lordship, since it was banned, after that there was not really - PAUSE -

Didn't they allow them on the campus? --- No, we didn't have people coming to campus selling us newsletters. For instance the newsletters that I have seen in the general file, it was the one in connection with the suspension of the SRCs and all this in 1972, I saw it, it was with one of the guys at the 1973 GSC, that is where I first saw it. After that SASO was very inactive on the campus. 20

MR. SOGGOT: But before the banning of SASO you must have seen some newsletters? --- Yes, that is why I say I didn't check the general file, I only checked in the SASO Volume 1 and Volume 2, I had forgotten about that general file.

Yes but apart from that, then you know that SASO is banned on the campus, then it is revived in June 1974? --- Yes.

Did you then see newsletters? --- No, we never saw a newsletter after this. 30

M'lord / ...

M'lord, may this witness during the lunch hour prepare his supplementary list?

COURT: SASO '72, well it was really a policy statement meant for students, new students, freshers? --- Yes.

Now didn't you people have access to that?

--- I did have it.

MR. SOGGOT: He said, M'lord, he did have that. --- Yes.

Would you mind having a look at Resolution 41 of 1973 which related to the question of Black Theology, were you present when that Resolution was moved? --- Yes, I was present. 10

Now, can you remember the occasion? --- Yes I can well remember the occasion because there was a certain student from the Hammanskraal seminary who was a member of this commission who brought up this thing of the Zealots, the Essenes and all that.

Who was that person? --- I forget his name, it was for the first time really that I saw him on that GSC.

And you say he is from where? --- He was a student there at Hammanskraal seminary. 20

What sort of seminary is that? --- It is a theological seminary.

And what did he say? --- Well, he was trying to impart to us that Christianity we should not only see it in terms of a person, you know Christ being concerned with the soul of a person, but Christ is concerned with the day to day life of a person, his existential situation, Christ is also concerned with it, it is not only the soul that Christ is concerned in. That was the general impression that I found from him, that he wanted to impart to the members of the GSC. 30

Court / ...

COURT: Well before you people passed the Resolution, did you debate the points that were noted in respect of that Resolution? --- Yes, Your Lordship, you see he was just quoting a book which he had read, he had a list which he was referring to, he was quite fluent in this I remember very well.

MR. SOGGOT: What book did he quote? --- He was referring us to the Apocrypha, the Maccabees, he had it, the Roman Catholic Church had those books, but unfortunately they are not contained in the Bible. So after the sitting of that session I went to him and said: man, this is really something that is quite new to me, I didn't know that there were Zealots and Essenes and all that, he said: no, come to my room I'll show you, then I went to his room, he took a book, it was a book on the Apocrypha, he was trying to show me the sources where he had got his information on the fact that Christ is also concerned with the political, economic and all spheres of a human being, he is not only concerned with the soul of a person.

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COURT: Do you know what apocryphal means? --- Well he told me that it is part of the Bible which is not contained in the Bible.

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But why not? --- He just said you know, this has been like this all along, he didn't have reasons, I didn't ask him, he just told me, no, it is not contained in the Bible, well I just accepted if he says it is not in the Bible, I mean, it has not been concluded, so I just left it there.

MR. SOGGOT: Mr. Sedibe, at the GSC did that man or anyone else talk about the Essenes or the Zealots or any other group with relevance to that period? --- Yes, Your Lordship, as I

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say / ...

say he had a paper on which he had written his information, unfortunately he did not have the book there in the plenary session, so he was telling us about the historical background of the Maccabees, he said there was Book 1 of the Maccabees, Book 2 of the Maccabees, in this it reflected that the Maccabees were an organisation that was concerned with the political life of the Jews and their independence before the coming of Christ. Then after Christ was born then this duty of the Maccabees was taken over by the Zealots, fighting for their independence and the political rights of the Jews. That is how he had put it and then after that I told him: no, I want to see where you get that information from, because in the Bible I haven't seen that, and then he referred me to the Apocrypha.

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Have you laid your hands on any of those sources since? --- No, Sir, since then we started this case, and then we were asked about this Resolution, and I thought then that I could bring it up to show that this person did show me something, that I was concerned about.

Have you got the book that he showed you? --- Yes, I have a book here.

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COURT: Well then what was Christ's connection with the Zealots and the Essenes? --- Yes, that is what I also asked him: now how do you connect and relate Christ to the Zealots, he said: no, one of Jesus' disciples was a member of the Zealots.

Simon? --- Yes, Simon, therefore Christ associated himself with the Zealots because He had a member of the Zealots with Him as a disciple. That is how he told me that it was an inference that he was drawing.

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Mr. / ...

MR. SOGGOT: And how did that sound to you, plausible or ridiculous? --- No, it sounded convincing really, as far as I did not have information contrary ..(Court intervenes)

COURT: Do you know whether it is in the Bible about Simon?  
--- Yes, it is in - I think Luke Chapter 6.

What is that book of yours there? --- This book ..  
(Court intervenes)

What does the book say about it? --- Your Lordship, the relevant pages I have referred to, Book 1 of Maccabees page 129, where for instance the first paragraph, it gives 10  
the background of the First Book of the Maccabees, and then in paragraph 2, I am just referring to the relevant paragraphs he says on page 129 on the second paragraph:

"The two books of the Maccabees give an account of the struggle of the Jews for religious and political liberty in the second century before Christ. The narratives though independent of each other, cover much of the same material that is written by two authors of quite different interests and capabilities. 1 Maccabee begins 20  
with the accession of Antiochus Epiphanes in 175 B.C. and ends about 40 years later in 134 B.C. with the death of Simon the last of Judas' brothers".

Then he continues to tell us about the First Book of the Maccabees and what history it contains about the Maccabees and all that. And then on page 135, Your Lordship, paragraph 2 it says:

"As you can gather from what has been said above in 1 Maccabees, 1 Maccabees is evidently worth reading for its own sake as an inspiring record 30  
of / ...

of the dauntless little group fighting for and achieving independence. Many artists and poets have chosen themes from its pages. It is known by the historians as one of the few surviving records of the important but relatively obscure period of Jewish history just prior to the beginning of the Christian era. More than one group whose presence is taken for granted in the pages of the New Testament had its roots in the tumultuous age. From the Maccabees came the Zealots of the later times. The rank and file of the Massadones are the disgraceful forebears of the Pharisees and they devoured the humble folk of Jesus Christ. From the Hellamites a pro-Syrian party came eventually the calculating worldly strategics and the temple aristocracy" -

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this is the part really that I just wanted to show the Court, that I felt very ..(Mr. Soggot intervenes)

Mr. Sedibe just before you hand it over, what is the title please and the author of this? --- The title is "An introduction to the Apocrypha" by Bruce M. Metzger, Professor of New Testament, Language and Literature, Pearson's Theological Seminary.

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M'lord, I understand it is a library book.

COURT: What library?

MR. SOGGOT: It belongs to a library? --- It belongs to the Hammanskraal library at the Seminary College.

Now are you telling His Lordship that this is one of the books which that gentleman had? --- Yes, as I read

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this / ...

this book I tried to find the relevant information that he gave me, and I remember now it is only that I cannot remember the title of that book he had, but now I believe it was this very book.

COURT: Yes, well now that tells you about the Zealots, and I think the Sadducees did the same thing, but now how do you connect Christ with this? --- That is why I asked him : how do you connect Christ with this, and he said one of Jesus' disciples was a member of the Zealots, so he was drawing an inference that Christ did associate himself with the Zealots. 10

MR. SOGGOT: Now I don't want to ask you more questions about the details, but the way in which this Resolution was presented, the discussion which went before it, and the Resolution itself, what effect did it have on you in relation to your ideas of violence and liberatory struggles and achieving your freedom? --- Your Lordship, on that point I believe the impression that I got from this man was that he was trying to show us that Christ is also concerned about the existential situation of man, he is not only concerned with the soul of a person. So really I could understand that he was not for instance trying to justify violence for one's political rights. 20

If you would just have a look please at the actual Resolution on page 22, if you look at (c), will you just read that please? --- WITNESS READS

"And further resolve to look at Christ as the first freedom fighter, to die for the liberation of the oppressed, to encourage Christians to follow Christ by involving themselves in liberation movements for the redemption of the oppressed man" 30



Now how do you understand that passage? --- I understand it to mean that people - we should encourage Christians for instance to become involved in liberation movements, to be like Christ as for instance this Resolution put it that He was not only concerned with the soul of a person, that is Christians should be encouraged to become involved in the day to day life of a person and not only think of what will come when Jesus Christ comes.

Mr. Sedibe, you have heard Accused No.6, I will just take him as an example, his interpretation and understanding of SASO policy. Do you go along with that? --- Yes I go along with that.

