

What did you do then? -- I asked a lift from my father. He was going to Butterworth. I asked for a lift as far as Mdantsane - I mean as far as East London. He said no, he will take me as far as King.

That is your father? -- Yes.

Did you then leave with your father? I do not want to know what you told - what was said between you and your father, but did you leave? -- I did.

When? Can you remember? -- On the 20th December. And then in Grahamstown we met Ngcola, Zukile Msi and Vusimzi.(10) Accused No. 4 and 23 on the annexure. -- Zukile Msi and Vusimzi.

Vusimzi who? Do you know his surname? -- No.

Vusimzi is No. 24 on the list. You met them in Grahams-town? -- Grahamstown.

Yes? -- Now, in my opinion I was sure that this is my chance, it is a chance now going out of South Africa since I have received the telegram so I was prepared to go. So we arrived at Mdantsane.

What happened to accused No. 4 and Zukile Msi and this(20) Vusimzi? -- We gave them a lift.

Your father gave them a lift? -- Yes.

And you said your father would take you to King William's Town. -- Yes.

Yes, and then? -- He sympathised with us and took us as far as Mdantsane. He did not enquire about our visit to Mdantsane. We went to Mr Marawu's place.

Now before we come to that, when your father gave these three a lift, why were they given a lift; so that what should be done? -- I told my father that I know these chaps (30) were hiking so he must please stop and give them a lift.

And/...

And did you talk to them? After you had given them a lift. I mean in the car. -- In the car, yes, we did talk.

Was anything said about your reason for going to Mdantsane? -- I took for granted that everybody is going out now, out of South Africa, so I did not ask where they are going, since Ngcola was mentioned on the telegram I had received.

BY THE COURT: He asked you if you had received a telegram? -- No, he did not ask.

I do not follow your reply. -- On my telegram which I received, Ngcola was mentioned. (10)

MR ENGELBRECHT: Was only Ngcola mentioned in the telegram you received? -- And Sizani.

Yes? -- So I did not ask them about their hike to Mdantsane. I took for granted that now eventually we were going out of South Africa had prevailed. We arrived at Mdantsane. Mr Marawu was not at his place.

Did you go to his place? -- Yes.

All four of you? -- All four of us. We roamed around Mdantsane. Then in the evening we went to Mr Marawu's place, only to find out that Mr Marawu is going to have a (20) meeting with us on Sunday evening, not this Saturday.

BY THE COURT: Is this evidence admissible, Mr Engelbrecht?

MR ENGELBRECHT: Well, it was said in the presence of all the other accused - of accused No. 4.

BY THE COURT: Was he present when this was said? -- He was there.

MR ENGELBRECHT: When you arrived at Mr Marawu's place, the four of you, you say he was not there and then you roamed around Mdantsane and returned later. Did you find him there at his place when you came on the second occasion? (30)

-- No, he was not present.

Yes/...

Yes and then? -- When he arrived he found us there at his place.

When he arrived there, was he told why you were there? You and the three others were there? -- He was not told. The only thing he did was to ask about Zukile Msi and Vusimzi, they are new to him.

And what was said about this? -- He was told their names, but nothing was said after that. The only thing was that there would be a meeting on Sunday evening.

Yes? -- Now I realised that we are not leaving. (10)  
Then I told him no, I am not staying, I am going on Sunday morning.

Now, what made you realise that you were not leaving? -- This arranging of the meeting on Sunday evening. I thought we were leaving on that same day.

You told him you are not staying, you are leaving the following morning? -- Yes.

Were you? -- Yes. He asked for people who are prepared to stay. Then Ngcola Hempe and Zukile Msi were prepared to stay. (20)

Did he say what would be done with those who stayed behind? -- He did not mention anything. He only said he would have a meeting with them on Sunday evening. Then on Sunday I went back home with Vusimzi. On the 6th January I was arrested.

Now, I want you to have a look at this writing. There is a photostatic copy, Your Lordship. Do you know it? -- Yes.

What is it? -- 'The Whites in South Africa as oppressors'.

Did you ever see it before? -- Yes, I did.

Where and when? -- It was at Healdtown. This I received from Vuyo Jack. (30)

That is accused No. 2? -- Yes.

That/...

That will be EXHIBIT A. What did Vuyo Jack do with it when you saw it? -- He gave me this.

He gave it to you? -- Yes. He said I must read it. And then I finished reading it, I did not hand it back to him, I put it in my pocket.

Did he tell you why you had to read it? -- He did not tell me but it is on Black consciousness; he was Black conscientising me.

Will you just read it out to His Lordship? -- Witness reads EXHIBIT A. (10)

Now were you already a member of SASM when accused No. 2 gave you this? -- I was already a member of SASM.

You were already one. Now there is a list of names. Do you know this list? -- Yes.

What list is that? -- The list concerning about the Sons of Africa. I was given it by Koko Mda at my place. He was telling me that these people are prepared to join SASM.

You were given it by accused No. 5? -- Yes.

That will be EXHIBIT B. When was this list given to you by accused No. 5? -- In October. (20)

After your expulsion? -- No, before.

What did you have to do with this list? -- I was to hand them to SASM; to the secretary, as members of SASM.

Will you have a look at this small pamphlet? What is it? -- It is SASM's pamphlet.

Have you seen it before? -- Yes.

Who wrote these articles in this pamphlet? -- The branch at King William's Town.

And was it issued to your branch? -- I am not sure whether they do it but I was told that those at King does this. (30)

Who told you this? -- The president.

Which/...

Which president? -- Sizani.

Sizani told you. What did he tell you?

BY THE COURT: What did Sizani tell you? -- About the pamphlet.

What did he tell you about the pamphlet? -- That we must give contributions for SASM and these contributions they will be written down for this pamphlet at King William's Town.

MR ENGELBRECHT: Who gave you this pamphlet? -- Sizani.

And who told you that King William's Town's branch of SASM had written these articles? -- No, I was not told that it was the SASM branch had returned it but it is from (10) King William's Town.

That is what he said. -- Yes.

And did he say what had you to do with this when he handed it to you? -- No, I must just read it. It circulates.

It circulates amongst members? -- Yes.

BY THE COURT: You told me a few moments ago that the articles in the pamphlet were written by the branch at King William's Town. -- Pardon?

You said a few moments ago the articles in the pamphlet were written by the branch at King William's Town. (20) Now you say that they are SASM pamphlets but you were not told that it was of the King William's Town branch. What did accused No. 3 actually tell you? -- This pamphlet he said are from King William's Town. They are written at King William's Town so we must also try and combine and give contributions for pamphlets at King William's Town.

MR ENGELBRECHT: Now, you had told the Court that at some meetings at the beginning you listened to radio programs. -- Yes.

After accused No. 1 and 2 had said they were leaving in June, 195, and after you did not see them again and they (30) did not attend meetings, did you still listen to some or all

of the meetings to radio programs? -- No.

Why not? -- I think there was no one with a radio.

Whose radio did you listen to originally? -- Sotomela.

Accused No. 1's radio. What type of radio was this? --

I do not know the type.

I mean was it big, small? -- A small radio.

Will you have a look at this radio, EXHIBIT 1? -- It is the exact radio.

Talk up. -- This is the exact radio. This is Sotomela's radio. (10)

That is accused No. 1's radio. And will you have a look at this tape-recorder, EXHIBIT 2? -- This is not new to me. It was Sotomela's the last time I saw him.

Was anything done with that recorder? -- No, I do not remember anything done to it.

Nothing but you say it is Sotomela's. -- Yes.

It was in his possession. -- Yes.

That will be EXHIBIT 2.

THE COURT ADJOURNS.

