

to our belief.

So there was not actually a god. -- God is a spirit, nobody knows him, you do not know him either. You sometimes can say this is just a history from the Middle East.

From the Middle East? -- Jewish history.

Anyway, you referred to your sentence of 5 years which had been imposed at Engcobo. Is that correct? -- Yes.

What did the magistrate say about you when he sentenced you? -- I think I stated this clearly. We were sentenced though we were innocent and I was told 5 years. (10)

Nothing else? -- The many other things he said I do not remember. He perhaps wrote what he said, I do not know.

THE COURT ADJOURNS FOR LUNCH.

THE COURT RESUMES AT 14h15 ON THE 27th MARCH, 1979.

JOHN GANYA: still under oath:

FURTHER CROSS-EXAMINATION BY MR HAASBROEK: You explained about that particular courtcase when you had been sentenced to 5 years imprisonment. -- Yes.

And you testified that you were never even given an opportunity to give evidence in that case. -- Yes.

Is that really so? -- Let me firstly say this. There are people in all cases who sometimes do not go into the witness-box and some people like going into the witness- (10) box, but the just decision in the case depends on the prosecutor and the presiding officer because they can see where the truth in everything that is said in a case is. Another thing again is that during that year 1963 many people who were not politicians were just arrested, tried and sentenced. This happened in Molteno, Engcobo, there were four different cases at Engcobo, chiefs were also involved there. It also happened in Middelburg in the Cape and Molteno. The four cases at Engcobo were there only because the government was trying to please the thieves. Those were the first cases where (20) people who were said to have been politicians were involved. Thieves were fetched from prisons to give evidence against these people who had been said to be politicians.

Yes, but that is not the point. What I am asking is was it really true that you were not afforded an opportunity to testify in that case by the magistrate or the regional magistrate? -- Yes, I was not given such opportunity.

Was it recorded on the record of the case? -- That depended on who did the writing. I do not know what was written there, just as I do not know what is being written now in (30) this case. According to what will be on writing there will not

be anything indicating that I was given such opportunity to give evidence, but there doubtless will be writing that I refused to go to the witness-box.

And you said after the sentence you were asked to say something and you then said that you knew nothing. And you were given no details of the case. -- This case came to be only because Whites had been annoyed by the deaths of five Whites who had died between Engcobo and Umtata. So anybody was just taken.

BY THE COURT: What was the charge? Can you remember? (10)

-- Yes, I can still remember. A thief who was fetched from prison and gave evidence against me and said .. (intervenes)

I do not want to know what the evidence was. Can you remember what the charge was when it was read out in the beginning? Or was it too complicated? -- It was alleged that I had been involved in furthering the aims of POQO.

And when that was put, did you have your counsel then? At that stage. -- We had Mr Davis and Mr Gibson defending us, they were present.

At that stage? -- Yes. (20)

Then you told me later I think you felt that they were prosecuting. -- Yes, they turned to be prosecutors and prosecuted us.

Was that after a couple of days or can you tell me what happened? -- We denied knowledge of everything that had been alleged against us in the beginning.

You pleaded not guilty. -- Yes. And then after the evidence was led and the State witnesses had said we intended attacking the Whites and driving them into the sea, our defence counsel then turned against us. (30)

Was that after the evidence had been led? -- Yes, and

during/...

during that time the Whites were no longer sleeping at their shops or business places in the Transkei, they were going out to sleep in towns.

MR HAASBROEK: But you testified that you had been given no details. Now you say that you did have particulars about your case. -- I like that question though I cannot very clearly understand it. It has no head or tail. Because I have already said a thief from prison was fetched to give evidence against me

Yes, but in your evidence-in-chief you said specifically we were not given details. -- Yes, because we had to be (10) told when this was supposed to have been started by us, what happened when and where, everything had to be very clearly explained. The witness only said he did not know what the dates were, he had forgotten the dates and then it was said there must be sympathy towards him because he is illiterate.

And did you cross-examine him?

BY THE COURT: Counsel was still there.

MR HAASBROEK: That is so. Was he cross-examined by your counsel? -- But I have already said I made a statement to my lawyer, I did not go into the witness-box. And what made (20) me feel no longer satisfied with my defence counsel is that they just turned against us and prosecuted us.

But that was towards the end of the case, isn't that so?

-- Yes.

But before that stage they put questions to the witnesses. Isn't that so? -- There came a judge in 1964 on the 21st August at Robben Island from Britain. This judge spoke to Mr Mandela and said many cases had been disposed of irregularly, though I was in the isolation cell then.

A judge from Britain said that? -- Yes, the judge (30) was from Britain, he was in the company of somebody else. He spoke/...

spoke to Mr Mandela. Mr Mandela related the discussions to us. He also said the judge said he unfortunately knew nothing about the cases that were tried in the Transkei because he, the judge, was in Johannesburg. It is Mandela who said he, Mandela, unfortunately did not know what happened in the trials that were in the Transkei because he was in Johannesburg. He first had to get the information of what was taking place in the Transkei from us. Mr Mandela also said because he did not have the information of what took place in the Transkei, he could not convey this to that judge. He also had not (10) expected to have a consultation with that judge, but he then said he should rather have / ^{asked} for another time or for a postponement of the consultation with that judge so as to get this information from us and then continue with his consultation with the judge.

You are deviating. I asked you a simple question. Did your counsel put questions to the witnesses in the 1963 case? -- Where would he have asked me these questions?

BY THE COURT: No, no, not asking you the questions. Counsel wants to know from you did Mr Davis or Mr Gibson put (20) questions to the witnesses, the thieves? -- Yes, they did put many questions to the thieves.

MR HAASBROEK: And they got details and particulars from the thieves or the witnesses. -- These witnesses said in summer there used to be meetings and that it was said in these meetings we are members of POQO.

BY THE COURT: Did they say you were a member? -- Yes. They also said as members of POQO we decided that donations of 2/6d each person be made so that we could go and buy arms in Lesotho and with these arms shoot the Whites. (30)

MR HAASBROEK: So you did have a lot of particulars in that case.

-- Yes, there were very few particulars because if people are just brought together and falsely charged with anything, there will be very little said against them.

But there were witnesses. -- There will always be witnesses. We can try now... (intervenes) .. to make any false case against certain people you will always get witnesses.

How many witnesses were there testifying against you in that case? -- Two witnesses gave evidence, those became brave enough to give evidence, though there were a number of other witnesses who kept on coming, but they just (10) disappeared.

Why didn't you lodge an appeal against the judgment of this magistrate? -- We had no money, nor did we have cattle because the thieves had stolen our cattle. These false charges had been brought against us by rich people who also themselves knew that we had no money and we would not be in any position to lodge appeals.

Now why didn't you write a letter to the Judge President while you were in prison, asking him for leave to appeal? -- The authorities failed to make known to us that we could (20) do that. They actually had to tell us if you people are not satisfied with the judgment, if you want to lodge any appeal and you haven't got money, this is the procedure you can follow. We do not know these laws. We just get arrested and charged, but you do not know the law.

Did you not ask them how you had to go about to lodge an appeal?

MR PITMAN: I do not want to interrupt my Learned Friend, but I know the witness did give a lot of evidence-in-chief that was not relevant. I do not know if this evidence is (30) relevant. I was wondering if it was relating to credibility but/...

but it seems to be going off that track.

BY THE COURT: It may be, but we will not debate it now, but .. (inaudible) .. cross-examination it might be said of the State witnesses. It has been difficult to understand until it has all been put in.

MR PITMAN: Yes, it seems to relate to a time prior to a conviction .. (inaudible) .. prior to 1963.

BY THE COURT: Well, if it is a question of credibility, he is entitled to put these matters. He may have something else in view. I am very loath to stop a person cross-examining, (10) as you know from your own experience.

MR HAASBROEK: So the effect of your evidence with regard to this case is that it was a false case which was proved against you? -- Yes.