Now what I want to ask you, you have heard a great deal in this Court since the time that this trial started, can you tell His Lordship one thing as to how you thought at the time when you were a student before there were any arrests, how you understood you people were - SASO and/or BPC were going to achieve their freedom, how did you imagine it would evolve? --- Your Lordship, I think really I understood this in two dimensions, firstly that by involving oneself in community projects, trying to make yourself self-reliant, it was one form of physical liberation. But there was the second part of it, namely, to gain your political rights, physical liberation, gaining political rights. For instance that an organisation such as BPC must have support for itself to talk on behalf of the Black people. Say for instance when we want to say Black people in South Africa do not accept Bantustans, it should sort of come as a form of a negative resistance of the people's

movement / ...

movement, that is towards the government they tell them Black people in South Africa do not accept Bantustans, it is a sort of what I may call a negative resistance of trying to show what people in this country want the government to strive for, for instance not Bantustans, something like that. That is how I believe these organisations were going to achieve the liberation, trying to show the government the trend of the thoughts of Black people in this country for instance as far as political rights are concerned. That for instance we want to share the society as a whole not to be divided as Tswanas, Whites, Northern Sothos, Xhosas etcetera.

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COURT: Well that is what you intend to achieve? --- Yes.

The question was how did you think you would achieve it? --- Yes, as I say, Your Lordship, it was a sort of - as I understood it, to show the government that this is what we are striving for, and to share this society of South Africa as a people, and therefore by showing them the trend of thought of the Black people, they would see in what line we wanted to go, and in that way a change would come. It would seem that the ideas of Black people and their thoughts about political rights in this country would be clear to the government as to what we want to have in this country.

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Now you are against the Bantustans, well there is one getting independence in October, and I believe the Prime Minister said the other areas can also ask for their independence if they want their independence. Now how is that to affect your - or how does it affect your thinking? --- Well, Your Lordship, really I don't think it will affect

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us / ...

us except that we will still be talking I think in that line Bantustans want help. But in the case of an independent Bantustan we will see what that independence means. If I mean ..(Court intervenes)

Yes but talking won't help either, because they are getting independence, you people don't want them to get independence, but they are getting independence? --- The point is, Your Lordship, as I see it there are many obstacles which our organisations are facing..(Court intervenes)

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Now the question was how are you going to overcome those obstacles? --- Well, Your Lordship, the point is I don't see for instance how there are obstacles, because if we still talk about the independence of the Bantustans as being unsatisfactory to the government and we show them the relevant facts why we say this is not what we want then we believe the obstacles shall have been evaded because we shall be showing them the problems of those Bantustans.

But what is the use of talking to the government if Mantanzima is the president of his own area? --- Well, that is why I say, myself for instance, on this independence really I still want to see whether it will be independence, because I doubt, Your Lordship, whether it will be independent.

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Yes but are you basing your policies on your doubts, are you not accepting that they will become independent? --- No, Your Lordship, I am not basing them on doubts, I am basing them on the fact that they are not yet independent at the moment, so that right now I take the Bantustans on the policies that I have, that Bantustans can not lead us

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anywhere / ...

anywhere, they will not give us the final solution to the problem. So that at the moment I am still basing my argument on that principle. But if the Bantustans become independent, I would like to see what kind of independence it is, because I believe this, Your Lordship, the time when the government will see that Black people never wanted independence. Independence in the Black community when it talks about independence, we talk about people really having their minds - I mean people who are, say, politically minded and all that, they look at independence in terms of having more shops, having more cars and all that, but since the majority of the people won't be having that on the day of independence, the people will see really that independence of the Bantustans won't lead us anywhere, because the crux of the matter is that the people feel they are suffering, that is the whole issue.

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I don't know whether I am getting my question across, you are preparing yourself for Black solidarity? --- Yes.

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To speak to the White government with an authoritative voice? --- Yes.

But now if the greater part of South Africa is Black because there are independent territories, now what is the use of preparing yourself to talk to the White people if they have no control over those independent areas? --- Well Your Lordship, as I say, that is why I say I don't believe that these Bantustans will be independent to an extent where the Bantustans can decide for themselves what to do.

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But they have got a Parliament, they have got a

president? --- Yes, Your Lordship, I mean that may be so,  
on ..(Court intervenes)

They will probably have elections and pass laws,  
in fact already I have to apply these laws, already these  
homelands have their own regulations, they pass their own  
laws on matters affecting property, person and things  
like that? --- Yes, Your Lordship, I mean for instance  
right now I know that in the Bantustans the people know  
that they have got a government, but I can give an example  
of the area where I come from, a hospital was built there 10  
a very big hospital at Pilgrim's Rest.

How many years ago? --- It was finished in 1971,  
that is after for instance the Lebowa government was  
already established. Now that hospital was without any  
explanations made headquarters for - PAUSE - what do they  
call it now - there are these soldiers in the Eastern  
Transvaal, they made that hospital their headquarters, that  
is their headquarters in that area.

Kwazakulu? --- No, there is a mountain there called  
Mahoelahoela mountain, that is where I believe they say 20  
soldiers used to stay there.

Oh, it is Maritzkop? --- Maritzkop, that is correct.  
Now there at our place this hospital has been turned into  
this soldiers' headquarters.

It is a military base? --- Sort of a military base.  
Now the people I remember were really surprised at that,  
but we have told this Lebowa government that this hospital  
was built for us, they must do something about it since we  
have got no hospital, but up until my arrest in 1974 nothing  
had been done on that score to try to give an alternative 30

to / ...

to build a hospital for them, they have to travel for instance to Masana hospital at Bushbuck Ridge, there was no hospital in the surrounding areas. That is the kind of thing, Your Lordship, in the Bantustans that you find people talking about. They believe that this independence is going to be - the people are going to have what is supposed to belong to them.

Well aren't they in the unfortunate position they haven't got money yet, they are dependent upon this government to advance them the money to build hospitals and schools and things like that? --- Yes, Your Lordship, that is why I say the people ..(Court intervenes)

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But when they get a Parliament like the Transkei then they get the money and they make their own decisions? --- Yes, that is the problem, I mean at the moment as I see it, the problem at the moment is that the people see that these Bantustans really cannot do much for them, it is just only that there are new faces in the administration of Bantu affairs, new faces have come, Black faces are in control of these offices, say the pass offices and all that, but basically they don't see any difference from the time when they didn't have legislative assemblies and now.

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MR. SOGGOT: But merely to explore your own thinking, assume today that the change has taken place and the various Bantustans have got their own Parliaments, how would that affect the propaganda you make or your programme whether it is SASO or BPC, how do you see it? --- Well I believe Your Lordship really what you are saying, it will continue - the situation will continue to be as we describe it, so that it is possible that even if these Bantustans may be independent

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we / ...

we may find that we may get support, and say look these Bantustans are not working.

COURT: But have you thought about it? --- Well, Your Lordship, really, I have never thought of it, because I never ..(Court intervenes)

You see the difficulty I am having is if you thought about it well then I cannot understand why you are having this Black solidarity, because if you really want it for the purpose of bargaining? --- Well I mean as I put it there are obstacles that make us not have the support of the people. Say for instance to put to the government as a representative Black voice that we don't want Bantustans, they will tell you no, there are legislative assemblies, but if these obstacles were removed for us, if we could freely move and establish a Bantustan, I mean, branches in the Bantustans in very great extent I believe we could have support, and then the people would see what we are talking about, that we need to bargain with the government for the whole of the country and not for the Bantustans.

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Well if the Transkei doesn't belong to this country anymore how can this country bargain and dispose of the Transkei? --- Well, Your Lordship, the point is I believe, I was reading a Constitutional Law case one day that once freedom has been given it cannot be taken back. It was a case ..(Court intervenes)

Well it is even worse than that, look at Rhodesia, where there is a Representative Council, and Rhodesia is an illegal government because it is a de facto government the Privy Council in London says well it is an independent

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country / ...

country? --- Yes, Your Lordship, I was coming to this point that if the people in the Bantustans who elect these Bantustan leaders, if they see after independence that the Bantustan programme is not working, they will definitely for instance have to tell that Parliament that: look here, you people, go back to that government which gave you independence, and tell them that we don't want this independence. The problem now, Your Lordship, is that these very leaders will be the ones who will be in trouble, it is not the Black people. I mean the leaders who say now this Bantustan concept will never bring the solution to the country, they will be ones I believe who ..  
(Court intervenes)

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Why don't you think it will work, it is richer, it is bigger than Lesotho for instance and Lesotho is an independent country? --- Well yes, it is independent.

Well, the Transkei has got more people, it has got richer soil, it has got more industries, it has a Parliament, Lesotho hasn't got a Parliament even? --- You see, Your Lordship, those are the points which make me doubt whether really these Bantustans will succeed. These countries are supposed to be very fertile, to be having mine resources and all that, but the majority of the men who ought to be working on those farms are living in the so-called White South Africa. Now how are those countries to be viable, you can see the kind of independence now that I am ..(Court intervenes)

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Well talking about Lesotho, I mean there are 280 000 people from Lesotho working in this country, or Tswanas in their thousands working here, from Mozambique there are

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thousands / ...



thousands working here. The government pays R30 million a year - money that is held back for workers from Mozambique? --- Yes, but Your Lordship as I see it, the point for instance with Lesotho and all that, it is only that - it is also like the Transkei, those people really I believe - there is a party for instance in Lesotho which says that from the onset Lesotho should never have accepted independence, it should have seen itself as part of South Africa. There is a party which is advocating that Lesotho is part of South Africa. This is the kind of politics which you will find in these Bantustans which are to come. I believe there is going to be something like that, they are going to accuse these people like Mantanzima and say: you see ..(Court intervenes)

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Swaziland was once part of Tsonga(?) and the Eastern Transvaal, Swaziland is much smaller than the Transkei I think? --- You see, Your Lordship, the other problem that I have is that really, I don't know whether the boundaries of the Transkei have been pronounced, here they come, here is the fertile valley for instance that you have, I don't know, some of them they say belong to the White farmers, but ..(Court intervenes)

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No, they are expropriating the White farmers' land? --- You see, that is our problem, Your Lordship, you cannot find coherency in the Bantustan policy, they will tell you we are buying farms from Whites, at the same time the Whites will be saying: no, we won't move away, we want so much.