THE COURT RESUMES ON THE 4th JUNE, 1976. (20)

VUYO PETER BALENI: still under oath:

CROSS-EXAMINATION BY MR KIES: Where did you sleep last night?

-- At Grahamstown.

Where? What place? -- Grahamstown prison.

Have you been there for some time? -- Since Wednesday.

And before then? -- I was at East London.

How old are you? -- 23.

What month is your birthday? -- April.

So you turned 23 this year. -- That is so.

Yesterday in your evidence you mentioned your father. What did he do for a living? -- He is employed at the Standard/... (30)

Standard Bank.

Is your mother alive? -- Yes.

Does she work out or at home? -- She works.

Do you have any brothers and sisters? -- I have brothers but no sisters.

Older or younger? -- Both younger and older.

Are your parents in court today? -- I do not know.

You can look around. -- No.

Now, you told us, I think, that you were arrested on January the 6th this year. -- Yes. (10)

Where? -- No. 12 Jaloda Street.

Where? -- At my granny's house.

By whom? -- The police.

Who particularly? Do you remember? -- No, I do not know the names, but it was both Whites and Blacks.

What time of the day or night was this? -- I do not know what the time was but the early hours of the morning; before four o'clock.

Would you speak up a little please so that the accused can hear you? -- Fine. (20)

Were you told why you were being taken into custody? -- On their arrival they searched the room and they found exhibits.

What did they find? -- SASM pamphlets.

The ones that were handed in yesterday? -- The exhibits that were handed in yesterday were found.

Anything else? -- Also newsletters of mine that were from the youth club.

Anything else? -- I do not remember.

What youth club is this? -- Mixed gathering of Port Elizabeth. (30)

What/...

What is the name of it? -- Sishabo Youth.

Where did it meet? -- At St Mary's.

Is that a church organisation? -- No, it is a mixed gathering.

BY THE COURT: Did he say St Mary or Centenary? -- At the hall at St Mary's.

MR. KIES: Is the youth club part of the church organisation? -- No, no, I did not go to church there either.

Were you ever a member of the Students Christian Movement - SCM at Healdtown? -- No. (10)

Accused Nos. 2 3 4 and 5 were members, weren't they? -- I know accused No. 3 was.

No. 5? -- I do not know whether he was.

Weren't you all that close to them so that you should have known that 2 4 and 5 were also members of the SCM? They say they were. -- They did not tell me so.

What did this youth club do? -- You mean the Sishabo Youth?

Yes. -- Topics such as agriculture in South Africa and in Zambia and all countries are discussed.

Do you have lectures? -- And we have lectures, yes. (20)

Have you been a member for a long time? -- I went once only to St Mary's. I did not again go.

I do not suppose I understand you. Are you saying you attended only one meeting of the youth club? -- Yes.

And how long have you been a member? -- Since 1974.

Now you were telling us what the police found at your place on January the 6th. You at that time owned a tape-recorder didn't you? -- No.

When you were in Healdtown you had a tape-recorder? -- Yes.

Wasn't it yours? -- It was. (30)

What happened to it? -- It is with a friend of mine.

When/...



When did you leave it with that friend? -- He loaned it from me when he left for Basutuland - I beg your pardon - when he left to be circumcised. Then he borrowed it from me.

You had many cassettes? -- Yes.

You made many of these recordings yourself? -- Yes.

What sort of things did you have on your cassettes; recordings that you had made? -- ..(?).. Preston and others.

The first person you mentioned is that a lady or a gentleman? -- A gentleman.

Does he sing? -- Yes. (10)

All right now surely it is your cassette, your tape-recorder; you must remember some of the others. Unless of course you are suffering from bad memory. Can't you remember any other names? -- (No reply)

Have you some difficulty in remembering? -- No.

Then what is holding you back? Did you have many different jazz songs on them? -- Yes.

And some freedom songs too, as you call them? -- No.

Did you have an objection to recording some of those that you call freedom songs? -- No. (20)

You did not have any of them. -- They wanted to borrow a cassette from me to record a freedom song but this did not transpire or materialise.

Did you lend all your cassettes to this friend of yours who got your tape-recorder? -- Yes.

BY THE COURT: Who wanted to borrow a cassette from you? -- Sotomela.

MR KIES: Accused No. 1. -- Yes.

You say that he did not get around to it. -- No this did not happen; this did not transpire. (30)

Is there anything else that you are now able to recall that/...

that the police took from your room that morning? -- No.

When you were arrested, were you told why? -- I was only told at East London.

So, when the police were busy searching your room and when you were taken away you did not know what was going on? -- I realised they have got possession of things appertaining to SASM. I realised then I was being arrested in connection with the organisation.

Did you ask anybody? -- No, I did not.

Now, SASM is a legal organisation, isn't it? -- Yes. (10)

It has branches in the Transvaal. -- Yes.

Various places in the Eastern Cape. -- Yes.

It has got a constitution. -- Yes.

It puts out literature. -- Yes.

So why should you have thought that you were being arrested in connection with SASM? -- Well they took possession of SASM pamphlets.

The one pamphlet that was handed in yesterday? -- Yes.

There was no other pamphlet? -- No.

Just this EXHIBIT C I think, this May/June one, we (20) are talking about that. -- Yes.

Which was being sold, price 20c. -- Yes.

In fact that is all they took that was connected with SASM. -- This is correct. That pamphlet.

This was not a banned pamphlet as far as you know. -- No.

So what made you think? I ask you again - that they were interested in you in connection with SASM? -- Would you just repeat that question? I do not quite follow you.

The people who came there took one SASM pamphlet and two other pieces of paper and so far you say nothing else (30) that you can remember. Now what made you think that the police were/...

were interested in you - taking you away - in connection with SASM? -- Because they came to my house and removed me.

Yes, they remove people from houses for different reasons. Not so? -- Yes.

So what made you think on this particular morning that they were interested in you in connection with SASM? Was anything said? -- They asked my granny is there one Vuyo Baleni who resides in this house who is a scholar at Healdtown. Granny said yes. They then asked granny: Where is he? She said: In the room. When they entered the room, they (10) searched it. They did not ask me whether they could conduct a search but just searched the place. And they asked me for my trunk. They opened it and they took possession of the youth club documents. And then they got the SASM pamphlet. They then said to granny: We are now arresting Vuyo; here are things. They took me away then.

So for all you knew they might have been arresting you in connection with the youth club. -- They were interested in SASM.

Yes but they took the youth club papers as well, (20) didn't they? -- Yes.

And they took away more - were there quite a few youth club papers? -- Yes.

Actually more than SASM documents. So what made you think it was SASM they were interested in?

BY THE COURT: Counsel wants to know why do you say it was on account of SASM that you were arrested? What makes you say that? -- After they had taken me from home they asked - this was on our way to Sanlam Building - what the aims of SASM were and I then told them. They then said that there is (30) some Black consciousness connected herewith. How is this connected/...

connected with SASM.

Who asked you this on the way to Sanlam Building? -- The White policeman.

Who is that? -- I do not know who he is.

Didn't you chat to him after that, after you reached this building? -- I did not.

What was his rank? Do you know? -- I do not know. I do not even know where he is from.

Now he asked you about the aims of SASM. What did you tell him? -- Unity amongst us; encourage education (10) particularly amongst children. Well, they said the aims are good but where does this Black consciousness fit in? I did not tell them.

What did you answer? -- I just merely looked at them without replying.

And that was all that you told them on that occasion about the aims of SASM? -- Yes.

And of course those were not all the aims, were they? -- Quite.

In that situation you did not have time or the (20) opportunity or inclination to tell them any more. That is all you said. -- Yes, this is all I said.

You were acquainted then with the SASM constitution, weren't you? You got a copy of the SASM constitution. -- Yes.