And there was also a subsequent false case proved against you, that was the liquor case. -- You would perhaps tell me how it was proved that I had been drunk because if a person gets arrested and there is an allegation that he is drunk, then that person must be taken to a doctor.

Very well, you said it was a false case against you. (20) -- I went to a lawyer subsequently, a Mr Sengler to whom I was referred by the Legal Aid. He told me stories. He made mention of the Attorney-General and this made me feel he must have had something to do with these people. I had letters from the Urban Bantu Council members. These letters I took to the police station and also to this Mr Sengler and the people who had written these letters were prepared to give evidence on my behalf but the police only selected a Mr Makanya and a Mr Linza. They said they would go to these two and ask them to make statements. This was because the people I had (30) mentioned were too many. They had also said that the police

had/...

had just unlawfully gone to people- to the township to provoke people.

Were you sentenced to a fine of R15? -- Yes.

And you said that the evidence was false against you. -- I had never taken any intoxicating liquor and I will never do it. This was done only to cripple my life and it was done by the government of the Nationalists.

BY THE COURT: All Counsel wants to know is you say that the evidence was false. -- It was false.

MR HAASBROEK: And you also aver that the evidence against (10) you in this case is false, this present case against you is false. -- Yes, it is false because what I did, did not happen as it was testified here by the witnesses. It had just been changed to suit those who wanted to have me in this case.

Twenty witnesses testified against you. Is that correct? -- If a plot is made against a person by those who are in a position to do so, who know themselves to be prosecutors or to be in power, can bring even 100 witnesses; 20 is a small number.

But why would the State be interested to prosecute (20) you falsely? -- I cannot understand why you ask me that question because it is clearly known to the State that children got involved in a campaign against Afrikaans and what these children did, they were helped by us. After having helped these children, the State started to prosecute us and this was only because it is the fault of the government that this had happened, but the government took its blame and put it on us. This government had been blamed by people all over the world. In Botswana it was said that this is a brutal government of murderers. (30)

But why will this government pick on you to persecute

you/...

you? -- When this government wants to prosecute a human being, it may be prosecute or persecute, and as a human being I am also a target. I am actually also a victim like many other victims.

Yes, anyway, you served your sentence on Robben Island. Is that correct? -- Yes.

BY THE COURT: You must please speak slower so that the Interpreter can interpret what you are saying. -- There is one other incident I forgot to tell you about. A man from East London, Mr Lambeni, who was together with accused No. 5, (10) had collapsed, and then we took him to the authorities at the hospital there and told them that the man had collapsed, we got assaulted. And we consequently had to run away. This man who had collapsed also had to run away, but we afterwards took him back again. The same thing was repeated. When we took this man, he had collapsed and he was busy dying. His bowels also ran loose as we were taking him. When we complained about this to a colonel, a Mr Wessels, he took me away, saying I had taken his work, and then he ordered that I be taken to the isolation cells. When I complained about (20) this, I was told that I would be kept there forever.

MR HAASBROEK: Is that the only reason why you had been taken to the isolation cells? -- There was no other reason.

And you stayed there for 4 years? -- 4 years and 3 months.

Wasn't the position that you were very active in politics there, you were propagating the PAC among the prisoners and that was the reason why you were sent to the isolation cells? -- The death of this person I have mentioned whilst they had the propagation of the PAC, I do not know, but I had only complained about what had happened in connection with this (30) man. The difficulty is that Boers reason in such a way that anything/...

anything will be formed to suit them, even if it be untrue,
they can just form anything to suit them.

And while you were there in the isolation cells, was it possible for you to communicate with the other prisoners? -- We were kept in isolation for quite a long time until Mr Mandela complained. He asked that we be taken out to work. This was then done, but even then we were still victimised by being assaulted.

Well that is not an answer to what I asked you. Was it possible for you in the isolation cells to communicate (10) with the other prisoners? -- While I was kept in the isolation cells we used to be with the other prisoners at work but after work we would be kept individually in the cells.

Did you see Zeph Mothopeng there in the isolation cells? -- Yes, I did.

Did you have discussions with him? -- He unfortunately came at a time when we were kept individually. We also used to work alone and he was also not there for a long time. There was a Boer who did not like him, who used to make him work very hard, and he used to keep him alone. If I am (20) not mistaken this Boer's name was Van Greunen.

So you know about that. You must have known about many other things also. -- If you may mention the other things.

Discussions about the PAC for instance.

THE COURT ADJOURNS. THE COURT RESUMES.

JOHN GANYA: still under oath:

FURTHER CROSS-EXAMINATION BY MR HAASBROEK: Did you discuss the PAC with Zeph Mothopeng there while you were at the island?

-- I did not discuss the PAC with him.

Was the PAC never discussed by anyone there? -- Not (30) to my knowledge because I was at the isolation cells with

Mr Mandela and others and we did not discuss the PAC nor did we discuss the ANC there.

But you did communicate with Nelson Mandela. -- I was with Mandela, Alexander - Neville Alexander and his group, Bam and Edward Daniels. He had been charged together with a number of Whites, but his sentence was much more severe than the sentence passed on the Whites.

And you had discussions with Mandela in relation to this judge, the English judge who visited you there at the island. -- Mandela told us the judge spoke about two things to (10) him. About cases that had been disposed of irregularly and about Bantustans. He said the judge was saying Bantustans are good, they should accept Bantustans. We then wanted to know what he, the judge, would say or have to say about the English stans, since he had come all the way from England to come and talk about Bantustans. Mandela just laughed when we said this. He had called Sisulu when he was talking to this judge and then they were together with the judge.

So in fact all the people there in the isolation section discussed matters with each other. -- But you must under- (20) stand this point, this is, we had come from different places and every person there had something to say about his ups and downs, about his experiences of good life, bad life, from the place where he came from.

Yes, I understand that. Was Phokela there? -- Phokela arrived when I was about to leave.

And Selby Ngendane? -- We saw Selby Ngendane being brought to the isolation cells during the campaign of the hunger strike.

Yes, and did you have talks with him? -- I spoke to anybody I had an opportunity to. (30)

Before arriving on Robben Island, were you about two months

in East London? -- I was taken to East London after my sentence and then I was there for about 6 months and I was taken to Robben Island on the 7th month. People were dying like flies in East London immediately after our arrival. It was as though they were dying just like flies which would die after poison had been applied to them.

Why were they dying? -- When I saw accused No. 5 for the first time, it was when he had gone to the hospital. We had gone to the hospital to take a person who was ill to the hospital and when I asked accused No. 5 what was wrong with (10) him, he told me he was ill. And then I told him not to take the medicine that was given to the patients there because they were only meant to kill us.

Were they actually giving medicine to people in the hospital there to kill them? -- Yes, people were given medicine. If they took that medicine they would die immediately thereafter or on the very same day. When we had taken a Mr Mkina to the hospital this Mr Mkina was given medicine, he was hit with the open h and and he was also told that he was pretending to be ill. He afterwards, on arrival at the (20) cell, died.

But you said that people died like flies. Have you ever heard about those killings? -- Yes, it is not strange that you did not hear about those deaths because you do not care about the Africans. You can even be happy if all these, my co-accused, die.

I am very sorry but you are wrong. -- If it is true that you were sorry, then I would have heard about you because as a prosecutor if you do anything good then we must know about that. All Whites who do something good are known. (30)

Did you see those people dying? -- These people died in the/...

the cells where we were kept. I can even mention to you their names. One of the people who died when we were with accused No. 5, he had just had a wash and he just collapsed and died.

How did you know it was as a result of the medicine he had taken? -- But a doctor has to either heal a person or bring a change to a person's illness but all the people who were given treatment in that hospital were to be regarded as dead people immediately after receiving such treatment.

BY THE COURT: Was that Mount Frere? -- At Fort Ramogen, (10)
East London.

MR HAASBROEK: And for what purpose did you go there? -- All the people from the Transkei who were to be taken to Robben Island, went via East London.

But what did you have to do there at the hospital? -- But I think I said we had taken a person who was ill. There were also other people who had also taken somebody else to the hospital.