Mantanzima says the Whites must not move from there he wants them there? --- Yes, that is what I am saying, that Mantanzima says: we want land in the Transkei, now the

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land / ...

land is with the Whites, but some of the Whites feel really that we can't be subject to a Black government, what are we going to do. We don't want to go away from our farms. You see the problems, Your Lordship, that are brought about by these Bantustans, those are the kind of things that we say if we were to come together as Whites to say: let us live all together in South Africa, those problems would be obviated, we would just buy a farm where you feel you want to stay in any part of South Africa, without bringing any of these problems of trying to expropriate farms from other people and all that.

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MR. SOGGOT: A final point, Mr. Sedibe, is your home far from Doornkop? --- Where my father works at lenge is quite far from Doornkop because it is Middelburg, but I know the place where those people have been removed to, I have seen the place, I saw it in 1974.

And what is it like? --- Well they stayed in corrugated iron sort of small - I don't know whether I should call them houses really because they were not houses, but they were small houses built of corrugated iron, the people were telling me it is generally cold, the corrugated iron cannot for instance come together because it was winter, it was cold, they didn't have water, the nearest - they had to go about two miles to go and draw water. All those problems they were telling me about ..(Mr. Soggot intervenes)

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And the cattle? --- The cattle, they couldn't have a place to plough, they didn't have an area to graze their cows, most of them had cattle and all that, and they were farmers when they were at Doornkop, but they felt that at

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that / ...

house, if I ride into the Eastern Transvaal what is the characteristic type of house I will see? --- I have never been to the Transkei.

I am telling you now that if I ride through the Transkei I see a characteristic type of house which I can describe to you? --- Yes.

Now you come from the Eastern Transvaal, will you describe to me what is the characteristic type of house that I will see? --- I don't follow you, Mr. Rees.

COURT: Mr. Rees wants to know what is the traditional type of house of an N'debele? --- N'debele, I don't know them, Your Lordship. 10

Are there not N'debeles in Middelburg and the Eastern Transvaal, the people who were banned from Sekukuniland? --- No, I come from Pilgrim's Rest, it is not Sekukuniland, but I know Sekukuniland because that is where my father works.

Yes, but now you know? --- But if Mr. Rees is referring to N'debele, Your Lordship, I know ..(Court intervenes) 20

Well if you don't know anything about the N'debele, tell us about Sekukuniland? --- Well as I say Your Lordship some of them live in big houses, some of them build in cement.

No, the traditional house? --- The traditional house?

Yes? --- Well nowadays there are very few traditional houses.

MR. REES: Don't you know, what are the traditional houses in that area? --- They are grass thatched.

Grass huts or mud huts isn't that so? --- Yes, that is correct. (WITNESS ADDS SOMETHING AWAY FROM MICROPHONE) 30

And / ...

And these people are very capable and very able to build their own places aren't they? --- Yes they are.

This book that you got: An introduction to the Apocrypha, who did you get this from? --- We got this book from Hammanskraal, if I know, because that is where I said we could get that book from.

Who was this person who made this statement at the meeting? --- I cannot remember him, he was a student there at Hammanskraal, I cannot remember his name.

But you went to his place, where was he from? --- I went to his room there at the seminary.

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Is that where he belonged, is that where he stayed? --- Well I didn't ask him where he comes from.

You didn't know where he comes from? --- That is correct.

Was he a White man or a Black man or an Indian or a Coloured or what was he? --- He was a Black man.

Well a Black man is too wide, I want to know? --- He was a Black man, Your Lordship.

That is too wide, was he an Indian? --- As I describe 20 it, Black, Your Lordship.

Was he of Indian origin? --- No, he was not of Indian origin.

Well of what origin was he then? --- African origin.

That is better. And of what tribe was he? --- I don't know. I didn't ask him.

Where did he come from? --- I didn't ask him.

Where did he come from? --- I didn't ask him.

I am not interested in whether you asked him, where did he come from? --- I don't know, I didn't ask him.

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You / ...

You didn't know? --- I don't know.

Right. Where was he a student at? --- There at Hammanskraal.

Was he a student at Hammanskraal? --- That is correct.

From what university did he come? --- It is a seminary, Mr. Rees, a theological seminary, that is where they start theology.

At Hammanskraal? --- Yes.

What church did he belong to? --- I don't know, it may be the Roman Catholic Church, because the students usually are Roman Catholic Church students. 10

And you, are you a member of the Roman Catholic Church? --- I am a Lutheran.

Why did you go to this GSC in 1973? --- I wanted to bring myself into association with SASO because it was suspended on campus, and I wanted to see what was going on in the movement.

Who financed you to go there? --- Myself.

Where were you working at the time? --- I was not working, I was still a student. 20

Where do you get the money from to finance trips like that? --- From my father.

Does your father get such a big salary that he can finance trips of this nature? --- Mr. Rees, you mean it is expensive to ..(Mr. Rees intervenes)

I am asking you, you tell the Court, don't ask any questions? --- Your Lordship, that is what I wanted to know, from Fenge to there we come by train, it was something like R2 something, because I took the train from Lydenburg. 30

Court / ...

COURT: Did you come from Fenge? --- Yes, Your lordship.

MR. REES: How long were you - was this during a holiday period or during a university period? --- Yes, it was always during the holidays.

Was this particular one during the holidays?

--- Yes.

You say you wanted to get yourself au fait with the proceedings there? --- That is correct.

And did you attend through most of the debates or were you there for only part of the time? --- I was there as an observer. 10

Yes, but were you there all the time or just some of the time? --- No, some of the time I was there.

When were you not there? --- I cannot remember, Mr. Rees.

Were you at the opening? --- No, at the opening, I arrived there I believe on a Tuesday.

How long did you stay? --- Until the Sunday when they closed up, when they finished up with the proceedings.

From the time that you arrived there did you take part in all the proceedings? --- No, I was just an observer, seeing what was going on there. 20

Did you sit in on all the proceedings? --- No, no.

When were you not there. You were here at this particular - when this particular Resolution was passed?

--- As I say there were some that I did not attend, but some I did attend.

Which did you not attend? --- I did not really check the Minutes to see which I did not attend.

Did you attend most of them? --- Well I would say 30

yes / ...

yes, most of them I did attend.

When - in connection with this rally, you were the president of the SRC, the organisation you say which organised the rally? --- The SRC, yes, organised the rally.

Yet you say on the evening before the rally was to start you paid no attention at all to what was happening? --- No, Mr. Rees, I said I was writing a Mercantile Law test.

Yes, and then you wrote your test and you went home and you went to sleep, or did you participate in anything? --- No, of course, it was late in the evening, I went to sleep. 10

And the next morning you saw placards, and again you did not enquire anything, you went to your class? --- Oh, enquire into what now, Mr. Rees?

I am asking you? --- Well I didn't enquire into anything.

You just went to your class, you left this thing to go along by itself, is that what you are trying to say to the Court? --- Yes, of course, that is what I am saying.

COURT ADJOURNS

/VMD.

THE COURT RESUMES AT 2 PM. on 21.5.1976.

GILBERT KABORANE SEDIBE (Still under oath)

CROSS-EXAMINATION BY MR. REES (Continued): Mr. Sedibe, did I understand correctly before the adjournment that you objected to the use of the term "Bantu"? --- That is correct.

Now what is your objection? --- Your Lordship, my objection to the use of this word "Bantu", its firstly based on this premise that ... (Intervention).

Do you think it is insulting? --- Yes, I think it is insulting. I am trying to explain that really there is no person(10) who can be called a Bantu, you can only speak of a Bantu speaking person, because this word Bantu, it comes from the general expression found in all the African languages in Southern Africa, where you find that in Zulu for instance, and Xhosa, you find a "Muntu", in Sotho you will find "Mutu". These are the general things which have been extracted to come to this term meaning Bantu speaking people of Southern Africa, so you cannot talk of a person being a Bantu.

Why not? --- Because it is just like that.

If you say Bantu speaking people, would that be alright? (20)  
--- Yes, that would be okay.

It would be alright? --- Yes.

But what exactly was your objection to the term Bantu or Bantu speaking people? --- That is my primary objection, because you can only speak of a Bantu speaking person, and not a Bantu.

Do you think the use of such terms is insulting? ---  
Well, really if - Mr. Rees, I ask you don't refer to me as a Bantu really, if you insist on calling me a - I think that is quite a serious - you see, I would not say it is insulting, but it is only that I am not accepting that word, I don't like it.(30)

I don't/...