Yes, and you have read it. -- Yes, I read it.

And there is a paragraph which says: 'Aims and Objects' isn't there? -- Yes.

And it sets about 11 aims and objects. Do you remember? -- Yes.

Allright, we will come back to that later. Now (30) you said you were taken to the Sanlam Building. -- Yes.

What/...

What goes on there? -- They made a note of the documents that were found in my possession. They said: From here you will be taken to East London.

The Sanlam Building I take it was either police or C.I.D. head quarters. -- I do not know whether it is but it is the Sanlam offices.

In that building? -- The building, yes.

Who spoke to you there? -- The same White policeman.

And how long did you stay there at that office? -- Nine and ten had struck; I was still there. (10)

And that was from the early hours of the morning? -- Yes.

From the time that you arrived until 9 and 10 struck, what was happening there? -- They made a note of the documents which they found and they told me to be seated and I was told then from here you will proceed to East London.

Yes? Were you just sitting there on your own all the time? -- Yes.

Anybody else in the room? -- The other persons that work there were going in and out.

Did anybody say anything else to you apart from (20) what they said about the documents? -- The documents that they seemed to be particularly interested in, was the one that I had received from Vuyo Jack. They kept reading this.

Did they ask you anything about it? -- No. Oh, you chaps are carrying on with politics at school, were the comments made. But no questions were asked me.

And this man who had spoken to you in the vehicle from where you were arrested to Sanlam Building, he was there all the time? -- Yes.

Nobody else asked you any questions? -- No. (30)

So 9 o'clock struck and 10 o'clock struck and then after that/...

that? -- I was then taken to East London.

Do you know about what time that was? -- I do not remember the time, no.

Who took you to East London? -- It was one White policeman and two Black policemen besides myself in the car, there was **another Bantu by the name of Paike.**

Did you know this other person? -- Yes.

**From where do you know him?** -- He was a student also at Healdtown.

Was he there at the same time you were there? -- (10)  
Yes.

You said Paike. How would you spell that? -- P-a-i-k-e.

And the surname? -- I cannot recall the surname.

Do you know where he usually lives, where his home is? --  
He stays at Site and Service, Port Elizabeth.

Was he in your class at Healdtown? -- No.

Was this in a motor car or in a van? -- A motor car,  
passenger car.

On the way were you asked any questions? -- No. . From Port Elizabeth we called at Grahamstown and from here, (20) Grahamstown, King William's Town and then through to East London.

Any discussion at all between you and the police officials? -- No, we were all silent.

Did you speak to Paike at all? -- No, we were told not to converse or talk.

You did not ask him what he was doing there, what had happened to him? -- No, I did not.

He did not ask you? -- No, he did not.

Had he been a SASM member? -- Yes. (30)

Did he ever attend meetings? -- I do not know whether he did/...

did attend any meetings.

Did he ever attend any meetings when you were present? --  
I am not sure whether he did or not.

Was he in your class at school? -- No.

In your dormitory? -- No.

Was he a friend of yours? -- He has called at the house.

But you cannot remember whether you ever saw him at a  
meeting or not. -- This is so.

Then after this long and silent journey all the way, you  
arrived in East London. -- Yes. (10)

And where did you go? -- To the prison.

To which prison? -- The East London prison.

Is that to Morgan? -- Yes.

So you went straight there and what happened there? What  
happened to you? Did they take you into an office or a cell  
or something? -- I was placed in a cell alone.

And you stayed there for some time? -- Yes.

How long was it before someone came along and said some-  
thing to you? -- What type of person are you referring to?

Anybody. -- The prison authorities called. (20)

They spoke to you in your cell? -- They gave me food,  
blankets.

Was that when you arrived? -- Yes.

Then you went to the cell. -- Yes.

You were there in your cell. Did someone come along  
sooner or later? -- No.

Somebody must have come to your cell some time or other  
to see if you were still there. -- The next morning, yes.

Right. The next morning who came along? -- One of the  
staff. (30)

Of the prison? -- Yes.

What/...

What happened? -- He said it is time to go and wash.

Up to that stage had anybody told you why you were there?

-- No.

All right you washed. Did you come back to your cell or did you go somewhere else? -- I returned to my cell.

After that what was the next thing that happened? -- I was then taken to some offices in East London itself. By the S.B.'s.

What is that? -- Security Branch.

Did they tell you they were Special Branch? -- No, (10) they did not tell me so.

They took you along. Did they say anything to you when they arrived at your cell? -- They said: Are you Vuyo Baleni? I said yes I am. They said: well, come along.

Did they say anything to you on the way? -- En route to the offices I was asked whether I speak English or Afrikaans. I replied saying I spoke English. That is all that was said.

Then you arrived at the offices, you say. -- Yes.

What happened there? -- I was told there that I was being detained under the Terrorism Act. (20)

Do you remember if they mentioned anything about Section 6? -- Yes, they did mention this.

Who told you this? -- The policeman, a White policeman.

A member of the normal police force or was it one of the members of which you call the S.B.? -- A member of the S.B.

Did you ever find out his name? -- No.

Did you ask why you were being detained? -- I did.

What answer did you get, if any? -- They said that I am detained in terms of the Terrorism Act.

Did you ask: but why am I detained in terms of the (30) Terrorism Act? -- They later said that I was being detained in terms/...



terms of the Terrorism Act and they wanted me to tell them about what happened at Healdtown.

Before we come to that. Did they explain to you anything at all about Section 6 or the Terrorism Act; the terms of your detention? Did they tell you what it meant? -- They merely said if I do not - I would be detained.. (intervenes)

If you do not? -- I was told that I will be detained.

BY THE COURT: Did he not say that if I do not?

INTERPRETER: He commenced by saying this and then he corrected himself. I will be detained until the Minister of (10) Justice directs me to go to court or to be taken to court.

MR KIES: Yes what else? -- He then said I must tell them about what we had done at Healdtown. If I did so I could be released.

Did you after this ever see the person who told you this on that day? -- Yes.

Did you find out his name afterwards? -- No, not the name.

When did you last see this person? -- It was a Thursday when they arrived and asked me or spoke to me and I saw him on subsequent days.

When did you last see this person? Have you seen (20) him this week? -- No.

Last week? -- No, some time back that I last saw him.

When you saw him on other occasions did he ask you any questions? -- No.

You were asked about Healdtown. Now what was it that they were really specifically asking you about? What did they want to know about Healdtown? -- They asked me about SASM and I then told them about the activities of SASM and furnished the name of the person who introduced me to SASM.

Did this happen all straight away on that day, the (30) 7th? You were arrested on the 6th; you slept over the night and/...

and this was the 7th. -- This was the 8th. A Thursday.

Let me just get this. Perhaps I am misunderstanding you. You were arrested the early hours of the 6th. Is that right?

-- Yes.

And that night, the night of the 6th, the morning of the 7th you slept over in the prison cell. -- Yes.

Then on the 7th what did you do? -- I was in prison.

The whole day? -- The whole day.

On your own? -- Yes.

You did not see the S.B.'s or anybody? -- No. (10)

You saw only the prison wardens; the prison authorities.

-- That is all.

So you slept the second night there and the next morning on the 8th you were fetched. -- Yes.

Now when you were asked to tell them about Healdtown, did you ask what do you want to know about Healdtown? -- No, I did not.

Well how did you get on to telling them about SASM? -- Well they had seen the pamphlets.

But you told us yesterday that the pamphlet did not (20) come from Healdtown. You understood that the pamphlet came from King William's Town. -- This is so.

Last year a lot of things were going on at Healdtown. -- Yes.

In October there was some trouble. -- Yes.