Did you receive medicine there? -- This was not medicine because whoever was given that so-called medicine, died. (20)
This is why I also warned accused No. 5 against taking any medicine from that hospital.

Did you ever have to drink some of that medicine? -- I was always asking the God of Africa to stand by me. I was not prepared to take any medicine there. I started taking medicine on Robben Island. This was also after I had been persuaded by Mr Mandela to take medicine. I was ill and my body had sores, my whole body had sores.

Was there also poison in that medicine? -- This is not what I said, though I had my suspicions because the people (30)
who were on the island were the very people with whom we were

at East London.

The same people? -- According to the Afrikaans language, yes, they were speaking Afrikaans. And what was being done at the hospital at East London, was also done there, namely people being assaulted when they went to the hospital.

And did they die like flies there on the island? -- People died on the island though they did not die like those who died in East London. People died in great numbers in East London in a short period of time. There may have been much more people dying on the island, but not in a short period of (10) time as was the case in East London.

They were not given poison there? -- I did not say that. I said there was poison in East London and I did not say there was such a thing on the island. We mentioned this when we were complaining to the authorities in East London that people are being poisoned there and the authorities just said these people die only as a result of cold which they got from the meetings they were attending in the Transkei during the nights for the organisation POQO.

Now, at East London, did you have discussions there (20) with a student named Sitsamba? -- I was unfortunately not in the same cell with this Sitsamba, he was in another cell with other students from Fort Hare. I was with people from the Transkei until accused No. 5 was brought to us. No. 5 came together with other people in a group.

Now this Sitsamba, did he at all give you lectures in connection with the PAC? -- But I have already said he was in another cell with other people and he and the other people had been given a light sentence, three years, 2 years and below that. They had already started serving their imprison- (30) ment sentences. We were not doing anything.

So you had absolutely no discussions with him. -- I do not know how to answer that question now because I cannot while standing here, talk to a person who is in the lavatory. I would understand .. (intervenes)

BY THE COURT: Just say no. -- No, I did not.

MR HAASBROEK: Anyway, you were then eventually released from the island. -- Yes, I was. I left Robben Island on the 19th September for Paarl.

And then you were on your own eventually. -- Yes.

You were a free man. -- Yes, I was a free man. (10)

What work did you do from that moment onwards? -- I stayed in the Transkei and afterwards I went to Johannesburg, worked for Electrolite. I was later discharged and then I went to work for Transvaal Box.

BY THE COURT: Where is that? -- Croesus. I left that place because I was not satisfied with the wages and went to Tripple J, this is where motor car panelbeating is done. I left that place because I was not satisfied with treatment which was meted out to people by a White man, a Boer, who was assaulting them. I then went to Robertsham and worked for (20) Heat Exchange. When I left that place I went to learn welding. I thereafter went to work for a firm near Regents Park. I did welding there.

MR HAASBROEK: Until when? -- It was while I was working there that the Special Branch Police came.

BY THE COURT: Did they arrest you? -- No, they just came but they troubled me a lot. A foreman, a Boer, who after discovering that I had been at Robben Island where I served a sentence, did not like me and he afterwards or subsequently sacked me.

MR HAASBROEK: When was that? -- This was about 1974. I (30) went to Steel Brothers.

Until when? -- At Robertsham. I did welding there.

Until when? -- The Security Police came there as well in about December though they did not find me in.

Until when did you work there? -- Then I was told in December not to come back again after going on leave.

December, 1974? -- Yes.

And then afterwards? -- I then went to work at Baragwanath where doors and windows are made. I was working for Doorman(?) Sections(?). A Mr Van Schalkwyk who was supposed to have me registered as an employee there, did not do that. (10)

When did you leave that work? -- I went there for quite some time, I think I worked there until the end of 1975.

Yes, and then after that? -- I then went to the Transkei. After coming back from the Transkei I worked for Baby Joy and Crom(?) Joy at Langlaagte. I worked there until either the end of April or the beginning of May.

Yes, and after that? -- I never worked thereafter.

Why not? -- I could not find employment thereafter.

From April 1976 onwards? -- People have stayed for 3 or more years without employment and people with certificates. (20)

Were you looking for employment? -- Very much.

But in the meantime you were also busy with these students. -- The students started coming to me in December, 1976. I do not know where I was busy with these students now that you say I was busy at all the time with students.

Well, according to your evidence you appeared to be very busy dealing with these students who wanted education. -- A busy person is one who is busy with his own affairs, but a person who is approached and asked to render help is not busy, he is just helping those who come to him for help. (30)

You were without work, you could not find employment and

yet/...

yet you were the person who helped all the others who were in trouble. -- No, I will not agree with that because I started in 1971 to help people. People then came to me and asked me - people used to go to the firms where I was employed, seeking help and then I got involved in helping people.

And that gradually became a fulltime work, isn't that so? -- No, it is not so. Taking children on about two occasions to Park Station cannot be regarded as one's fulltime work.

As I have said, you people change things to suit you.

You even visited Botswana. -- Very well. (10)

It was all in aid of these children. -- I went to Botswana to find out if students could be given help financially for school and also for their defence and this I did when the firms had closed.

Who sent you to Botswana for that purpose? -- I think I explained that I went to Botswana in the company of a Mrs Jako who was herself in the company of her children. She had said these children were from the Transkei and were going to outside countries for education. When she said that scholarships were available outside, I decided to avail myself of the (20) opportunity and go together with her. And it was true that scholarships were available on my arrival there. I also found many other students there.

On how many occasions did you visit Botswana? -- On two occasions.

How long did it take you each time? -- I think I spent about a week on the first occasion and returned in the beginning of the second week.

Did you ever go to Swaziland? -- No, I did not.

What was the reason for not going to Swaziland? -- (30)

Mlotha was there, he knew all that had to do with school affairs and/...

and I had no reason to go to Swaziland.

You were also interested in studying your JC. -- Yes.

And you were given assistance by David Adlow. -- Yes.

Well, there is something I cannot understand. Perhaps you can explain it. You testified that you were in possession of standard 3 education. -- But you must understand this point clearly that though I only passed standard 3, I did not end up there. I studied on Robben Island.

Yes, but you said you were only in possession of a standard 3 education. -- Yes, I passed standard 3 while I was (10) in Engcobo.

And what other standards did you pass subsequently? -- Standard 6.

When was that? -- On the island in 1966 or 1967.

Why did you never mention that previously? -- I was not asked whether I studied or not on the island.

You were asked what your qualifications were. -- Yes, in the Transkei and I said that I passed standard 3. I was not asked whether I studied further or not.

Where did you get your standard 6 qualification? -- (20) On the island.

And standard 7? -- I studied JC through correspondence after leaving the island. When one is studying through correspondence colleges, you do not have to study for standard 7, standard 8 and then standard 9.

What is the name of that particular correspondence college? -- I took lectures from the ICS in I think June, 1972. It was on either the 21st or the 22nd and I am still studying with ICS at the moment.

What is your qualification now? -- I am still doing (30) JC and intend writing the JC examination.

What/...

What assistance was given by David Adlow to you in connection with your JC? -- He gave me a cheque for R30 with which I paid ICS.

And in the meantime you were without a job also. -- I was working. This happened in 1971 - no, I made a mistake. In 1972.

You worked until 1976. Is that what you said? -- Yes.

And until your arrest you were unemployed then? -- Yes.

When were you arrested? -- On the 1st April, 1977.

And did you not need money all that time to live from? (10)

-- I did.

Did you have the money? -- I used to weld motor cars and other things for people in the township over weekends and I was getting money for all that.

Then you did have a job. -- This was all because I had taken the trouble of learning welding.

Yes, you did have a job then after all. -- No, it is not a job because I was not registered. If a person does any work and he is registered, that can be regarded as a job. I could otherwise be registered with a White man and then .. (20)
(intervenes)

Yes, but you earned a living from your welding. -- Yes, I did earn money from whoever came to ask me to do welding for him.