I don't prefer you calling me a Bantu, rather you can call me a Black man.

I am also interested in - you said that you were upset at the schools where the White teachers exercised discipline over you. What upset you there? --- As I tried to explain yesterday, I had been in primary schools where the teachers were Black ... (Intervention).

You say the teachers didn't let you go with the girls and beat the girls? --- That is not my explanation.

But now what was your objection to that, why because as (10) far as I see the White children are subjected to much more severe discipline than that? What is your objection to being disciplined? --- My attitude is this kind of racism practised by Whites, is that if they feel they can do things to their White kids, they feel that they can also do it to Black kids. That is not the situation. Even if in the Black community we don't accept that a woman can be beaten on the back, and you say in White society we do it, and you told - in our Black society we don't accept that, and you want to impose it upon us, that shows clearly the kind of racism that is being meted (20) against Blacks.

Are you suggesting to me that the Black man doesn't often beat up his wife? --- Mr. Rees, man, I ....

Don't reply to me, reply to His Lordship? Are you suggesting to me that the Black men don't often beat up their wives? --- They may beat them but not on the buttocks as far as I know.

Oh? How do they beat them, over the head? --- Well, I mean over the body anywhere. I mean as a form of punishment I have never heard of a Black woman being beaten on the back, (30)

as a/...

as a form of punishment.

Oh, but this is the type of thing, you say it is because Whites do it that this is objectionable to you? --- Yes, because you see, you do it in your own White community, now you want to impose upon us what you do in your White communities, when we say we don't like that kind of thing in our Black community.

And if a White man calls you a rapist, what would be your reaction to that? --- If I have raped - well, I am a rapist? (10)

Are you a rapist, if he calls you a rapist? --- Well, I am not a rapist.

How would you like that? --- I am not a rapist.

How would you like a White man to call you a rapist? --- I don't see the reason why he would call me a rapist when I am not a rapist.

And if you are called a killer? --- If I am not a killer, well, I am not a killer. I mean he would not call me a killer in the first place if I am not a killer.

Would you object to it? --- Yes, when I am not a killer (20) I would definitely object to that.

And if you are referred to as an enemy? --- Well, if I am his enemy, he says I am his enemy, but if I am not I won't accept it.

Yes, you see, you take very strong objection to these terms used by Whites, yet you reserve to yourself the right to call the Whites rapists, murderers, killers, isn't it? What is the difference? --- Your Lordship, ... (PAUSE).

What is the difference? --- Yes, I am quoting the difference, Mr. Rees. Your Lordship, the difference is that in the documents for instance/...

for instance, that we have had in this court really, there were here and there where you find that Whites have been referred to as enemies, but it is political enemies. I cannot go around calling any man a rapist when he is in fact - when in fact he is not a rapist, that I can't do. When you use the words for instance enemy, it means a political enemy.

Yes, and what about pigs, and this type of terms you fling at the Whites? Must they accept that? --- This word "pigs" has already been explained. Some people usually - you know, I believe this term really derives from you know, (10) people who assume policemen, they call them pigs, not White men.

What right have you got to call a policeman a pig? Do you think he likes it? --- (Mr. Soggot intervenes).

MR. SOGGOT: My Lord, may I interrupt. My learned friend has now put three double questions and I would urge him not to do so, My Lord. This witness hasn't conceded the things which are implicit in three of the questions that my learned friend has put.

MR. REES: Just answer the questions put to you, or don't you (20) know what they are? --- Will you repeat it then, Mr. Rees?

Don't you know what they are? Perhaps Mr. Soggot will tell you what the three questions are that was asked of you? --- No, repeat them for me, please.

Don't you know what they are? --- (Court intervenes).

BY THE COURT: Well, Mr. Rees, it is a reasonable request to deal with the questions seriatim.

MR. REES: My Lord, I am entitled to ask him whether he knows what they are or not. Have you forgotten what the questions are? --- I have forgotten, Mr. Rees. (30)

Well, is/...

Well, is it Mr. Soggot's interruption that took it out of your mind? --- Well, it might be.

Right, do you consider yourself entitled to call the Whites pigs? --- Well, I have never called them pigs.

Do you consider yourself entitled to call the policemen pigs? --- I have never called them pigs.

Do you think the policemen are worthy of being called pigs? --- They are not worthy to be called pigs.

Now do you approve or disapprove of them being called pigs? --- Yes, definitely. (10)

And with reference to the Whites as being stinking? --- I have never heard of that, Your Lordship.

Not? --- To my knowledge, yes.

And the "Boers" as dogs? Is that the type of terms used by your organisation? --- My organisation?

Yes? --- Which one?

Which one have you in mind? --- I mean here we are concerned with SASO and BPC.

SASO and BPC and your SRC? --- Well, SRC in the first place is not an organisation, but it has never referred to Whites in (20) any other terms.

Did they refer to the Boers as dogs? --- Well, I saw that in the placards but my SRC has never referred to some other people as dogs.

Is that a term which you think is going evoke some strong emotion by the people who see this, or not? --- Well, I believe each person perhaps who has seen it - say a White man who has seen it, perhaps it will evoke something in him.

Something like what? Something like your reaction when you are referred to as a Bantu?--- Well, that may be possible, (30)

yes./...

yes.

Thankyou. And much stronger, isn't it? --- Yes.

It is a much stronger thing to call a man - the Boers are dogs, than to say you are a Bantu, isn't it? --- Yes.

And you reacted very strongly ... --- Yes, but it is not the same, Mr. Rees. You are - your analogy does not work.

Of course it is not the same. It is much stronger and it is a very insulting term? --- Yes.

Isn't it? --- Yes.

Do you expect the White people to put up with that, and (10) you don't even want to be called a Bantu? --- Mr. Rees, I have never referred to Whites as dogs. Did you ever hear me refer to Whites as dogs?

Here the placards that were put up at your university referred to the Whites as dogs? --- Who put them up, Mr. Rees? I never put up the placards there.

Since you are asking me the question, I'll put to you you were one of the people who was engaged in putting up these placards between 1 and 2 o'clock that night? --- I reject that, I don't know anything about the placards. (20)

You didn't do anything, you as head of the SRC, and your SRC didn't do anything to find about who painted those slogans, because you know exactly who painted them? --- I have already indicated to this court that the SRC went to the disciplinary committee, we told them that we were going to investigate the paintings, the assaults on the lecturers, but unfortunately I was arrested even before we could do that.

When were you arrested? --- On the 11th of October.

The 11th of October? --- Yes.

And how long does it take you to start investigating the matter as to who painted the slogans? --- The university was (30) closed/...

closed on the 27th of October.

And when were these things painted, on the 24th? --- On the 25th.

On the 24th? --- As far as I know it was on the 25th because the placards were on the 25th.

Yes well, that is why I put to you just now that you were assisting in the painting of these things on the morning of the 25th between 1 and 2 o'clock? --- No, Mr. Rees, I reject that, I never did that.

Just to digress for a moment, these formation schools, (10) if I was to suggest that the purpose of the formation school was to promote consciousness and self-reliance, what would you say to that? --- To ..?

Must I repeat that? --- Yes, I mean self-reliance and self-consciousness?

If I say the purpose of the formation school was to promote consciousness and self-reliance? --- No.

Would you deny that? --- Yes.

If I were to suggest to you that the purpose of the formation school was to provide skills in conscientising and putting(20) forth your beliefs and ideals? --- I would reject that, Mr. Rees.

Outright? --- Yes.

Right, let's see your basis for rejecting it. This GSC that you attended .. --- That is correct.

Let's have a look at Exhibit G.1. SASO G.1. --- Yes, here it is.

Would you turn to page 13 of your documents, page 296 of Your Lordship's papers. Resolution 29 of '73? --- Yes.

Do you see it? You read it? --- That is "GSC noting:

(1) That we, the Black students, have committed ourselves to promoting consciousness and self-reliance (30) of the/...

of the Black community.

(2) That we have examined and assessed our role in the struggle for the emancipation of the Black community and the betterment of the social, political and economic lot."

(3) That in an endeavour to do this we have leadership training, formation schools and literary training to provide the necessary skills in conscientising our beliefs and ideals."

Yes, now just stop there. A moment ago you rejected it(10) when I put it to you? --- Yes, of course, Mr. Rees, how do you understand this resolution to be seen?

This is the exact question that I asked you? --- Yes.

So what do you say now? --- I don't understand you, Mr. Rees, I have rejected what you have been putting to me. Now what does the resolution say?

You tell the court? --- I have read (1), (2), (3) so far. Then (4) .... (Intervention).

Have another look at (3)? And (1)? You see, because the question I put to you I merely said I suggest, and then I (20) used those exact words? And you said you rejected them? And now? --- Your question, Mr. Rees, was whether this formation schools are used, as I understood it, to conscientise and to bring about communalistic projects, But my understanding of a formation school, as I have already explained to Your Lordship, is that it is where people get ideas from the Black students.

Now do you agree with what was noted here by your own GSC? Do you agree with what they say about it? Especially - just read it again, that paragraph (1)? Read it aloud so that His Lordship can hear? --- "That we, the Black students, (30)

have/...

have committed ourselves to promoting consciousness and self-reliance of the Black community.