You told us how you travelled to King William's Town to see some people to see if you could get legal defence for Nkabinde. -- Yes.

You said that you were expelled last year. -- Yes.

Many other people too. -- Yes. (30)

The whole of the - all the boys were sent home. -- Yes.

So/...

So when they asked you about Healdtown didn't you think perhaps they were interested in what happened then? -- I do not quite follow your question.

They asked you to tell them about Healdtown. -- Yes.

Can you remember the exact question that they put to you about Healdtown? -- They said I have been arrested in terms of the Terrorism Act and I realised that they were not interested in the strike.

Why not? -- I do not know either.

What made you think that they were not interested (10) in the strike? -- Well, why say specifically you are being detained in terms of the Terrorism Act?

You knew that one of your friends had been arrested and charged in connection with that strike, as you call it now. -- No, I do not know who was arrested for striking.

Who was this person in connection with whom you went up to King to see if you could get some legal defence for them? -- Richard Nkabinde.

Yes, now what was that in connection with? Some trouble at Healdtown? -- This is so. (20)

Is that what you call the strike? -- No, it was not.

Was the strike on some other occasion? -- Say that again please.

Did the strike take place on some other occasion? -- Yes.

When was that? -- October.

And your friend, Nkabinde was being charged in connection with something that happened in October? -- Yes.

In connection with what that happened in October? -- He was charged with assault, assaulting Sergeant.

On Sergeant Qwelishana? -- Qwelishana, yes. (30)

Was that connected with what you call the strike at all? --

No/...

No, no.

This man Sergance is he the man who was accused of being a spy? Mpindi? -- Yes, this is so.

And he was assaulted? Somebody assaulted him, I do not know who. I am asking you. -- Nkabinde was charged with assault, it being alleged that he assaulted Sergance.

Yes, he was later tried, Nkabinde and he was found not guilty. Not so? -- Yes.

Yes, I am not trying to convict him. I am just trying to find out what it is you are talking about. So this (10) incident involving your friend Nkabinde and Sergance who was the victim, is this what you referred to earlier as the strike or is it some other incident? -- It is not connected.

It is not connected. -- No.

So there was a strike in October as well? -- Yes.

And were the students sent home as a result of the strike or something else? -- As a result of the strike.

So, there was quite a bit of trouble in October apparently at Healdtown. -- Yes.

Didn't you think that perhaps the police wanted to (20) know more about this when they said: tell us about Healdtown? -- I did think so.

So then you started talking. What did you say? -- I did not tell them anything about the strike.

Did you straight away start talking and telling them about SASM? -- They asked about SASM.

Oh, they asked you about that? They did not ask you about Healdtown in general? -- No.

Now what did they ask you about SASM? -- They asked where we held our meetings. (30)

Go on. -- I told them that we held meetings at the rugby/...

rugby field.

What else? -- They wanted to know who the executive was. I supplied the information.

Who were these persons who were asking you? -- The S.B.

But who? -- I do not know the name of the man.

Was it only that one day you were asked questions about SASM, the 8th? -- They asked me on the Thursday I referred to. Then they stopped asking me. Then the week thereafter on a Wednesday I was again called forth, taken to the offices again.

Now on the Thursday you were questioned for how long? (10) -- The whole day.

And the night? -- No.

Until what time more or less? -- About 4 o'clock.

How many people were questioning you? -- Four Whites and two Blacks.

Were they there all the time questioning you? -- Yes.

They did not take it in turns to take out and then come back again to question you? -- No.

Were you sitting around a table and talking to them? -- Yes.

Did you write anything on that occasion? -- Yes, (20) there is.

You did the writing? -- I did.

And then when you were finished about 4 o'clock, you signed this paper? -- No.

You just gave it to one of them? -- Yes.

You do not know his name? -- No.

Never found out his name? -- No, I did not.

Then you went back to Glamorgan? -- Yes.

And there you were just in prison all the time? The S.B. did not come to visit you? -- Yes, I stayed in jail. (30) They called for me the next week Wednesday; that is the S.B.

Between the Thursday and the following Wednesday did anybody come to visit you at all? -- No.

The Wednesday did you go back to the same place? -- I went to another office.

Different people there? -- Right.

How many? -- Three Whites, one Black.

Their names? -- The Black man was Moses, one of the Whites was one Sergeant Nicholson. I do not know who the other two were.

Anyone above the rank of a sergeant? -- No. (10)

Who was in charge? Who appeared to be in charge? -- There was somebody in charge - there is somebody in charge of the S.B.

No, on that occasion of the interview that you had, who appeared to be in charge there? -- Sergeant Nicholson.

So what happened? Were you all sitting around the table again? -- Yes.

Did you have pencil and paper? -- No.

Now, the people who were with you on this day, this Wednesday, you say were altogether different from the (20) people who questioned you on the 8th. -- Yes, they were different.

Now what happened on this Wednesday? -- Discussing the meetings that took place, that is SASM meetings at Healdtown.

Did they have what you had written out on the previous Thursday? -- No.

As far as you knew. -- Correct.

Did you have to begin all over again and tell them? -- Right, correct.

And for how long did this go on? -- All day. (30)

Didn't you have a break for tea or for lunch? -- Yes, there/...

there were breaks.

What happened during these breaks? -- You would ask to go and urinate, you would adjourn and have something to eat; at lunch-time we had lunch.

All together the whole day all of you? -- Yes.

Any writing done? -- What was written was what I was relating in regard to the meetings that were conducted at Healdtown.

One of them was writing down? -- Yes, the sergeant was writing. (10)

And all of them were popping questions at you. -- Yes.

For how long did this go on? -- Until they knocked off duty.

What time was that? -- I do not know what time they knock off, but it was late.

Was it dark? -- I would estimate round about 4 o'clock.

Did anybody read back to you what had been written down? -- No.

Then what happened to you after this? -- I was returned to the prison. (20)

Did you leave the prison after that again? -- I was taken back to the offices for the duration of that week every day.

THE COURT ADJOURNS. THE COURT RESUMES.

VUYO PETER BALENI: still under oath:

FURTHER CROSS-EXAMINATION BY MR KIES: You told the Court that you were questioned for the rest of that week, every day of that week after the Wednesday. The Wednesday was the 14th. So you went up to about 4 o'clock on that Wednesday. -- Yes.

Then you went back to Fort Glamorgan. -- Yes.

Left on your own in a cell until the next morning. (30)  
-- Yes.

And/...

And then you went back and Sergeant Nicholson was in charge again? -- Yes.

Did you find that Sergeant Nicholson and the other people who were questioning you, knew quite a bit about SASM and about your meetings? -- Yes, very much so.

And they had papers before them from which they were putting questions to you: didn't this happen, didn't that happen? -- They referred to some files that were in their possession, saying that this was from some reliable sources.

Did they tell you: look here, you say this but such (10) and such a person says something else? -- Yes.

Did they ever say to you look here, that cannot be right because accused No. 1 said something else? Did they ever say to you: look here, what you are saying cannot be correct because accused No. 1 has told us differently? -- No, this did not happen.

Did they ever mention his name? -- No.

Accused No. 2, did they ever mention his name? -- No.

Any of the others? -- The others were mentioned.

Weren't or were? -- Were mentioned. (20)

Accused No. 3? -- Yes.

What did they say about him? -- They wanted to know what he had said on a particular Sunday afternoon at a meeting in the kloof and in the classroom.

Anything else about him? -- No.

Accused No. 4? -- Yes, he was also mentioned.

In what connection? -- In connection with SASM.

Yes, what specifically? -- I cannot recall what specifically.

This was in January of this year, wasn't it? -- Yes. (30)

Only 4 to 5 months ago. -- That is so.