Where did you get your welding equipment? -- There is quite a lot of equipment in town, for instance a person, Qacuvana who stays near the new hostel in Dobsonville, had welding equipment, he was doing welding, though he did not know the work very well. He only wanted to learn how to weld.

And you did your welding only over weekends? -- I (30)
actually wanted to do this welding over weekends. I did it quite/...

quite a lot while I was not working.

What did you do during the week to keep yourself busy? -- I have said that I used to go to Qacuvana even during the week at times to help him.

To do what? -- With welding.

Also during the week? --- Yes, while I was not working. I would sometimes when returning from town, go to him.

Were you not very busy during all that time with recruiting young people for the PAC to go for military training? -- If you knew me well you would not be saying that (10) because I was doing my best to try and do a job of my own without having to be employed by the Boers because they are very troublesome. I actually also went to the extent of running a dairy business which was formerly run by a Mr Moya originally from - it was originally owned by a Mr Moya who came from Rhodesia. It was when he had left that I hired that dairy business of his and continued it. And this I did together with a Mr Bayi. When this Mr Moya came back from Rhodesia, I left his business over to him and went to hire another business which we ran in Bayi's house. (20)

So now you were fulltime in business? -- No, I was trying to stand on my own in business.

How long were you busy with the dairy business? -- Not very long. I ran this dairy business after having stopped working in 1959. I was told about the business by another young man. In 1961 I returned to work when I could no longer continue with the business.

Now you stopped working in 1976. -- Yes.

Did you have a dairy business after that? -- No.

And did you have any other business after that? -- (30)

In April, 1976 - before April, 1976 I accompanied people who were/...

were originally from the Transkei to a place near Fochville. We had gone there to look for cattle.

How long did that take you? -- I did not have sufficient money though these people had money. I was actually helping them because they did not know Johannesburg.

How long did that take you? -- I am still answering your question. We used to go there over weekends but then at a stage in April an inspector from Vereeniging to whom I had gone, asked me to go with him to the White man who was selling cattle. This was because these cattle had to be injected. (10) On arrival at the White man's place, we were told people had just left with the cattle. The stock inspector then wanted me to pay him R40 because he was saying I had used his motor car, I had travelled in his motor car. I think I had about R1,40 in my pocket then. The stock inspector then took the documents - R1,25 - the stock inspector then took all the documents I had with me. He took them saying that he wanted me to pay him R40 for the use of his car and these documents are still with him at the moment.

It is not necessary to give all the particulars. I (20) only want to know how long did that take you to do that business. -- No, it was not long.

A week?

BY THE COURT: Was that finished in April? -- Yes, we stopped in April when it became clear that I was owing the stock inspector.

MR HAASBROEK: And how long did it take more or less? That is all I want to know. -- I do not know because I sent people at different times. I had sent a co-conspirator, one Otto Myandi to a White man in Carletonville where he bought 11 cattle. (30)

When was that? -- In 1976.

And/...

And were those the only business trips that you had? -- I was only trying.

There was nothing else apart from those trips? -- But I have told you that after stopping work, I used to do welding.

But nothing during the day? -- But I used to go looking for work during the day though I could not find work.

THE COURT ADJOURNS.

THE COURT RESUMES ON THE 28th MARCH, 1979.

JOHN GANYA: still under oath:

FURTHER CROSS-EXAMINATION BY MR HAASBROEK: You referred to a meeting in 1976 in September which was held by Dr Ntshuntsha.

-- Yes.

Who is this Dr Ntshuntsha actually? -- I do not know what else to say about him because he is Dr Ntshuntsha and only Dr Ntshuntsha.

Was he a prominent member of the community there where you were? -- I would say so. (10)

And how did it come about that you came into his company?
-- It started from the UBC meetings.

Did you know him personally also? -- No.

You then gave particulars about that meeting and you said members from the BPC were also there at that meeting. -- Yes.

And you mentioned the name Farisani. -- Yes.

And Reverend Mayatula. -- Yes.

Now this Farisani was he the president of the BPC in 1976? -- I do not know what his position in BPC was, but I knew him as a minister of religion. That is also how he was introduced. (20)

And Reverend Mayatula? -- He is also a minister of religion.

And he was also a member of the BPC. --- Yes.

And the other man, Mavi, is mentioned as a co-conspirator in this case. -- Yes.

Now what language was spoken at that particular meeting?
-- The African languages.

Not English? -- The person who spoke English as well is Farisani. (30)

Now you do not know the other African languages very well, isn't/...

isn't that so? -- When Sotho is spoken I do not need to be interpreted for, though I find it difficult to speak Sotho.

Because you specially asked for an interpreter for you in this case. -- Yes.

Now, weren't there any other reasons that took you to that particular meeting? -- Like?

Well, you were involved in the activities of the PAC and you were concerned with the youth. -- When was this then?

At this particular meeting. -- This was not a PAC meeting, it was a meeting of the residents and it was arising from (10) what had been happening to the children; children had been shot, they no longer stayed at their homes and the meeting was there to get a solution to all these things.

But you said that the meeting had not been a success because the parents of the children had not attended. -- Yes.

You were not a parent. Why were you interested in that meeting? -- According to the custom of the Boers, yes, I was not a parent, but according to our custom, I am a parent, according to the African custom I am a parent. You must also bear in mind that our practices are not the same and even (20) the environment we live in is not the same.

Yes, I accept that, but how did it work then? How did it come about that you were considered to be a parent? -- We do not recognise the laws that are made by the Boers for us. We do not recognise these laws in our practices. These laws are only there for the committees that are being formed by the Boers. Let me add to that. According to your practices or your laws a person who is not a parent, who has no child, a school attending child is not to be elected to membership of the school committee. In spite of all that, we do (30) elect people even though they do not have school attending children/...

children and for an example I was once elected to a school committee. When I was elected then I refused to take the position to which I was being elected and I also emphasized to the people there that it is contrary to the practices of the laws of the Boers that I be elected to these committees. So then the people, the Africans there said we do not recognise the laws of the Boers, this is what we do according to our practices and they also made an example of one Connie Njona who had been a member of one of the school committees even though he did not have a school attending child. (10)

But apart from that you were in fact interested in the education of the youth, isn't that so? You were interested in promoting the education of the youth. -- I spoke about the youth. You have not asked me if I were at all interested in the education of all the Africans.

No, I am not interested in the education of all the Africans at the moment, but only in the education of the youth because that is what you have testified here. -- I want you to think of all the people, not only the youth.

But it was not necessary to educate grownups. -- That (20) is how you reason. There are now night schools everywhere in Southern Africa. This is what we are busy with. I was elected to be an organiser and organise the names of all elderly people who wanted to get themselves educated in the night schools.

That may well be so but you are evading me now. I am asking you about the children specifically. -- Yes, you are correct, I am very much interested in the education of the youth.

Now how did that come about? -- I will ask you to (30) rather put that question to God who created me because I am sympathetic/...

sympathetic to the Africans and I will die as such.

You went to Ntshuntsha's house before the second meeting and there the Security Police .. (inaudible) .. -- Yes.

And you said 'they mishandled us as usual'. -- Yes, that is just what they are, they are violent.

What did they do to you? -- They manhandled me.

But how did they manhandle you? -- They manhandled me in the manner I am now demonstrating. They were shaking me around.

For no reason at all? -- The White policemen never (10) have any reason to do this to Blacks. Whenever they see a Black person they only see an animal and nothing else.

How did they manhandle Dr Ntshuntsha? -- They surrounded him near to his bookshelf and they were searching the bookshelf. They would not even allow him to look into our direction or move away from where he was standing.

So they did not mishandle him there, they did not assault him for instance? -- They did not assault him.

And they arrested him and took him away? -- Yes.

But for some strange reason they did not arrest you. (20) -- When one escapes from a violent Boer you cannot say that is -- you cannot regard that as an escape, you can only say it was only luck.

How did you escape from them? -- These violent people only shook me around, said nothing more and just left me.

So there was no question about escaping then. -- From?

You talked about escape. Isn't that so? -- Who else would have said that?