- (2) That we have examined and assessed our role in the struggle for the emancipation of the Black community and the betterment of the social, political and economic lot.
- (3) That in an endeavour to do this we have leadership training, formation schools and literacy training to provide the necessary skills in conscientising our beliefs and ideals." (10)

Yes, that is exactly what I put to you, isn't it? --- I did not understand it to mean this.

Oh, but you rejected it, didn't you think about the answer? --- I didn't understand you to mean this because according to - as you put it to me, you said formation schools are used to conscientise, that is how I understood you to be saying.

And do you deny that? --- That formation schools are used to conscientise?

Yes? --- Well, as far as I know formation schools are not(20) used to conscientise.

But here in this matter you say these things are always discussed ... --- No, Mr. Rees, you are not referring - we are referring to community projects which are used as a method of self-reliance and promoting consciousness.

"In our - in an endeavour to do this, we have leadership training, formation schools and literary training to provide the necessary skills in conscientising our beliefs and ideals."

--- Yes, that is correct, that is correct, but really I mean as(30) far as/...



far as I understood a formation school to be, it was to get ideas from those people involved in the formation school.

Yes, let's just find out what the ideas were that you yourself dealt with at this formation school. Do you still tell the court that at the most crucial times of the proceedings of this formation school you were absent? --- I was..?

You were absent? --- Absent?

Or were you present? --- I was present.

At all the important times when this formation school was busy? --- Well, I would not know Your Lordship which really (10) were the important and which were not.

Have a look at Exhibit SASO O.1 and you can tell us. You see, if you look at page 131, that is the first page of the index? --- Yes?

The topic was "The Consummation of the Struggle". "What does it entail almost in its entirety." Turn over that page, please? --- Yes.

Now what do you know about that page? --- Well, I don't know anything about it.

Nothing about it? --- Nothing. (20)

That is why I say it is strange that you were not present when anything important took place there? --- Mr. Rees, how is this more important than others for instance?

Isn't this something important? --- Well, really, I don't see it is important over others.

You have had an opportunity of looking at these things whilst you were preparing your defence weren't you? --- Yes, but I never knew that these were presented at the formation school at Turfloop, so I never concerned myself with them.

And even now you say that this page is not important?--- (30)

Well, as/...

Well, as far as I am concerned it is not important.

Isn't this in fact what Reuben Hare said? --- Not that - I haven't read the document, Mr. Rees, as I said. I have never concerned myself with these documents.

Didn't you even look at this? --- Yes.

Whilst preparing your case? Yes? --- No, I looked at the commission of which I was a member.

Didn't you look at the whole set of documents? --- The three commissions, yes.

Didn't you look at this whole set of documents? --- Well, (10) I might have looked, but I mean I never read them.

I just want to know, did you or did you not look at these documents in preparing your defence? --- Well, I might have looked but I mean I never really read to see what - of what importance it is and all that.

You see, that is why I was saying just now, everything that is of importance you claim that you weren't there, you didn't look at it? --- That is why I am asking you Mr. Rees, how is this of importance?

Well, let us go through it and we will find out whether (20) it is of importance or not. Read the heading? --- "The Consummation of the struggle, what does it entail almost in its entirety."

Now is the struggle an important matter in the SASO programme? --- Yes, of course.

It is an important matter? --- Yes.

Right, so if you had looked at the top of that you would have realised this relates to an important part of SASO's programme? --- Yes.

Good, the next paragraph, the first paragraph? --- "A (30) discussion/...

discussion on the abovementioned topic was considered very futile by the members of the commission, in view of the fact that we are all aware of our final goal - liberation."

Yes, that is an important part? --- Yes.

The next paragraph? --- " Warfare is situational. Guerilla and urban warfare, but warfare needs genuine dedication. SASO must devise strategies to determine genuity."

Yes, that is a very important matter, isn't it? That (10)  
this man is discussing here? --- You see, this is the point, I don't know when all these things were presented so I don't see how they became of importance to me. Perhaps I could place the .... (Intervention)... court in ...

Look at paragraph (3)? Will you just answer my questions, please. Look at paragraph (3)? --- (Court intervenes).  
BY THE COURT. He says he wants to place me in what position? --- I wanted to show the court on where I was on that day. I mean I believe this was not handed in on - it was not commissioned on the day of the Saturday, the 25th, because on (20)  
that day there were only three commissions as far as I can remember.

MR. REES: You have already told the court you were not present, is that what you want to say? You were not present when these things were presented? --- Yes, I wanted to bring that up. On Saturday there were only three commissions.

Look, you have already told the court, do you want to add anything to what you said in your evidence-in-chief? --- Yes, I want to add something.

You want to add something different? --- Yes. (30)

Well, then/...

Well, then tell His Lordship what that is? Because I don't want you to go over again what you have already told us? --- Your Lordship, it might have happened that there were commissions which sat and reported on Sunday but I was not there because I remember immediately after we had reported our commission I was busy with Cyril Ramapasha, we were trying as I have already stated about the drama group which we came to perform at Turfloop. After that we went to the local shopkeeper to ask for petrol for people who had come to the formation school. We went to lunch. After lunch I (10) went to sleep, I was very tired, that afternoon I was sleeping. So I don't know really whether this could have sat on Sunday or not. I don't know.

But you seem to be a man who likes to sleep. Before the rally you were also going to sleep early? --- Well, when you are inclined to sleep what could I do?

I don't know, I don't go to sleep when there is something important going on? --- Well, it depends on whether you felt there was something important, Mr. Rees. If I knew there was something important. (20)

Right, now let's hear when you were preparing your defence you must have been given this document, Exhibit SASO O.1? --- Yes.

Not so? --- That is correct.

And you must have been asked to state what is your defence on that? --- Yes, well ...

Your counsel can't think up things, he must take his instructions from you? --- Yes, my defence is that I am only aware of three commissions.

But you saw this whole document? --- Yes, I saw it. (30)  
You saw/...

You saw the whole programme and your counsel must have expected you to say to him - look here, what do you know about this thing as it is? --- Yes, that is why, Mr. Rees, I say I told of course my .... (Intervention).

I don't want to know what you told your counsel, I am just telling you - I just want to know whether or not these are the matters that he wanted to know, that he wanted to know from you what is your defence to this? Now I don't want to know what you told him what your defence was, do you understand? --- What do you want to know, Mr. Rees? (10)

I want to know from you whether in fact your counsel didn't tell you, didn't this document say what is your defence to this, or allegations concerning this to you? --- We were given these documents SASO O.1, and as I told Mr. Allaway at that stage when the State was leading its evidence, he asked me whether I knew of any other commission or speech that was delivered, except now Bantustan commission, I told him I only know of the Bantustan commissions, the others I am not aware of.

I see, so you didn't look at this document carefully at all? --- No, I was only concerned with my commission on Bantustans, that is the one in fact I was at ease in. (20)

I just want to enquire something else from you. We will come back to this one in a moment. When - was this rally a Pro Frelimo rally or a Viva Frelimo rally as far as you were concerned, or isn't there a difference between the two? --- Well, it is just the sake of phraseology which I think there was a difference between them.

So if I say it was a Viva Frelimo rally? --- Long live Frelimo, that is correct.

Yes, and if I say it was a Pro Frelimo rally, it is also (30)

Long/...

Long live Frelimo, really? --- No, not the Long live Frelimo, but the point is that you are showing some positive action towards a Frelimo.

Yes, so did you at any stage consider that there was some important difference between the terms a Viva Frelimo rally, or a Pro Frelimo rally? --- Well, now I never really considered the difference, although there might have been, but I never considered this.

That is the point I want, so so far as you were concerned you never considered that there was any material difference? (10)

--- Yes, yes.

You see, because - I am asking you this because Mr. Allaway who represented you said this to His Lordship - I refer to page 8 of Volume 1, My Lord. He said : "My Lord, in so far as Count 2 is concerned, that is the count involving the Pro Frelimo Rally, the accused whom I represent indicate this, the basis of their defence is that this was a Viva Frelimo Rally, not a Pro Frelimo Rally."

--- Yes, I can explain this in this way, that at that stage, (20) I mean when we were organising this rally, I never thought of a difference between a Pro Frelimo Rally and a Viva Frelimo Rally, but now when Mr. Allaway was asking us - do you know in the English language there might be a difference between a Viva Frelimo rally and a Pro Frelimo rally. Well, I never considered that really, and then that legal advice was given to me, that there is a difference.

What did you call your rally, a Pro Frelimo rally or a Viva Frelimo rally? --- Well, as I say Mr. Rees, I assumed they were the same thing because .... (30)

What did/...

What did you call your rally there that day, Pro Frelimo rally or a Viva Frelimo rally? --- Pro Frelimo rally and Viva Frelimo rally.

And on whose instructions did Mr. Allaway put a proposition like this to His Lordship? --- That is the point I was saying, that there must be - according to Mr. Allaway ...  
(Court intervenes).

BY THE COURT: He said he was given this advice by Mr. Allaway and he thought that there might be some difference.

MR. REES: My Lord, unless the witness can take it further, (10) but I don't understand how Mr. Allaway can come here and say he was instructed by you? --- Yes, after he had given us legal advice.