Yes/...



Yes, you were telling us in court about things that happened last year, before June of last year. Surely you can tell us some of the things.

INTERPRETER: I did not quite catch. Something about: my statement.

MR KIES: Did you now say: I am talking about what is in my statement? -- The testimony by me was what was contained in my statement.

Yes, but I haven't seen your statement, you see, I have to ask you. -- I see. (10)

What I am asking you is what specifically your questioners from the Wednesday onwards wanted to know about accused No. 4. -- You mean at the office?

Well, that is the only place you have been telling us about. -- They wanted to know what he said. I was to repeat and say what was actually said.

And did you? Could you? -- Yes.

On which occasion did they want to know what he said? -- Have you some difficulty in remembering? -- Just repeat your question. (20)

Have you some difficulty remembering? It is very hard for you to remember what you said. -- It is difficult.

No, I understand. Are you trying perhaps to remember what you said in your statement? Is that your trouble? -- Yes.

You feel as you stand there you must tell the Court whatever was in your statement. -- Yes.

I understand the problem. When you were at school, did you have difficulty remembering things? -- Just repeat that.

When you were at school studying, did you have difficulty remembering things? Did you have a poor memory? -- Yes. (30)

And for a long time now you have had rather a poor memory/...

memory. -- Yes.

And this is part of your trouble trying to remember what you said to the questioners at East London? -- Yes.

Are you very forgetful as well? Forget to do things? -- Yes, I am.

All right, you are starting young. Now, you said that you made a statement at some stage or other. -- Yes.

We are talking about this Wednesday the 14th. You say that you went there the rest of that week as well. -- The 14th ... (intervenes) (10)

That is the Wednesday. You went on the 8th and then you said the following Wednesday. I am just giving you the dates. -- This is so, yes.

Sergeant Nicholson was writing on that occasion. -- Yes.

You were not doing any writing. -- Correct.

The next day, the Thursday, Sergeant Nicholson was writing again? -- At all times when I was being questioned writing was taking place.

The Wednesday, the Thursday, you went back the Friday as well? -- Yes. (20)

Full day? -- Full day.

You were being questioned? -- Yes.

And the sergeant was writing. -- Yes.

The Saturday? -- No, not on Saturday.

Not on Saturday, nor on Sunday. -- Correct.

Over that week-end did you see the S.B. at all? -- No.

You were all on your own on prison? -- Correct.

Your mother and father did not come to see you? -- They visited me during February.

Can you remember the date? -- The 3rd March it was. (30)

The 3rd March you saw your parents for the first time? --

Yes/...

Yes.

So the whole of January, from the 6th onwards, the whole of February you did not see them. -- Correct.

Did you miss them? -- Yes.

It is natural; you are very fond of them. -- Yes.

And by the time you saw your parents on the 3rd March, the questioning had finished already? -- Yes.

All right now we come to that week-end. You worked Wednesday, Thursday, Friday, you went back to Glamorgan for the week-end. What happened on the Monday? -- I was (10) only questioned for that one week and not questioned again thereafter. And then I went back in regard to certain amendments.

I do not understand. You went back where? -- I went back to the offices.

When? -- It was in February.

So for the rest of January you stayed there at the cells. -- Correct.

Were you let out for exercise? -- No. I was just confined alone. (20)

And you were brought your food? -- Yes.

And you did not see anybody else except the prison authorities. -- Correct.

For the rest of January did you see any of the members of the Security Police? -- No.

And then some time in February you say they came to fetch you. -- Yes.

When? The beginning or the end? -- During the middle.

Were you pleased to see them? -- No.

You say you had to see them in connection with (30) certain amendments. -- Yes.

Why/...

Why do you say you were not pleased to see them? According to you you were sitting down, chatting, sitting at a table, having a break for tea, having a break for lunch, going out to the toilet when you wanted to. Surely that is better than being alone in your cell. -- Why should I be pleased? I was confined.

Someone to chat to, someone to have tea with. Surely you had company. -- Well, it just did not happen to me.

What did not happen to you? -- All that happened to me was I was fetched and asked questions. (10)

Yes, but you say in a very friendly way. You were questioned in a very friendly way according to you, very sociable, it was a social occasion. -- Yes.

So you had been for a few weeks in January and up to mid-February on your own. It is not pleasant being all on your own, is it? -- Correct.

So that is why I asked you when they came again it gave you an opportunity to go out again. Didn't you welcome that? -- I did not welcome it.

Could you speak up a bit please? The accused and (20) other people have great difficulty hearing you, if you do not mind. -- O.K.

Now, at what stage then did you make a statement? You said earlier you were trying to remember your statement. Now what were you talking about? What statement? You said Sergeant Nicholson was writing all the time. -- During January when I arrived, it was Sergeant Nicholson who did the writing. It was that first week.

And then? When he finished, did you sign this? -- I did.

Did you sign before him or take you to somebody (30) else? -- In his presence.

And/...

And was anything said to you before you signed the statement? -- No.

Was the statement read over to you? -- I read it myself.

And that was in January? -- Yes.

Have you seen it since then, your statement? -- Yes.

Have you read it since then? -- Yes.

When last? -- In June.

Well today it is the 4th. -- Yes.

So when did you read it? Today is Friday. -- Last week.

That was May, wasn't it? -- Yes. (10)

Last week. When? Friday? -- It was given to me on the Thursday to read.

By whom? -- And it was taken from me now Wednesday, this week.

So you have had it for the better part of a week. -- Yes.

And you were studying it. -- Yes.

So I do not understand why you should have the difficulty you spoke of just now in not remembering. Unless your memory is so bad you cannot even remember this document you were studying for practically a week. Is that the position? (20)  
-- I do not quite follow what it is you want from me.

I am asking you is your memory so bad? I want you to tell me is it so bad? -- You are mentioning two aspects, statements and memory. What is it you are after?

You told us earlier that you could not remember what you had been asked about accused No. 4, and you mentioned your statement. I asked you a question, you said that you were trying to remember what you had in your statement and then you told me also that you have a poor memory and even as a student you had a poor memory. Do you follow me? -- I would (30)  
like that repeated again please.

All right. What I am putting to you is that you told us earlier you could not remember very clearly what you had been asked by your questioners in East London about accused No. 4 for example. -- Yes.

And you said later that you were trying to remember what you had said in your statement. Remember saying that this morning? -- Yes.

And I asked you if your memory in general was bad and you said it was not good. Do you remember that? -- Yes.

And I asked you whether, even as a student you had (10) a poor memory and you said that is the position. Do you remember? -- Yes.

Now you have told the Court that you were given your statement last Thursday and you handed it back on Wednesday of this week, you had it all the time, studying. -- Yes.

Is that right? -- Right.

Now my problem is this: I want to know, is your memory so bad that you cannot even remember what was in your statement although you were studying it for the past week? -- Now what is your question? What do you want to know? (20)

I want to know .. (intervenes)

BY THE COURT: The question has been put to you twice already. What Counsel wants to know is if you had that statement from Thursday of last week until Wednesday of this week, why do you have difficulty in remembering what is in it? That is all Counsel wants to know. -- But I do not know what the actual question was preceding that which gave rise to it.

I will put the question and you can just answer it and you need not worry about what preceded it. The question is if you had your statement from Thursday of last week until (30) Wednesday of this week and were able to study it during that time/...

time, why do you have difficulty in remembering what was in it?  
-- I will not have difficulty remembering what I said in the statement.

Counsel has said to you that that is exactly what you said you did have difficulty with. Earlier on this morning you said you had difficulty remembering what was in your statement. -- Yes.