Yes, now I am asking you how did it come about that you escaped from them? -- I cannot understand your question (30) because when the people were being shot by the police, some people/...

people escaped and it was never asked why some people escaped. You should rather put that question in another form.

I can see you do not want to answer my question. I will go to the next one. You said that they were after leaflets in the possession of Dr Ntshuntsha. -- They brought some leaflets which had been distributed in the townships and these leaflets had his home address and on arriving there, they found some of the leaflets or similar leaflets in Dr Ntshuntsha's house.

What was printed on those leaflets? -- The residents were being invited in these leaflets to a meeting. (10)

Was that all? -- This is all I knew. I did not look for any other thing on these leaflets.

Was he then arrested in connection with those leaflets? -- Yes.

You also testified that in September, 1976 there were students from different places. I had been involved in helping people who wanted to further their education from 1971 to the 20th February, 1976. Is that correct? -- I said I helped people from 1971 to February, 1976. This is what I had said, though I did also help people in 1977 as well. (20)

Why did you then stop in February, 1976? -- There is a specific time for the availability of scholarships for children. And after the closing of the availability of these scholarships if one goes for a scholarship it can only be by luck that one should get a scholarship.

So you waited until the next year? -- No, I was not waiting. If anybody had come to me then I would have taken that person and if nobody comes to me then I have nobody to take for an application for scholarship.

How many students did you help in this way? -- I do not know and I am sorry that Cosmos Desmond is no longer (30)

here/...

here. Some people for whom I made application I used to take to the Anglo American Corporation and I used to take some people to Henwood and Gregor and these would refer me to Desmond. Mr Desmond later referred me to Mrs Israel at the Race Relations.

I accept that but how many students approximately did you give assistance? -- No, I cannot say how many I took for these scholarships because the students I took, I took in, were given promises and then I would not go again later to find out what the end of those promises were, except for some of (10) the students whom I met afterwards and who told me whether or not they were successful. Those who did not come to tell me what the outcome of the applications were, I did not know.

But can't you give an estimation about all the students who approached you? How many were they? -- No, I cannot. I will be telling a lie.

Were they too many to remember? -- I did not count these students because they were coming at different times, there were many, and I cannot say who of all those students were successful or who was not successful. (20)

One of the students you rendered assistance to was then accused No. 6. -- He is one of the people I had doubts about, about their success in obtaining scholarships or not because he came back.

Yes, but before that stage you saw him at Hlatswayo's place. -- I do not understand you.

Did you not have discussions with accused No. 6 at Hlatswayo's place? -- I would like to understand discussing what, because he wanted a scholarship and he wanted to go to Swaziland ... (intervenes) (30)

Yes, discussing a scholarship. -- Oh, yes, what he said was/...

was that he wanted to go for education outside the Republic of South Africa because he cannot freely continue with his education here. He was having the difficulty of being troubled together with others by the police and as a result they do not have sufficient time to concentrate on their education, they are not free enough to concentrate on their education. And he also said in addition to all that he does not like the system of Bantu Education and the instruction through the medium of Afrikaans.

Now that took place during November and December, (10) 1976. -- I said I thought this was towards the end of November or in the beginning of December.

Were scholarships then available at that time? -- I do not know what the procedure in the outside countries is, but we had learned that scholarships in outside countries were available. Children who had gone to these countries outside the Republic had succeeded in obtaining scholarships.

Did you know that the academic year in the outside countries, according to the evidence, begins in September of each year? (20)

MR PITMAN: M'Lord, only universities.

MR HAASBROEK: Yes. -- Where?

The countries outside South Africa. -- But I think I have already answered that question by saying I did not know what the procedure outside the Republic of South Africa is. It was different from the procedure here in South Africa.

But when a person would approach you like accused No. 6, then you would just arrange that he be taken outside the country without any knowledge of the dates? -- But I think I clearly put all that by saying he would be in the outside (30) country, he would be in a better position to know what the

setup/...

setup there is and if he would have to wait, then it would depend on his perseverance. If he would not be prepared to persevere, then it would be up to him.

Who paid for his transport? -- I will not lie to that because this depended on Mlotha. Mlotha knew because he had said he takes the children away. We did not ask him who paid for the transport, but he knew. And I did explain initially that when we were introduced to him, we were told that he is the person who would take away the children. We were not told who would pay for the transport. (10)

Did you never ask? -- No, I did not. This was because I had hoped that organisations such as the United Nations were there to assist in everything pertaining to the children because it had also been mentioned in a paper that there was a certain number of children in Swaziland who were all under the care of the United Nations. They had all been accepted by the United Nations.

Did you read that paper? -- This was also broadcast over the radio in Zulu. It was also said over the radio that parents who had children in the countries outside South Africa must fetch these children and the deadline for that was the 22nd November. (20)

Do you suggest that the South African Broadcasting Corporation advertised these scholarships? -- It was said over the radio children from the Republic of South Africa in outside countries like Swaziland, are under the care and support of the United Nations, they were being supported by the United Nations with everything, bedding and everything. King Sabuzo himself also wanted money.

Was that the SABC? -- King Sabuzo also wanted money to be in a position to help these students because they were (30)

a burden to him. This is what was said in the Zulu station of the SABC.

And you also read it in a newspaper you say? -- This also appeared in a newspaper.

What was the name of the newspaper? -- The newspapers that were commonly used in the townships are the Rand Daily Mail and the World.

But you testified that you do not read newspapers. -- I said I was not interested in reading newspapers but whenever there is anything I would be interested in appearing in (10) the papers then I would read.

How would you know about that thing if you do not read the newspaper in the first instance? -- You must remember that what was happening to the children and what was happening in Soweto is something that was troubling us in our hearts. This was common everywhere, this was just a great trouble about these children who are our own children.

So now you say you did read newspapers? -- Yes, I did read papers when there would be something I was interested in.

Do you suggest that Mlotha was the man who made all (20) the arrangements for the children as far as their transport was concerned, as well as their education outside? -- We were introduced to Mlotha and told that Mlotha is there for the children who are to be taken out of the Republic for education.

And did you have personal contact with Mlotha? -- I mentioned the days on which I had contact with him.

And you said he was this very important person, in other words, who made provision for the children to go out of the country? Is that what you are saying, that he was the (3) important man? -- Yes, just as he also did. He did take away

the/...

the children.

Is he a very intelligent person according to your observations? -- I cannot say. I only regarded him as a person who was helping. I cannot say whether or not he is intelligent.

And you testified that Mlotha told us on this occasion we could take the students to him whenever there were students to be taken away. -- Yes, when he had opportunity to do so. He did not take the children at all times as he did on one occasion when he had refused to take the two children where there was an injured child. (10)

But did he actually say those words to you? -- He said whenever possible he will take away children. This is what he said when I was introduced to him.

But you were in court while he was testifying. -- Yes, I was.

Why was this not put to Mlotha by your Counsel? -- Firstly, I had nothing to deny in what Mlotha said.

Did you agree with everything? -- I agreed with the fact that he was taking children away.

BY THE COURT: Did you agree with everything he said in (20) evidence? -- I agreed with what he said with regard to what was happening here in the Republic of South Africa and what happened outside the Republic of South Africa I did not know.

That is a correct answer. -- What I did not agree with where I feel he made a mistake is when he spoke about two girls. He spoke about two girls I had taken to him. This is true, but the mistake he made was that of saying I also took an injured boy to him. I was not there when this boy was taken to him.

Did you agree with the evidence of Sergeant Le Roux (30) who arrested you? -- What I agreed with in his evidence is that/...

that he arrested me. What I did not agree with in his evidence is that he said I was from Tanzania. And this he said because he had said he had seen an air ticket. He also said I must have come from Tanzania because he had also seen an empty cigarette packet in the bag I was carrying.

No, he said that you had told him that you had come from Tanzania. Now do you agree with that or do you not agree with that? -- I do not agree with that. Yes, he did say I was from Tanzania but I did not come from Tanzania.