Legal advice? --- Yes.

But you had already told him what the facts were? --- Yes, of course.

You told him that so far as you were concerned, this was a Pro Frelimo rally or a Viva Frelimo rally? --- Yes, it did not make any difference to me.

And you called yours in fact a Pro Frelimo Rally? --- (20) Yes, it was also called a Viva Frelimo rally.

I just want to discuss this rally for a little bit. Did you have a meeting or at least did you attend a meeting of the SASO local committee about 6 o'clock on the 18th of September? --- That is correct.

The chairman was Cyril Ramaphosa? --- That is correct.

And the national president was accused no.6, he was also present? --- That is correct.

SRC members, yourself and Ledwaba? --- That is correct.

Were present? --- Yes.

That evening you discussed the SASO formation school (30) which/...

which was to be held on the 20th? --- We were informed about it.

Did Ramaposha tell you that people would be coming from head office and other centres to assist you in running the different commissions at the formation school? --- No, as far as I know that the regional director of SASO would be coming to conduct the formation school.

Did Ramaposha say that people would be coming from head office and other centres to assist in running the different commissions at the formation school? --- No, I don't remember him mentioning all this, but Your Lordship, what I remember (10) is he said - as far as I can remember now, he only told us about the regional director, who was coming to conduct the formation school.

Is it possible that he told you that these people would be coming to assist in the running of the different commissions? --- Well, it might have happened, but I can't recall it. What I remember is about the regional director of SASO.

Didn't he also mention some of the commissions, more particularly the commission on Bantustans and the commission on the future government of South Africa? --- No, I only (20) remember him mentioning the theme of the formation school.

And what was the theme? --- Well, he said it was - it was something like creativity in the rural areas.

Was the policy of SASO explained to those members who asked questions about it? That evening? --- Well, there were people who generally asked about the principles of SASO and this was explained to them.

So they referred to Black Consciousness and Black awareness and Black solidarity and that type of thing, isn't it?

--- Well, they might have you know. (30)

Now was/...



Now was it at the end of that meeting that Nefolovhodwe - that is accused no.6 - told the meeting that the SASO Executive had decided in Durban to hold a Pro Frelimo rally? --- That is correct.

And did he tell you they wanted to hold these rallies at Durban, Port Elizabeth, Johannesburg, Cape Town, Turfloop? --- That is correct, he was saying - not Turfloop. He was telling us, I mean we were in the SASO local committee, he was telling us about the decision of SASO, that they wanted to hold rallies, but he never mentioned Turfloop. (10)

Now did you people at any stage, or did anybody then tell him what - how was it that he didn't mention Turfloop? --- He was telling us where the executives had decided where they should hold the rallies. Now he was asking the SASO local committee to hold a rally at Turfloop. Then Ledwaba informed him that the SRC had already taken informal decision to hold the rally on the 26th.

But the SRC had not yet taken a formal decision, had it? --- I said an informal. Informal.

Hadn't the matter only just been mentioned, and that no (20) decision, formal or informal, had been taken at that stage? --- Well, there was - in principle I mean there was such a - in principle we were agreed that we should hold a rally, it was only that we had to come together to take a decision, that is all, to formalise it.

I notice that accused no.6 made arrangements for various speakers. Was he doing that on his own or did the SRC authorise him to do that? --- I was never aware that no.6 was arranging for speakers. In fact I don't know whether he ever arranged for speakers. (30)

Did you/...

Did you make any arrangements for speakers? --- No, I didn't. Ledwaba and Ratlagani(?) were the ones who were given the mandate at - to run the rally.

Did you as chairman have any idea as to who they were going to get to speak, to be speakers? --- You mean when?

At any stage, before the rally? --- No, we decided on the 22nd that we should invite the national president of SASO and the SASO local committee chairman to come to the rally.

To come to the rally or to come and speak at the rally? (10)  
--- Yes, I mean to come to be speakers.

Now what about accused no.3? --- Well, accused no.3 was never mentioned. I believe it appears in the Minutes of the SRC of that 22nd.

What do you mean you believe? Didn't you listen to what the evidence was here? --- About?

About accused no.3? --- Well, I say we decided that we should invite the national president and the SASO local committee chairman.

How is it that accused no.6 still wanted no.3 to come (20)  
along? --- Well, I don't know, I mean he never talked with me about it, so I don't know anything about it.

Now you know of course that he made several telephone calls to Durban? --- Well, since I came in this court I have seen such telephone conversations.

Wasn't that with the authority of the SRC? --- Well, Mr. Rees, perhaps I don't quite follow you? You mean authority to..?

To use the telephone? --- No, as the past president of the SRC he could still - you know, he was still as he put it privileged to use the facilities of the SRC. (30)

But those/...

But those telephone calls cost a lot of money, don't they? --- Of course.

He spoke for a long, long time? --- Yes.

Who was paying for it? --- The SRC, the costs ...

Was he working on behalf of the SRC? --- Let me explain this, Your Lordship, any organisation on the campus, they can come to the SRC and say "I want to telephone", if it is a matter concerned say with certain organisations they can do that, but we don't make telephone calls for personal friends and all that. But any person I mean of any society on the campus, they come to the SRC and they use the facilities. (10)

Was this - could he just use the facilities as he liked? --- Well no, he would get I mean consent from us, he couldn't just come there and use it well ....

Well, whose consent did he have to do this phoning? To Durban? --- Well, it was the tradition at the campus, Mr. Rees, that ....

What was the tradition? --- Usually a past - past members of the SRC they are usually privileged rather in using the facilities of the SRC. (20)

And the SRC pays for these phone calls? --- Yes.

Was he doing this for or on behalf of SRC or on behalf of himself or on behalf of SASO, or don't you know? --- No, according to him he says he was not doing it on behalf of the SRC.

But SASO was not organising a rally that day? --- No, of course.

Then on behalf of who was he acting then? --- No, I don't know, Mr. Rees. I mean he was here, you could have asked him.

But I am asking you? --- Well, I don't know, I was not there, Mr. Rees. How could I know? (30)

Wasn't/...

Wasn't he coöperating with your SRC? --- How?

I am asking you? --- No, I .... (Pause).

Wasn't he trying to get these speakers for the SRC, for or on behalf of the SRC? --- Well, I .... (Pause).

You don't know? --- I never asked him because I did not know that he was doing that, how could I ask him if I did not know that.

Did you know that he had called for a newspaper reporter to come along? --- No, I didn't know.

Did you know a newspaper reporter would be there that day? --- I didn't know. (10)

Did you know that he was there? --- I knew after the rally.

When did you first find out that he was there? --- It was about half past six in the evening. I was going through to my room and he asked me - "I am Nat Serache from the Rand Daily Mail, ..?.. the president, what has he got to say about the rally." That is when I saw him.

Didn't you even know when he was talking on the - on your telephone to Durban? --- Who?

This Nat Serache? --- No, I never knew, how could I have. (20)  
You see, I was not always in the SRC office, Mr. Rees, I don't live in the SRC office. So I could not have been there all the time.

<sup>people</sup>  
You/were not sleeping there, they were very much aware?  
--- What I am saying is that I don't stay in the SRC office, I couldn't have been there all the time.

This was at about 5 o'clock? --- When he phoned?

Yes? --- Yes, that is good now that you ask me like that, I will tell you where I was at that stage.

Or was it before? --- I don't know when he phoned, Mr. Rees.

That is/...

That is why I am telling you I don't know when he phoned.

Well, what time did ... --- You say at 5 o'clock, let me tell you where I was at that time.

I was not there, you were there? --- I was not there, I was not there.

You were at Turfloop, I was not there. --- That is correct, I was at Turfloop.

Now you heard the evidence of the phoning? --- I heard the evidence of the phoning, yes.

Right, now you tell us what time do you say that tele- (10)  
phone conversation could have taken place? --- Well, really,  
I don't know, Mr. Rees. I can just give an opinion really.

I don't want an opinion, I want a ... --- I don't know,  
I was not there at the ....

What was the earliest that it could possibly have been?  
--- By whom? By Nat Serache?

Yes? --- I was not there, I can't give you any - you see,  
you don't want my opinion, I say I was not there. So now what  
do you want me to say?

You heard the evidence that accused no.2 phoned and spoke(20)  
to accused no.6? --- That is correct.

You heard the evidence that he spoke to no.6 and then  
also spoke to Nat Serache? ---That is correct.

Right, now could you tell the court in your opinion what  
was the earliest possible time that that telephone conversation  
could have taken place? You heard the facts, you heard what  
they said to one another, etc.? --- Your Lordship, relying on  
the telephone transcription I can say really it was before  
they held the rally in Durban, it would seem that that was the  
time.

Right, and then it must have been after they held the (30)  
rally/...

rally at Turfloop? --- Yes.

It must have been also after you had this episode with the girl, with the woman? --- No, no, that is not correct.

Not? --- That is all wrong, I want to clarify you on that point.

Don't you clarify me, you tell the court.--- Well, I mean I wanted to tell His Lordship where I was at about 5 o'clock but you didn't want me to.

We want to know from you? --- Your Lordship, immediately<sup>(10)</sup> when I told the students to disperse and the police were leaving the campus I went to the SRC, rather when I was on my way to the SRC, about two women came to me, they told me that they had found a woman who was taking photos during the rally. Now .... (Court intervenes).