Do you or don't you have difficulty remembering what was in your statement? -- No, no difficulty in regard to what was in my statement. (10)

MR KIES: Right, what did you say about No. 4 in your statement? -- But I mentioned it yesterday already what I said.

Yesterday you did not mention having made any statement at all.

BY THE COURT: That is not his reply. He said he mentioned yesterday what was in his statement about No. 4.

MR KIES: I am sorry, I misunderstood him.

BY THE COURT: In other words, what he said about No. 4, is what he said yesterday.

MR KIES: Is this what you are saying? What you said (20) yesterday is what you had said in your statement? -- Correct.

Now you say that you signed the statement some time in January and then in mid-February the Special Branch came back to you for certain 'amendments' I think is the word you used. -- Yes.

Now tell us about that. -- Meetings which were not mentioned in my statement that were mentioned in other statements.

Which other statements? -- Others that had been arrested.

Which? -- I do not know who. You haven't told all (30) that you know in your statement, you keep these things back and/...

and this is what you people are like.

So, did you tell some more? -- Yes. I told them everything then I was in possession or knew of about SASM.

Now, when .. (intervenes)

BY THE COURT: When you say you haven't told all that was in your statement, you keep things back, that is what you people are like, is that what the police said? -- Yes.

MR KIES: Who was it that said that to you? -- Sergeant Nicholson.

Now on this occasion then, the middle of February, (10) did Sergeant Nicholson write down what you then said? -- Yes.

And when he was finished, did you sign it? -- No.

Did you go back the next day? -- No, I was returned to my cell.

And you did not go back there again for any other amendments? -- No.

So altogether there were three statements. One that you made on the 8th in your own handwriting. Is that right? -- Yes.

The other one which came at the end of three days, the Wednesday, the Thursday, the Friday -- Yes. (20)

Which you signed. -- Yes.

And then the third one or third - the addendum anyway, in the middle of February. -- That is so.

Any other statements? -- No.

Well, from mid-February after you had made these amendments, you were on your own in Fort Glamorgan. -- Yes.

And then you saw your mother and father on the 3rd March. -- Yes.

And since then have you seen them? -- No.

No. -- I haven't seen them yet. (30)

So, it is just once then since the 6th January. -- That



was the last time I saw them.

When you were in Glamorgan overnight, were you sleeping in pajamas? -- No.

Did you have any pajamas there with you? -- I took a pair of pajamas with me from home, on the occasion when I was arrested.

Did you ever wear them up to the end of - at any time before the end of January? -- Yes.

So you were in Glamorgan - so you did wear pajamas in Glamorgan. -- Yes. (10)

Did you have in the month of January any health troubles at all? -- Yes.

In January? -- Yes.

What was your trouble? -- February, I beg your pardon.

February. -- February.

What was your trouble? -- I got ill in my head. I do not know what happened.

Did you ever see a doctor? -- I was taken to a doctor, yes.

Do you know who this doctor was? His name? -- No.

Was it an ordinary physician, a medical man? Or (20)  
was it a psychiatrist? -- I do not know. It was a White doctor.

Yes, but you know.. -- He had on occasion visited us in the cells in jail.

Us? Who us? -- I am not alone in prison.

Since when have you had - you personally had company? Or have you been on your own in a cell all the time? -- I was alone in a cell.

So what you really mean is that this doctor has seen you from time to time. -- Yes. (30)

Since January. -- There were times when he called on me to see/...

see me.

But on this occasion in January you were taken to him? --

I was taken to him, yes.

BY THE COURT: February.

MR KIES: I am sorry, in February. -- Yes, February.

And in January as such, did you have any trouble? -- No.

Do you know in January if any of the accused were in Glamorgan? -- No.

You do not know? -- I do not know, I did not see any.

Accused No. 3 says he was there, in January. And (10) he says one day he saw your pajamas hanging up and there was blood on your pajamas. -- Did he say there was blood on them?

Yes, hanging up in the bathroom, the toilet. He knows your pajamas; he knew you were there and he saw blood on them. -- On my pajamas there is no blood on them.

No, at that time in January. -- My pajamas never had any blood on them.

Not that you can remember. -- No.

But you say later you did become rather sick in the head. -- Yes. (20)

You said yesterday that in late December, 28th December last year your father gave you a lift. Correct? -- Yes.

Your father was going to Butterworth. -- This is right.

And he said he would give you a lift as far as? -- King William's Town.

You and your father left from where? -- We left home the afternoon.

Where is home? -- Port Elizabeth.

On the 28th. Was mother at home at the time? -- No.

When you got up that morning had your mother already (30) gone to work? -- She was in town, it was a Saturday, with granny/...

granny.

Pardon? -- With granny.

Granny? -- My grandma, ja.

What about your mother? -- She stays at her place of employment, she stays in.

You know the 28th December last year, I think that is the date you gave, was a Sunday.

MR ENGELBRECHT: My recollection is he gave the date as the 20th December.

BY THE COURT: I left with my father on the 20th (10) December, 1975, is my note. It follows on my note reading: At my place in Port Elizabeth on the 20th December, 1975, I received a telegram from Mdantsane.

MR KIES: I am sorry. It was the 20th. It was a Saturday and you say your granny was in town. She was not there. -- This is so.

So I gather from what you said you live with your grandmother, your mother and your father. But your mother stays at her work most of the time. -- Yes. Just for clarification. I stay with my mother - grandmother in Jaloda Street (20) whilst my father stays in Masangwana Street.

Then you are most of the time with your grandmother. -- Yes.

Are you very fond of her? -- Yes.

So, did you say goodbye to her before you left? -- No.

No? That is very rude, isn't it? You were going to East London. -- Yes.

You did not say goodbye to her? -- No.

Nor to your mother; your mother at her work? -- Yes.

And your father was giving you a lift to Butterworth.

-- King William's Town. (30)

Your father was going to Butterworth and giving you a lift/...

lift to King William's Town. -- That is right.

And here at Grahamstown, you say, you met up with accused No. 4 and with Msi and someone called Vusimzi. -- Yes.

Now, that was just a casual meeting, wasn't it? You saw them by the roadside trying to hitch a lift. -- Yes.

Have you thought about this man Vusimzi, about his surname at all? -- No.

Because I am told this is not Vusimzi Jilaji, that is No. 24 on the list, but you do not know at all. You just know him by Vusimzi. -- I only know him by Vusimusi, yes. (10)

Is he also called Vuma? -- Yes.

Accused No. 4 says yes, that is not Jilaji. You say you do not know. Now, Msi, was he at school with you? -- Yes.

Do you know at all whether he had been detained? -- I do not know.

Was he expelled at the time you were? -- He was.

And Vusimzi as you call him, was he at school? -- No, he was not a scholar.

Vuma, he was never a scholar there? -- No.

So on that day was it quite a warm, pleasant day? (20)  
-- A warm day.

And you and your father were going along and how were you dressed? -- I had a grey pair of trousers on, a brown jersey and a cap.

You did not have your pajamas with you? -- No.

Now, you said that you were fond of your granny. Fond of your father too, I take it. -- Yes.

And he is fond of you. -- Yes.

Where did he drop you? -- At Mdantsane.

Whereabouts? -- At a bus shelter at the route end (30)  
of the buses. The bus route end.

And/...

lift to King William's Town. -- That is right.

And here at Grahamstown, you say, you met up with accused No. 4 and with Msi and someone called Vusimzi. -- Yes.

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-- A warm day.

And you and your father were going along and how were you dressed? -- I had a grey pair of trousers on, a brown jersey and a cap.

You did not have your pajamas with you? -- No.

Now, you said that you were fond of your granny. Fond of your father too, I take it. -- Yes.

And he is fond of you. -- Yes.

Where did he drop you? -- At Mdantsane.