MR HAASBROEK: It was never put by your Counsel to him (10) that you disagreed with him. -- Well, I had told him that I did not go to Tanzania.

Why was it not put by your Counsel? Surely you must have told him. -- I do not know whether my Counsel put this to Mr Le Roux or not, but I did tell him that I did not go to Tanzania.

Now this grandmother came to you with the two girls. Is that correct? -- This woman is originally from the Transkei from Engcobo. I was used to going to her place. She came to me and told me about these children and told me that these (20) children were no longer attending school and she feared that seeing that they no longer attended school, they could get involved in bad practices. She then wanted to know from me if there was any means of having these children going outside the Republic for education. I told her I did not know, but I will try to find out.

Anyway, you then called Mlotha and you showed him the children. Is that correct? The children brought by the grandmother. -- I did go to Mlotha though I did not tell him about these children. I also told the children's grand- (30) mother to take the children to town. Then the grandmother said that/...

that she would like to buy some provisions and clothes for the children.

You testified more or less the following words: I called Mlotha and showed him the children brought by the grandmother. Mlotha was happy. -- But I was telling you of how the children were taken to that place. When I came to Mlotha the children were not there together with their grandmother and it was only after the arrival of the children and their grandmother that I showed the children to Mlotha and then Mlotha became happy.

And he told you that he had known places or sources (10) for scholarships where he could take these children. Is that correct? -- I think I did answer that question though it was not with reference to the children. I said Mlotha said he was taking away the children. He did not talk about sources, but what I asked Mlotha to do .. (intervenes)

BY THE COURT: Just a moment. My note was that you said that Mlotha told you he knew places and sources for scholarships for these people. Now did he say that? -- I said Mlotha said he knew what was happening in Swaziland and the places there. I did not use the word 'sources'. (20)

Did Mlotha say to you that he knew places for the scholarships where he could take the children? -- He said he knew the places where help for scholarships could be obtained. I did not say he knew sources, but .. (intervenes)

Forget about the word 'sources', that just confuses the issue. I just want to know whether my note is right. -- Yes, I did say that.

Places. -- Yes.

MR HAASBROEK: Now this was not specifically put to him by your Counsel. -- What now? (30)

This about the places. -- If you had asked him to explain in/...

in this manner, then that would have been challenged. We were not to challenge what we did not deny in his evidence because he also did not deny having taken away children.

Nothing was put to him about the grandmother and his two daughters also.

MR PITMAN: I put about two girls, M'Lord.

BY THE COURT: My recollection is about ..(inaudible) .. is that no suggestion was ever made to Mlotha by you or any other Counsel on behalf of the accused that he actually was the person who was taking these children to places where they (10) would obtain scholarships unless my memory is at fault.

MR PITMAN: No, I am not - the question put by my Learned Friend was there was no mention made of the grandmother and the two daughters.

BY THE COURT: That I think is a question of whether the two children with the grandmother, it may be a matter of ... (inter-venes) The first point Mr Haasbroek put and that I am quite clear on.

MR PITMAN: Except I must just add this that I did not put the name of one particular place Mdutshana but it was not (20) precisely as - I put that to the witness .. (intervenes)

BY THE COURT: No, it is not a question of whether he knew places. The role that is now being sketched by this witness in relation to Mlotha, unless my memory is wrong and it may well be wrong.

MR PITMAN: No, I am not disagreeing with what Your Lordship says about places and so on.

MR HAASBROEK: When you had this conversation with Mlotha you then added: I did not ask him any details. Is that correct? -- Yes, I was not interested in asking for any (30) details from Mlotha because I had heard of many children who had/...

had left this country as students.

Why were you not interested in finding out what would happen to these children? Certainly you had to tell the other children who were interested to go out. -- The reason is that I never heard of children who, after having left this country, got stranded outside.

Is that your reply? -- Yes.

Well, No. 6 is one of them who returned. -- No. 6 did not say he came back because he got stranded over there. He had come back to make certain preparations and he had said (10) he would go back again. He had also said that they were being delayed over there.

Did you ask him what the circumstances were there in Swaziland? -- I had no interest to ask him any other thing because I was not happy with his coming back after he had given us the trouble of getting him out.

Anyway, Mlotha - you then said Mlotha also mentioned that he would take these children to one Moabi and Mbutshana. Is that correct? -- I did not ask him to take these children to anybody. He made a mistake there. Because when I heard (20) about Moabi for the first time it was when I was told that a Moabi had phoned to these children's grandmother who was a domestic servant and the message from this Moabi was that the children wanted to come back.

Did you testify that Mlotha also mentioned that he would take these children to one Moabi? -- If that is what you have on your notes, then you have misunderstood me because what I said was that Moabi phoned these children's grandmother and told her that these children wanted to come back.

Well, I am sorry, that is not what you said. You (30) also testified in your evidence-in-chief that Mlotha had said that/...

that the school children would stay in Luyengo Mdutshana, is that correct? Something to that effect. -- Yes, I did.

Why was this not put to Mlotha? -- But as I have already said to some of your questions I had nothing to challenge in what Mlotha said.

BY THE COURT: I want to know one thing so I can get my notes clear. Did Mlotha tell you, because this is what my note is, did Mlotha tell you that he would take these children to Moabi? -- I will again say I heard for the first time about this Moabi when I was told that this Moabi phoned the children's (10) grandmother to tell her that the children wanted to come back.

Will you just answer my question please? Did Mlotha tell you that he would take the children to Moabi? -- He did not say that.

MR HAASBROEK: What about accused No. 7 here in this court? Did you have any dealings with him? -- No. I regarded him as Mlotha's servant. I was surprised to hear him, No. 7, say in this court the vehicle he was using, was his own; I thought it was Mlotha's vehicle.

On how many occasions did you see him? -- I think (20) I saw him on two or three occasions if I am not making a mistake. It was also on the day on which I had gone to Mlotha in the company of the girls. It was when I had gone to Mlotha in the company of the first group of children amongst whom was No. 6.

And did you talk to No. 7? -- No.

Not a word? -- No.

Now, the evidence about Dalasile which you have given, it was in connection with Mdakane who made affidavits. Is that correct? -- Yes. (30)

Dalasile was present? -- Yes.

And/...

And you then said that Dalasile had complained to you asking what kind of politician this man is, that is now Mdakane. -- Yes, that is what he said. This was because Mdakane had gone to him to have certain things put right for him. Mdakane had actually gone to Sicwebu, this Dalasile is a friend to Sicwebu and they were together when Mdakane got there. Mdakane was from the island and I think this man had expected that a person coming from the island would be exemplary.

No, but why was he referred to as a politician? -- (10)

Well, it is known to everybody that people who are kept on Robben Island are political prisoners.

Was that the only reason? -- This is just what I thought. I did not ask him.

Was any politics discussed there? -- Mdakane's reference book was being discussed.

Any politics? -- No.

PAC? -- No, no PAC was discussed there.

Anyway, you were then involved with UBC affairs eventually. Is that correct? -- I had always been involved with them. (20) I did not eventually get involved.

So you were involved right from the beginning with them?

-- Yes.

You also said that you advised them, that is the members of the UBC. -- We sometimes criticised them and told them they were 'puppets.

But what advice did you give to them? -- Firstly, after my arrival there, the crime rate was high. We tried to get a solution to this because people were robbing and killing each other in the night. (30)

What was the advice that you gave to them? -- The advice

we/...

we gave was that the youth should be brought together and be spoken to and be educated rather than just being taken and given a whipping, because no nation can ever expect any good from whipping its youths.

Now the Urban Bantu Council is a government institution, is that nos so? -- Yes, you know very well these people are your agents.

Now why did you associate yourself with them? -- These agents are Africans and we were trying to put them right. We will not just let them continue while they say they are (10) representing us.

But the name Urban Bantu Council must be equal to an insult as far as you are concerned, isn't that so? -- I believe that you are also aware of that because even the name you people give us like Bantu, we are not Bantu. You people just call us names, very different names as though we are dogs and simply because you do not care for us.