BY THE COURT: We heard all that, now then you went to this woman and you ... --- Yes, and from that time I went to his room, I came back at about half past five, because we were searching at his room, what relevant information we could get that - to suggest that she was an informer, something like that.

You were occupied on that mission? --- That is correct. (20)

MR. REES: And then did you go back to the SRC office? --- That is correct.

And who did you find there? --- I can't remember.

We are talking about either accused or SRC members or SASO members? --- I think there were Klovahla(?) who was there, Matewane was there and Rashavani.

Any of the accused? --- No, not any of the accused.

Not Serache either? --- There was no Nat Serache in that room, Your Lordship.

And did you tell them about this - when did you first tell these people at the SRC office or accused no.6 about the episode (30) with/...

with the woman? --- Accused no.6?

Yes? --- I never told no.6 about it.

Where were you when you were informed about this woman? I was going to the SRC office, Mr. Rees. And there were many people at the SRC office, who were listening to this kind of accusation.

Did you then not go to the SRC office? --- As I was moving towards the SRC I was met by two women who told me about that episode, then I went with them to the SRC where we found this woman in the SRC office. (10)

Who else did you find in the SRC office there? Which of your SRC members? --- There were many students there and many SRC members were there, so really I can't remember who was there.

Wasn't accused no.6 or Nat Serache there? --- No.6 might have been there but Nat Serache, I never saw him.

And then what was your decision, you are now going to search this woman's room or what? --- Because they ....

I don't want to know the reasons, I just want to know what you did? --- We went to her room to see whether there was (20) anything to suggest that she was an informer.

BY THE COURT: I may be wrong but I got the impression that - from Ledwaba that you had the woman in the SRC office? --- Yes, this woman was found at the tuckshop, and then from the tuckshop she was brought to the SRC office. At the SRC office we were informed about this, then myself, Rashavani, two members - two women members of the SRC and that woman we went to her hostel to search her room.

But who brought her to the office of the SRC? --- It was some woman called Oko(?). (30)

So a/...

So a woman actually brought her to the SRC? --- Yes, they brought her to the SRC office.

Well, then of course I gathered from what you explained just now that you were on your way to the SRC office when you met these two women and they made a report to you and then you went to the woman's room? --- That is correct.

But now it didn't happen so, these two women brought this other suspect to the SRC offices? --- Yes, but then I was still at the - you see, as I explained it was immediately after the police were leaving, I was still there with the students telling them that the rally is over, gentlemen, move to your hostels and all that. Now as I was moving towards the SRC office they had already left her at the SRC office and they met me on my way to the SRC office. (10)

BY THE COURT: When did you consider that this rally was over, at what stage? --- Well, when the students were leaving the hall, that is why I made it a point that I should remain at least a little bit behind to see that they all leave.

So you immediately started investigating this woman? --- Well, you see, those women who .... (20)

Did you immediately start investigating? --- Yes, that is correct, that is correct.

How long did these investigations take you? --- Well, really, I should imagine from about something to four to half past five.

Something to four to half past five? --- Yes.

You mean shortly before 4 o'clock until half past five? --- That is correct.

You and some of your SRC members? --- Yes.

Why did you consider this to be an important matter? --- Well, Your Lordship, those women were saying that, one of them (30)  
is a/...



is a friend to that woman, she was saying - "I can't have such a friend as this one, I am going to beat her up, she can't be taking photos of the rally" and all that, and I felt that it was really a serious matter. They were threatening to beat her up and I thought we should investigate the matter.

Why couldn't she take photos there? --- Well, it is one of the rules of the SRC, students are not allowed to take photos during any function unless they have a prior consultation with the SRC. (10)

Why do you interfere with the students' rights like that, why can't they take photographs? --- Mr. Rees, it is not in fact ....

If you go to a White university they are just too pleased and proud to have photographs taken of themselves? --- You see, Mr. Rees, again you are bringing a point of in the White community we do this, therefore you Blacks must do it again.

I am asking you why you do so? --- Well, it is ....

Why can't the people take photographs? --- The SRC constitution flows from the University of the North Act(?), these constitutions was drawn by the authorities of the campus, of the university, so it is not up to me, it is contained in the constitution. (20)

That people can't take photographs at functions? --- Yes.

Is that in the constitution of the SRC? --- Of course, of course.

That nobody can take photographs at a function? --- That is correct.

I would like to see that. --- I will bring the constitution on Monday. (30)

Yes. It/...

Yes. It says specifically students can't take photographs at a function? --- That is correct.

BY THE COURT: I gathered from your evidence that she took photos of you? --- Yes, that is what they were telling me.

Well, that is not a function, you are not a function? --- Pardon?

If she took photographs of you, that is not taking photographs of a function? --- Well, I think they were perhaps referring - I mean me I took it from the threats/<sup>(?) first</sup>of all, and I knew that in the SASO and in the SRC constitution there is a (10) clause which refers to that fact that if the SRC has arranged for a function no person can take photos without first consulting them. It was on that basis that I was acting. It was not only that ... (Intervention).

Not even of you? --- Well, that would be the case because the function really would include me because I am part of that function.

MR. REES: Oh? Now why did you want to investigate this matter so quickly? You say because it was a what ..? --- I say one of her friends .... (20)

Wants to beat her up, is that the only reason? --- Well, I felt here she was very angry with her.

Didn't you think because she might be a spy? --- Well, those were the accusations, Mr. Rees.

Is that what you were investigating? --- Not only that, I say these people wanted to beat her up. We had in fact to protect her, to show that the SRC cannot leave you in the lurch, we are going to see to this, whether you are a spy or not, as your accusers say.

Why were you afraid of her being a spy, were you doing something/... (30)

something wrong? --- No, I was never afraid, Mr. Rees, I was never afraid of her she is a spy. I did not know her in any case.

Oh, but why did you think a spy might be looking for something there? --- It is not me who thought, it is the people who accused her, not me.

But you were the chief investigator? --- I was not the chief investigator. I was sitting there - Your Lordship, I think it is better to explain what I was doing, really, I was there to see that this woman for instance is not threatened, (10) her rights, for instance violated and such things, to see to it that the normal way of searching a person's room is carried on, without violating her rights.

BY THE COURT: Did she have the camera with her when they brought her there? --- No, they had locked it in the tuckshop. When they came there she didn't have the camera.

Well, why did you search her room if the camera was in the tuckshop? --- Well, as I say we were looking for any kind of information that could suggest that she was an informer.

MR. REES: Yes. --- Besides the camera. What did you think (20) she can inform about? --- Well, I ....

Were you doing something wrong? --- Well, I mean informers Mr. Rees, there are always suspicions of this, informers and all that.

Was there something in connection with this rally you did not want her to inform about? --- No, there wasn't, I mean she could have taken - if she had asked me prior to holding the rally, I could have allowed her to take photos. If she wanted to.

You see, where then would accused no.6 get this idea (30) from, when/...

from, when he said to Muntu : "Right now we are dealing with a problem of a woman here" - I am reading from page 84 of Exhibit Rally C? --- Yes.

"Who sort of more or less tried to betray us, and the matter is under discussion."

--- Yes, I think Your Lordship, no.6 explained what he meant by "we are dealing with a woman" really, he was referring to Turfloop, not really in the SRC office, I think I understood him to be explaining that like that.

He said she was just taking photos of the people (10) involved in the rally? --- Yes.

That seems to have been the big objection? --- I don't know, if you asked him what was the big objection about according to him.

I am asking you what the big objection was according to you? --- I have already explained that I felt that her rights as a person could be violated by those people who were accusing her.

And he said : "She is among the student body and we did not know why she should take photographs"? --- Of course. (20)

And that camera, "we confiscated this camera, we are going to take the photos out and see which section she was taking"? --- Yes.

That seems to have been the purpose? Or are you saying this man is not - his facts are not correct here? --- No, I mean he was just informing him really. That was his impression maybe, but my impression was really not to - to see really that she was a spy or something like that. I mean it was one of the reasons, but it was not a primary reason why I wanted to search her room. (30)

Why did/...

Why did you say you were afraid of her spying there?

--- Who?

You? --- Me?

Yes, you? --- I said I was afraid of her spying?

Didn't you say so? --- (Mr. Soggot intervenes).

MR. SOGGOT: My Lord, that was my learned friend's - another one of his double questions, and the witness did not concede that. --- I never said that, Mr. Rees.

MR. REES: Oh, you never said that? --- Of course.

Well, I am not going to argue with you or your counsel, the record will speak for itself. --- Of course. (10)

Now what happened to this film? --- Well, the film, the SRC decided to send it for processing.

What happened to it? --- Well, I don't know. We closed as I have already pointed out. I don't know what became of the film because I was arrested. I never went back to the campus.

BY THE COURT:

You were back on the 11th of October? --- No, Your Lordship, I was arrested on the 11th before going to the campus.

Oh, before you went to the campus? --- Yes.

When were you last at the campus, on the 27th? --- No, I (20) left the campus on the Saturday following, that is the 28th of September.