Whereabouts? -- At a bus shelter at the route end (30)  
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You did not have your pajamas with you? -- No.

Now, you said that you were fond of your granny. Fond of your father too, I take it. -- Yes.

And he is fond of you. -- Yes.

Where did he drop you? -- At Mdantsane.

Whereabouts? -- At a bus shelter at the route end (30)  
of the buses. The bus route end.

And/...

be years.

It might be years. And you did not really know how you would come back; what route or anything like that; in what capacity you would come back. You did not really know how you would come back. -- This is so.

If that is what you really thought that day, I find your behaviour rather peculiar because you do not say goodbye to your granny that you are very fond of, you do not say goodbye to your mother and you do not greet your father in any sort of special way when you see him and you do not know whether (10) you will ever see them again for years. What is your comment on that? Isn't that strange behaviour? -- Well, if I greeted, they would want to know: where are you off to.

You were off to East London, weren't you? -- Yes.

You did not know when you would be back. -- Correct.

Isn't it a fairly normal thing if one goes even on a short holiday to say bye-bye for now, kiss your granny, kiss your mother, shake your father's hand if you do not want to kiss him? It is fairly normal, isn't it? -- This is normal.

Yes, particularly when you are fond of people and (20) you really do not know when or if you will see them again. -- I did not do it nonetheless.

Did you really have in your mind that day that you would be leaving the country or is it something that came to you long afterwards when you were being questioned? -- Will you repeat that please?

I say that day, the 20th, was it? -- Yes.

Saturday the 20th. Did you really have in your mind that you were going to leave South Africa that day knowing too that you did not know when or if you would come back, or (30) is it something that came to you long after that day, after you had/...

had been arrested? -- Before I went to East London, I was expecting any day to receive notice or a message as to: you are leaving. And when I received the telegram I knew I was leaving.

You say you thought that? -- Yes.

BY THE COURT: Not he thought that, he says he knew that.

MR KIES: Knew that. Was there anything in this telegram which made it plain that you were leaving? -- I was mentioned, I must come to Mdantsane now. I realised then arrangements had been made, we are now leaving. We were told in fact that (10) we can expect telegrams.

Who told you this? -- Mr Marawu that when this person from this Council of - World Council of Churches returns we can expect telegrams.

BY THE COURT: You were told by Marawu that when the men from the World Council of Churches returned you could expect telegrams. -- Correct.

MR KIES: When were you told this by Marawu? -- During November.

When in November? Give us the date. -- The month end of November. (20)

Can you remember the day of the week? -- A Saturday. It was Saturday evening.

That is the 29th November, the last Saturday in November? -- Yes.

Where was this? -- At the house of Mr Marawu.

And you were told by him? -- Yes.

You personally? -- To myself, Sizani and Coba.

That is yourself, accused No. 3 and No. 4? Sorry, No. 3.

-- Yes.

Anybody else present? -- No. (30)

That is Mr Marawu, you, No. 3 and another person. -- Yes.

He/...



He would be sending you telegrams? -- That he would send the telegram to Sizani when this man returns. We must then know that the date of our departure has arrived. And when I received the telegram on the 20th I thought then I was now leaving.

But he did not send you the telegram, did he? -- On the telegram appeared the name Mda.

And who did you think that was? -- Koko Mda.

No. 5? -- No. 5. I thought they made use of Koko Mda's name instead of the name of Mr Marawu, summoning us to (10) Mdantsane. Koko Mda does not stay at Mdantsane but at Port Elizabeth.

So you took this telegram and from what you saw there you were getting a telegram from accused No. 5 that you had to go to Mdantsane and you say from this, whatever was in it, you just knew you were leaving that day? -- Yes.

And you knew also you did not know when you would see your parents and your granny again. -- Yes.

And all you had were the clothes in which you were dressed. -- Yes, that was all. (20)

Now, let us come to the question of Healdtown. How long were you there before you were expelled? -- I arrived there during January and I was expelled during October.

What had you done that brought about this expulsion? -- We were cross-questioned at school for the purposes of getting admission. Nothing was found as far as I am concerned, concerning myself, that is. They received no explanation from me. I have no bad record at school. I was then told that I would get 6 strokes corporal punishment. I did not consent to this, so I left. (30)

So in your mind you feel that you had been expelled unfairly/...

unfairly. -- What do you mean?

For no good reason. -- Yes.

Were you upset about this? -- I no longer even wanted to return to Healdtown. But my folks in Port Elizabeth pleaded with me to return.

Were you so enrgy about the whole occurrence? -- Yes, I was.

That you did not want to return. -- Correct.

Correct me if I am wrong, but I understood you yesterday to say that you and some other students went to Port Elizabeth and you held a special meeting at the stadium I think it was. -- Yes. (10)

And one of the objects of the meeting was to make it plain to your parents that they should intervene, intercede on your behalf so that you could go back again. -- Yes.

Is that so? -- This is so.

You took part in this meeting too. -- Yes.

But this is a bit odd. You just said that you did not want to go back and that your parents pleaded with you. -- The students resident in Port Elizabeth came and fetched me, that is the Healdtown students. I did not tell them that I had no desire to return to Healdtown. So I assisted by going around to various parents and telling them that a meeting would be held. They did not know that I had already arranged or concluded that I would not be returning to Healdtown. (20)

Then you were trying to persuade the parents to help other people to go to Healdtown? -- Yes.

But you yourself were not prepared to go back. -- That is so. In fact I told my folks so.

You felt that Healdtown was good enough for them but not for you. -- Yes. (30)

Why wasn't it good enough for you? -- You get expelled there without being given a reason as to why. The Student Council does not function to assist the students.

What else? -- Our complaints are not heeded or listened to. Anything else? -- No.

What did your parents have to say when you said you did not want to go back? -- If you do not want to, then you do not want to. They realised when I said I do not want to go back, I do not want to go back.

Did this now mean that your schooling was at an end? -- Yes. (10)

You did not intend going to any other school or making application? -- I could have made other applications to other schools.

I suppose it is very difficult to get into other schools once you have been expelled from a particular school. Is it? -- This is so.

So you did not even try. -- No, I did not.

Had you lost interest in education altogether? -- Yes, well, I was looking forward to leaving South Africa. (20)

What was the date of the protest meeting in Port Elizabeth? -- Which protest meeting?

In Port Elizabeth at the stadium, I think you said it was. -- No, I cannot recall the date.

BY THE COURT: I do not think I would describe it as a protest meeting.

MR KIES: This meeting at which you tried to persuade the parents. -- Yes, I do not remember the date.

Which month? -- October.

October. That was at least a month before Marawu (30) said anything about sending you a telegram. -- Yes.

And were there some of the Healdtown students who helped to organise this meeting? -- Yes.

Some names? -- Zukile Msi, Koko Mda.

That is accused No.? -- No. 5. And accused No. 4.

They were trying to help persuade the parents to do something so that they could go back? -- Yes.

Any others? -- And others.

You cannot remember? -- No.

And was this gathering, this meeting called in the name of any organisation at all? -- No. It was only a (10) students' meeting, not by any organisation.

And did many parents come to the meeting? -- We told the parents the meeting would be held on the Wednesday, that is the parents' meeting, together with us.

Did many parents come? -- Yes.

And did they decide they would try to do something? -- Yes.

After this did you actually apply for re-admission? -- No.

Not at all? -- No.

As far as you are aware, your parents did not apply on your behalf? -- No. (20)

Where did you say the meeting was held? -- At the Presbyterian Church.

In a hall? -- Yes.

Was there one meeting or was there more than one meeting? -- You mean the parents' meeting?

In connection with the Healdtown affair, the expulsion of people, in Port Elizabeth. -- There was one in respect of parents and students that I am aware of.