You haven't answered my question yet. Is the name of the Urban Bantu Council an insult to you or not? -- Very much so.

And yet you attended their meetings. -- Because we (20) were trying to put them right. That we did because they say they were representing us.

And you referred to one occasion when there were three issues being discussed. Firstly, the Xhosa unity; secondly, different schools for the ethnic groups; and thirdly, the crime in Soweto. -- Yes.

Now, what was the reason why the Xhosa unity was discussed there? The Urban Bantu Council is for all ethnic groups. Isn't that so? -- Firstly, there are no different ethnic groups, we are just a nation, one nation and this Xhosa (30) unity was just but an attempt to divide us, for an example there/...

there is no Boer unity, English unity, Italian unity, Portuguese unity or American unity. Now these unities amongst us are there only to divide us.

But they are all separate nations, aren't they? -- There is no such. There will never be such a thing.

Mrs Ntshona also favoured the Xhoza unity. -- We were not in favour of that and this is the reason why we said we are going to make sure that she loses her position and no longer stays there because she was very much your agent.

You did not say that in your evidence-in-chief. You (10) said more or less the following: When she said this, we lost hope in her because she believed in the existence of the Xhoza people. -- I had never said we trusted her and I am repeating again that we people had no faith in these Urban Bantu councillors, this was the reason why we decided to associate ourselves with them so that we will be in a position to show them the way.

But you said that she believed in the existence of the Xhoza people. -- Yes, I have not changed that, I am still saying it now. (20)

And do you not believe in the existence of the Xhoza people? -- There is no such a thing as Xhoza. This was only a name of a person. There are only Africans.

What language do you speak? -- I do not understand you. Do you now want my origin?

What language are you speaking there now while you are testifying? -- I speak Xhoza but if we are to go to the root of my origin, I am from Lesotho. Another thing again is this: we formerly did not even have boundaries until we got confused by you people, we did not have passages. You see if you (30) can go to Rhodesia now, you will find Xhoza-speaking people, even/...

even in Botswana and in the Transkei you will find Sotho-speaking people. There is a man who stays in Zondi, Mr Khona, he is from Rhodesia from Mbembesi, he grew up there, but he speaks Xhoza.

So you do not believe in the existence of a Xhoza people, but you speak their language. -- Yes, I will never believe in that because as I have also said we wanted education, we did not want this division of Zulu, Xhoza and whatnot. To prove that you people are trying to confuse us, are just confusing us, you are just one nation, there is no division like the (10) Boers alone, Italisna and English and others. Germans.

So I take it that you disagree with the government's policies in that regard. -- Yes, to my death I will never agree with it.

Yes, very well. And you said the reason for your interest in education of the children, was that you had suffered trying to get your education. -- Yes.

But you testified here that you studied until standard 7. -- I said I am studying at the moment with ICS. If I had studied then I would not be studying at the moment, but I (20) am because there was no education.

But what problems did you experience then as far as your own education was concerned? -- Suffering?

Yes. You testified that you had suffered obtaining your education. -- I could not get education and I still want education.

The people even assisted you. Adlow contributed R30 for your junior certificate. -- Yes.

So there was no suffering. -- Firstly, Adlow is not an African. I had to go to him and my fare for the train and (30) bus I had to get from other people and I had gone to Adlow to

go and ask him for help. This is suffering, this is what you must understand.

The R30 was supposed to be for your junior certificate. Is that correct? -- Yes.

And you haven't as yet got that qualification. -- Yes, I haven't.

What did you do with the R30 then? -- As I said yesterday, I went to pay with the R30 ICS.

Now, some of the accused wrote examinations while they were in detention. You know about that. -- Who wrote? (10)

Some of them. -- Who wrote?

I can get the information if you want it. -- But you were telling me some of them wrote. I want to know who wrote.

Do you know about that? -- If you would only tell me who it is who suffered to write examinations.

BY THE COURT: Did you not know that some of the accused wrote examinations last year? -- I do not know of any one of them who wrote.

MR PITMAN: M'Lord, the confusion is the question was asked in detention. (20)

BY THE COURT: I said last year.

MR PITMAN: Your Lordship did. -- Except for those who wrote university examinations.

BY THE COURT: Did you not know that any of the accused last year wrote some exams? -- I do not know of anybody except those who wrote for university.

I do not mind for what. Did you know some of them wrote exams last year? -- Yes, the university students.

That is right.

MR HAASBROEK: But you did not write the JC examination? -- (30)
I did not.

Why not? -- You are aware of the trouble in which we are as a result of this case. You are not supposed to ask me that question.

But the others wrote. -- Yes.

They are in the same trouble. -- That is even why they have failed. They all failed their examination, it is because of the trouble in which we are.

Did you pass your standard 7? -- I did not say that.

As I said yesterday when you said you did not know that standard 7 and standard 8 are just one thing through correspondence studies. (10)

Very well. Why did you then attend to the whole matter of improving the children's education and to help them to get better qualifications and you yourself are not highly educated? -- I will answer this question which you have put to me, again. I am sympathetic to the Africans and want them to get better education because I had suffered myself to get better employment which required an educated person. I could not get such employment and I want these people whom I was helping, to get such employment. (20)

Why did you not leave this job to the persons who were educated and who were qualified to do this particular job? -- We seem to be dancing on one place like the Zionist believers because I have already said I wanted to get better employment which could only be obtained by an educated person, because I did not have the necessary education I could not get such employment.

You are sidestepping me. Why did you not leave this job of improving the education of the children to the persons who were qualified for that purpose? -- This is an important question. Let me rather tell you that where I grew up in the/... (30)

the Transkei people who had sheep and cattle were educating other people or were educating children, making use of their sheep, sheep wool and these people who were so educating others were themselves not educated, they cannot even write and many other people in the Transkei who got educated are now leading prosperous lives though their parents had never been to school.

That may well be so but is it not the truth that a lot of witnesses testified here against you that you were actually arranging for students to go out for military training and not for education? -- If that is what you say then I will (10) answer that question by firstly saying these people personally came to me because they wanted to go outside for education. They may have said all these things that I was organising for military training for the PAC because they were under the pressure of being in detention in terms of Section 6, they were in the hands of the violent.

Now are you suggesting that the police schooled all those witnesses to come and say here in court that ... -- Very much so because these people are violent. How many people have died in detention? (20)

How do you know what the police did to them or not? -- I am saying this from my personal experiences. I even demonstrated here in court yesterday what was being done to me, though you cut all that short because you do not want to hear about it.

It is not the truth. You were excellently treated by the police and you cooperated with them. There was an excellent relationship between you and the police. -- This is a common practice of the oppressors because as I have said yesterday you are Whites prosecuting, the presiding officer, a (30) White judge. There is no Black person here. You have not even/...

even sympathised with the people who have died. Another thing which happened is this, on the 7th November I was taken to a doctor because I was vomiting blood, very much blood. The doctor then wanted to get my file. Ronsy then said that my file will never be produced, they would rather get a medical certificate. Dreyer is aware of this, he was the captain over there. I did not stop vomiting blood and then on the 9th they said I should be taken to jail in Pietermaritzburg to die there. They were being called by police sergeants and told about this blood I was vomiting. (10)

What year was that? -- November, 1977.

That time the police involved was with me in Pretoria, they were not even with you. They were preparing this case. -- Who are those policemen who were with you then in Pretoria?

Major Dreyer. -- Dreyer is only denying what he knows. He knew everything about us. He was in charge of all of us over there. I am going to make mention of another thing again. On one occasion I said I was ill and then I was told by them that I was only pretending, I would better die. But afterwards two people, Dlodla and Mgadi brought me 8 red (20) tablets and when they were to give me these tablets, they hesitated and then I was just surprised why they were hesitating to give me these tablets and it was after their departure that somebody told me through a hole not to take those tablets. I was told to take these tablets when going to bed. Those tablets were not to heal me and restore my health. I still have those tablets. I hid them somewhere in Pietermaritzburg.