MR. REES: When were you summoned, when were you first told that the rector would want an explanation about these paints on the wall and that type of thing? --- On the - at 12.30 on the 25th when I met Mr. Mabena in his office.

And that was even before the rally was held? --- That is correct.

And at no time did you do anything to investigate that matter? --- Well, of course, Mr. Rees, I mean we were busy with (30) the rally, /...

the rally, we couldn't at the same time investigate. What Mr. Mabena wanted was that we should appear before the disciplinary committee to tell them what we are going to do about those things.

Did you consider this looking for a spy more important than finding out who defaced the university? --- We were to appear the following day, it was not the same day.

When you have to appear you must go there with your facts and figures? --- That is correct.

Straight, not so? --- That is correct. (10)

And you expected to be asked what was the purpose of all these placards and writings on the walls, didn't you? --- He asked us what it expected from us.

Yes, and you did nothing to supply the answers? --- He didn't want information, he wanted us to come and clarify the disciplinary committee on why there were paintings on the walls.

So all you could say was I know nothing about it? --- No, we went there and we explained, we explained, Mr. Rees.

You explained you know nothing about it? --- We were going to investigate these things. (20)

You were going to? --- Yes.

Oh! Tell us, at this formation school, when you<sup>were</sup>/called to the - is it the student Dean's office at about 12 o'clock on the 25th, is that correct? ---That is correct.

What was his complaint? --- He wanted to tell us, he wanted to tell us, he wanted to inform us what the rector had told him, firstly that he had consulted his legal advisers, that is the rector ... (Intervention).

Yes, you told us all that, but the crux of the matter was the rector was not happy for you to go on with the rally, not (30)  
so?/...

so? --- No.

Didn't the rector say he was not happy with this rally going on? --- Not according to the information we were told by Mr. Mabena, the Dean of students.

Do you deny that you were told that the rector was not happy with this rally proceeding? --- I would deny that.

You would deny that? --- That is correct.

And you say the person who told you this was Mr. Mabena? --- That is correct.

He is the Dean of students? --- That is correct. (10)

Now did you at any stage hold a meeting of your SRC that day? --- You mean after the rally or ...?

At any stage that day? --- Yes, immediately after the rally when - before I went to the woman's hostel to search I told members of the SRC, that look, at 6 o'clock we must come here, there are issues that we must discuss. I wanted to inform them about the disciplinary committee and all that.

Then did you have this meeting? --- Yes, well, the members of the SRC, they didn't all turn up, but we were about nine, something like that. (20)

Who all were there? --- Ledwaba was there, I was there, I was there, Rashavani was there, Matiwane was there, Miss Tjunu was there, then Mr. ..?.., the other lady of the SRC was also there, Tjungwasa was there. Well, I think - I can't remember...

What did you discuss, what was your discussion about? --- Well, I informed them firstly about the fact that the disciplinary committee wanted us to appear before them on the Thursday at 2 p.m. and then that we would have to have information to go and tell at the disciplinary committee, that we were not - you know, as far as the Dean thought about it, that (30)  
we had/...

we had to explain the paintings on the wall, that was the information that the SRC were together to go and explain to the disciplinary committee.

The next day? --- That is correct.

What else did they have to go and explain? --- I remember when I came back from the lady's room .....

No, I just want to know what was discussed at this SRC meeting? --- Yes, when I came back from the woman's hostel I found some of the members of the SRC, the nine I have already pointed out, I informed them about this very thing that we (10) were to appear before the disciplinary committee, and then at that stage they informed me that - "hey, when you were down there at the woman's room the SRC got information that some lecturers had been assaulted." I said - "Oh, gentlemen, that is very serious, that is a matter we must also bring up with the disciplinary committee tomorrow".

What was your discussion and decisions about this? Was that the only thing that was said? --- Well, I mean we were going to clarify the disciplinary committee on this issue.

How were you going to clarify them if you don't find (20) out anything? --- Of course, Mr. Rees, <sup>we</sup> couldn't have found out on that one day. I mean the paintings on the wall ...

What steps did you take to find out, what steps did you take to find out about these assaults on the White lecturers? --- Well, I mean the SRC definitely when they go around there don't try to gather information from the students and all that.

What steps did you and your committee decide to take? --- Well, Mr. Rees .... (Intervention).

Anything or nothing? --- We were to appear to the disciplinary committee, after that we were to institute investigations. (30)

You weren't/...



You weren't going to do any investigations then and there? Before your appearance? --- Before..?

Before your appearance? --- Of course it was one night, Mr. Rees, we couldn't have done anything in one night.

You were very quick to go to this woman's place? --- Yes, because as I say she was threatened, that was my worry about it.

Yes, but White lecturers had been very seriously assaulted? --- That is correct.

Did you know whether or not these assaults might continue? --- No, I knew they would not have continued. The police were on the campus. (10)

This was why the police were in the vicinity even? --- When? The police were on the campus the whole night.

Yes, and who did you believe had committed these assaults? --- Well, I was told it was members of the student body.

Did you find out which ones they were? --- As I said .... (Intervention).

Did you find out which ones they were? --- Your Lordship, the members of the SRC were to go around gathering information(20) to go and tell the disciplinary committee about the information we had at that time, but after that we were to institute real investigations into the matters.

Did you consider assisting the police in their enquiries at all? --- Well, if they asked me I could have assisted them.

Did your SRC discuss the question at all? --- Of assisting them?

Yes? --- Well, I mean, you know, we were going to ....

Did you discuss it at all? --- No, we never discussed it. We were going to investigate on our own. So I mean if they (30) wanted/...

wanted us to give them the information we got after the investigation we could have given them.

I just want to know what your state of mind was that night. So you didn't propose to carry out any investigations before you had been to the disciplinary committee? --- We couldn't have, we couldn't have called members of the disciplinary committee, I mean since we had just ....

You didn't call the members of the disciplinary committee when you went to investigate this woman, did you? --- No.

Then why did you want to call them before investigating (10) the assaults on the Whites? --- I don't get you, Mr. Rees?

Do you have a problem? --- No, I don't understand you, you have asked me two questions, I am asking you I don't understand you?

I didn't ask you two questions, I have asked you one question. --- Yes?

Why did you not start investigating this matter or make enquiries into the circumstances surrounding the assault on the White lecturers that evening? --- Your Lordship, I told Mr. Rees that members of the SRC were to gather information (20) to clarify the disciplinary committee of the university. After that we were going to investigate the matter.

What was your decision as to how were you going to gather information? Did you decide on the matter? --- No, it - I mean, Mr. Rees, it is the lot of the disciplinary committee of going to the students asking them - I mean you can summon students who perhaps were seen on the premises and ask them about that.

I am talking about your meeting on the evening of the 25th? --- Yes?

You didn't make any decision as to any investigation (30) that/...

that you were going to carry out? --- Well, I mean we knew that we were going to ....

You did not take any such a decision? --- Such as for instance calling the members of the disciplinary committee?

Such as for instance that we are going to investigate the matter? --- I am saying we took the decision we were first going to appear before the university's disciplinary committee. After that we were going to institute our own investigation of the SRC's disciplinary committee.

And you never instituted it? --- Of course I said I was (10) arrested before I could do that, Mr. Rees.

BY THE COURT: You see, the difficulty that Mr. Rees has is that they already told you that you must appear the next day? --- That is correct.

Before the disciplinary committee. You are in a hostel? --- Yes.

Did you make any efforts to find out in your own hostel whether there are people who were responsible, either for the defacing of the university walls, or assaulting the staff of the university? --- Well, Your Lordship, now I understand, (20) perhaps I was missing Mr. Rees, because I thought he said why didn't you call the disciplinary committee to investigate the matter?

MR. REES: I didn't ask you that. --- Well, as I have already said the SRC members were going around trying to gather information from the assault, from the paintings and all that. We were to appear to the disciplinary committee to tell them the little information that we had from the students on these points.

BY THE COURT: Well, what information did you have by the (30) next/...

next day? --- On say for instance the assaults?

Yes? --- On the assaults, what we gathered was that students were sitting next to the road .... (Intervention).

Which students? --- Well, the male students.

But who were they, do you know that? --- No, Your Lordship I .... (Intervention).

Well, the person who told you that the students were there, surely they could have told you who the students were?

--- That is the point that we were concerned with, you see, we had to come to go to see who the people were, but what we were told was that there were students sitting next to the road and those were the ones who assaulted the lecturers. (10)

MR. REES: Who told you that? --- Well, as I say, when we gathered information from the students around.

Who told you that? --- I can't remember, I was asking many people myself, I can't remember exactly.

BY THE COURT: But didn't you ask them who the students were? --- Yes, I mean, Your Lordship ....

You see, you leave the impression with me that you were not going to help the disciplinary commission to find out who the people were who did all the damage to the building and to the people? --- No, Your Lordship, we ... (Intervention). (20)

You did nothing to show that you were really concerned about it, because if I were the present of your SRC and something happened like that and I felt worried about it, I wouldn't have gone to bed that night but tried to clear the matter up, because I would have to appear before a disciplinary committee the next afternoon? --- That is correct, Your Lordship, as I say we were trying to gather first at least information from which we could move, but you see, it would be really to ask students/... (30)

PAGE = 5970

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