You do not know of any other meetings in this connection? -- No, I do not. (30)

And you say accused Nos. 4 and 5 were helping to organise the/...

the meeting? -- Yes.

Did either of them speak at the meeting? -- They did not.

But they were keen to get back? -- Yes.

Now, you were not keen, but had you lost your general interest in education or did you think that overseas you might be able to learn further? -- I do not quite follow your question. Do you mind repeating it please?

Had you lost interest in education altogether after your expulsion? -- Yes.

Or did you think perhaps that if you went overseas, (10) you might be able to further your education there? -- My knowledge was that if I leave South Africa, I will receive military and educational training.

But you could also receive the one or the other, not so? -- Where are you referring to now?

Pardon? -- Where?

Overseas. -- Yes.

You could go overseas to further your studies; many people do. -- That is so.

Not everybody who leave one way or another, go for (20) military training. That is a fact, isn't it? -- My leaving South Africa, I knew I would receive military training and educational training.

What sort of educational training were you interested in? -- Any education I would have got overseas.

Before you were expelled, your intention was to complete your matric at Healdtown? -- You mean at the stage when I arrived there during January?

You were there for the better part of that year and you were in standard 9. -- Yes. (30)

Your intention was to go on to matric, to get a matric certificate/...

certificate. -- This is so.

Right. And then after that did you have ideas of going to university? -- Yes.

To study what at the university? -- To do training as a teacher.

So were you going to do an arts degree or a science degree at university? A B.A., B.Sc. or what? -- B.A.

Any subjects that interested you particularly? -- Yes.

Which? -- History, a general course in fact.

Were your father and mother willing that you should (10) go further with your education at university? -- Yes.

You had discussed it with them and they were quite happy about that. -- Yes.

Did you think that if you went overseas you might study and get a degree too, perhaps in history? -- Yes.

You must have heard some time last year of some people who went from King William's Town. I am thinking of William Sobeku, the Reverend Sobeku's son, who went overseas to study. Had you heard about that? -- No.

Did you know William Sobeku? -- I do not. (20)

He was a SASM member. -- I do not know.

You do not know, never heard of him. -- No.

Have you heard of any others who went from King last year then to further their studies? -- No.

You had not heard of any? -- I had not.

But yet you hoped you would be able to further your studies, among other things. -- Yes.

And you were quite keen on that. -- I was.

Now at Healdtown you say you were in the same class as accused No. 5. I think that is what you said. -- Yes. (30)

Yes. Mda. -- Mda.

Your/...

Your subjects were? English, Afrikaans. -- Geography, history and biology.

Now, in some of those subjects I suppose you felt happier than in others. Some you liked more than others. -- Yes.

Your Xhosa class was it any good? -- Yes.

I see. No. 5 thinks it was terrible. It is a natural thing, all students are like this. Accused No. 5 thinks that the English was rather poor. Did you have a good opinion of it? -- No.

You agree with him. I am not mentioning names. -- (10)  
Mr Manelli was not with us in the English class.

I am asking you whether you were satisfied with the English tuition you were getting last year. Accused No. 5 says he was not. Were you satisfied? -- No, I was not.

The Afrikaans? -- No, I was not.

Biology? -- I was.

So was accused No. 5. Some other people had trouble with biology. What was the trouble? -- Because they all wanted to be taught by Mr Mbukwana.

Yes, and they were taught by somebody else. -- Yes, (20) and they condemned them.

What was the other problem? In connection with biology. -- I do not remember.

Wasn't it a question of being taught biology through the medium of Afrikaans; they had troubles with that, difficulties?

-- I do not remember.

You do not know. What about your history? Accused No. 5 was not happy about that. You? History. -- What about it?

Were you happy with your history classes? -- No, I was not because Mr Richter taught us. He does not know (30) English, but knows Afrikaans. We had difficulty in following Afrikaans/...

Afrikaans.

And history was one of your favourite subjects. -- Yes.

You had hoped to go to university to study further, particularly in history. -- Yes.

Perhaps to become a teacher of history one day. -- Yes.

Accused No. 5 says that geography was quite good, very good. How did you find it? -- This was being taught us by Mr Guguze.

No. 5 says he was good. What do you say? -- He was.

So with some of your subjects you were quite happy (10) about and others you were unhappy about. -- Yes.

All the accused say that there were some students in the school, a large number of students who were unhappy about the general standard of education at Healdtown last year. -- And

Is that correct or not? -- What do you mean actually?

That many of the students felt that the level, the standard of education was not good. -- No, I do not know.

You do not know about that. You said that SASM members ... (intervenes)

BY THE COURT: You say you do not know about that. Are (20) you denying that it happened or are you not sure whether it happened or not? -- I do not know.

MR KIES: You said that in SASM there were members who were critical of Bantu Education. That is what you said yesterday if I understood you. -- Yes.

That is true? -- That is so.

At some of your meetings, some of these criticisms were voiced. -- Yes.

Were you critical of Bantu Education? -- No, I was not critical. (30)

You were quite happy with it. -- Not quite happy, but I did/...



did not voice an opinion.

Even at SASM meetings. -- At SASM meetings.

The accused say that they and other people in SASM and out of SASM objected because there were special syllabuses for Bantu. Did you have any such objection? -- Pardon?

The accused will say that they, SASM members and non-members were critical of Bantu Education, they objected to special syllabuses for Bantu. Did you object?

BY THE COURT: Did you object to being subjected to special syllabuses by the system of Bantu Education? -- I do not (10) quite follow the question.

MR KIES: You see, the accused say that they themselves and most SASM members and people who were not members of SASM, said that one of the things that was wrong about the school system was that they had special syllabuses specially drawn up for Bantu and they were against it, they did not like it. I am asking you about your view on that. -- I had no objection.

To special syllabuses. -- Are you referring to syllabuses as such or subjects?

Syllabuses. What is contained inside of the (20) subject; what you have to learn. They said that the standard was not high at all, it was a lower standard, an inferior standard for Bantu. That is what they were objecting to. -- Yes, we objected because Bantu Education is inferior.

What makes you say that? -- Bantu Education even if you get a certificate, you have no knowledge.

That is what the accused say and that is what SASM members also said and people who were not SASM members at Healdtown. Many people said that. -- I do not know whether they did. (30)

The accused say that they and many other people, SASM members/...

members, non-SASM members, objected to having special textbooks specially written for them because they felt that a lot was kept away from them that was in the ordinary textbook. Did you share that view? -- No.

You did not share it. And you say that if you had not been expelled in this way that you were expelled, you would have been quite happy to go on and to matriculate. Is that so? Even though you had a certificate which did not mean you had any knowledge. -- Yes, had I not been expelled.

Now there were students - I am not saying they were (10) right or wrong, please - there were students there who felt very strongly about what they called Bantu Education because they felt it was inferior. Is that correct? -- Yes.

There were many students that you had met perhaps from other institutions who had the same view, rightly or wrongly, that was their view. -- No.

You do not know? -- I do not know.

Fair enough. You have heard of people, rightly or wrongly, who felt so strongly about what they thought was a lesser, inferior education, that they said they would (20) rather go overseas to other countries to get what they thought was a proper education. You have heard of such people? -- No.

Not at all? -- No.

The accused, they had heard of quite a few such people. You have not. -- No.

THE COURT ADJOURNS FOR LUNCH. THE COURT RESUMES AT 2,15 P.M.

VUYO PETER BALENI: still under oath:

FURTHER CROSS-EXAMINATION BY MR KIES: Do you remember saying earlier this morning that in the car with you when you went to East London, there was a man called Paike? -- Yes. (30)

And I think you said that he had not been to Healdtown.

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