Your imagination is running away with you. These things never happened to you. -- Which things? (30)

That you related. -- Were you there?

No, but I am telling you, other people were there. --
That is why I told you that you were only sympathetic towards
your own people. You were never sympathetic to the people who
died and we never heard of any White policeman who was charged
as a result of the people who died.

Why are you besmirching the police so heavily? -- I must
because this is .. (intervenes)

BY MR PITMAN: That is not a fair question. He said he never
heard of police who were charged in connection with the people
who died. It is not fair to say he is besmirching them. (10)
It is a simple fact. You cannot say he is besmirching the
police.

BY THE COURT: Objection overruled.

MR HAASBROEK: Why are you besmirching the police? -- They
are violent.

THE COURT ADJOURNS FOR TEA. THE COURT RESUMES.

JOHN GANYA: still under oath:

FURTHER CROSS-EXAMINATION BY MR HAASBROEK: Is it correct that
you had a backache earlier this week? -- Yes, up to this moment.

And you were immediately taken by the police for (20)
medical attention. -- Yes.

So they were looking well after you. -- No, they did this
because they became afraid as a result of a boy who collapsed
in prison. He had not been examined. The boy from Krugers-
dorp who is in prison now, he has been charged. He is at the
moment in hospital. This boy is Churchill. He was collapsing
and this happened over a period of time. Nobody cared for him
but then the Security Police later decided to say he had gone
on a hunger strike which is an untruth.

What do you know about Churchill? -- Churchill is not (30)
far from us in prison. When he had collapsed, I tried to talk

to/...

to him but he did not respond.

Churchill is receiving constant medical attention. --
Since when? After how many days did he get this medical
attention.

When he went on a hunger strike for the first time. --
There is no such. He had been collapsing as a result of not
having food, he was not healthy. That he had gone on a hunger
strike is a lie.

You are going far out of your way to besmirch the police,
isn't that so? -- Just as you are going far out of your (10)
way to defend the police, you are defending their evil deeds.

But nobody would ever defend the police against your
allegations. -- It is not only their evil deeds you are
defending, but it is the fact that they are vicious which
you are defending.

So nobody must ever defend the police against all your
false allegations? -- When the police realised that this boy
was about to collapse, they came to call us. I went together
with Matsobane and Rodney. Themba, accused No. 6, afterwards
also went to that boy. The others also went at different (20)
times because this boy was collapsing. He could get no help.

When was this? -- Last week.

What day? -- This was over a weekend.

Anyway, you were mentioning Churchill but let us go over
to the next point now. -- I mentioned Churchill because you
were trying to make me tell this Court that we get excellent
treatment which is not true.

Yes, you haven't got one single good word for the police.
-- Just as the police have done nothing good to the people
besides shooting them. (30)

Yes, that is your allegation. -- You are quite aware
of/...

of this fact. Very many people, hundreds have been buried in Soweto and elsewhere in this country. There is not even one policeman who was charged for all these deaths. It is strange that you as an educated person knowing that our students when demonstrating, get the response from a bullet or from a firearm, which thing is not done to the White students who also sometimes do demonstrate. I will tell you of a judge who showed sympathy by making it clear that he did not like the shooting of the children because he said this was not good. This is Justice Van Dyk. He is a person who said something good (10) about the students.

Where was that? -- I have got a cutting of that article. If you want to see it I can show it to you.

Yes, I do not want to cross swords with you, but it appeared to everybody that the students during the riots attacked the police and property, they endangered the lives of other people. That is the reason why the police had to shoot at them. -- It is your people's habit that when Africans do anything, they should be shot dead. Whites were recently on a strike in the mines and none of them were shot. It was (20) said that people were throwing stones when they were being shot down. This is what happened in Carletonville.

There was no report about the mine strikes that stones had been thrown. -- Well, this is what you people always say, that when Africans are on strike, there will always be stones, then it is said they were throwing stones. Are there always stones ready for these Africans? I was in a compound during 1946 when there was a strike and the English people were then in charge of the government. When this happened I was still young then and all the young people were taken away to be put (30) at a separate place. The elderly people were then hit with

kieries/...

kieries by the score. I want to make clear that it is the Boers who will always be wielding firearms over Blacks.

Why are you so long-winded? You just go on and on. -- I am answering your question.

Let us start with the evidence of Ngomezulu. It was put by your Counsel, Mr Pitman, that you had bumped into Ngomezulu on many occasions. -- Yes.

Is that correct? -- Yes, because we stay in the same township, Zondi.

And were you then good friends also? -- No, we were (10) not friends, though we used to see each other.

Did you visit each other? -- I sometimes did go to him and he also sometimes came to me and we at times just met along the street.

And he was an old islander and you were an old islander. Is that correct? -- Yes.

And you must have discussed your circumstances in the past. -- Perhaps, though I do not remember discussing such a thing.

He was still a supporter of the PAC. -- He was not only a supporter but he was a member, a founder member of the (20) PAC and consequently got arrested in 1960 and again in 1963.

Yes, and he must have discussed the PAC with you on many occasions. -- What do you think we would talk about PAC, Ngomezulu or myself?

About the revival of the PAC. -- There was no such a discussion.

You were convicted of being a member of POQO. -- Yes, that is so, though I was falsely accused of having been a member of Poqo.

And did you ever discuss POQO with him? -- I never (30) discussed POQO with him.

Did you never have any discussions along those lines? --

We never discussed the PAC or POQO.

Was there any reason for that? You were old friends from the island.

BY MR PITMAN: Is my Learned Friend entitled to put to the witness things that are in conflict with what Ngomezulu said? I know Mr Justice Boshoff in a previous case said that that is not permissible. This is in conflict with what Ngomezulu said and my Learned Friend is putting it that you must have discussed these things.

~~///~~ (10)

BY THE COURT: He can put it as a matter of probability and hypothesis.

MR PITMAN: In conflict with the State evidence?

BY THE COURT: It does not matter what the State witness had said. He is entitled to put probabilities.

MR HAASBROEK: How do you know that Ngomezulu was a founder member of the PAC? -- He stays near me in Zondi.

He must have told you about it. -- When Ngomezulu was in jail, we knew which people had gone to the police to surrender themselves during 1960. (20)

He must have told you at some stage or other that he was a founder member of the PAC. -- How would he tell me this because we came to know the founder members of the PAC when they went to the police to surrender themselves.

Where was that? -- In 1960.

And did you see him there surrendering himself? -- But I did not say I accompanied him when he went to surrender himself.

But did you see him there? -- But I told you that these people went to surrender themselves, that does not say I accompanied the people. (30)

So you did not see it with your own eyes? -- Ngomezulu

was/...

was in jail in 1963. No, I made a mistake. In 1960.

And then you testified that you had seen Ngomezulu for a short time on the island. Is that correct? -- Yes, I did.

Was that while you were in isolation? -- Ngomezulu was shown to me by a man from the Transkei. This was when we were going to a quarry and the man from the Transkei said to me that man over there is Ngomezulu, he is from Johannesburg. Do you perhaps know him. And then on another day again when we were coming back from work, Ngomezulu was shown to me again and it was said this man is Ngomezulu. I then said well (10) I did not know this Ngomezulu although he also stays in Zondi. I did not know him well while he was in Zondi.

And did you ever discuss anything with Ngomezulu there on the island? -- Sikhota with whom I was staying in the isolation cells showed me Ngomezulu and he showed this Ngomezulu to me during that period that I was spending in the isolation cells.

And after having left the island you saw him at Ikwezi Station? -- Yes.

You said it could have been 1970, 1971 or 1972? -- Yes. (20)

Can't you be a bit specific about that? -- No.

Because Ngomezulu testified .. -- Because what I can still remember is that he told me he was coming from the doctor.

Ngomezulu testified that this had taken place in 1974. -- Ngomezulu said this because he had told what he knew for untrue stories. He did all this only to implicate other people. It was also in an attempt to get himself free so that he could go back to his wife and enjoy life together with his wife. And this is also what he stand while standing in the witness-box.

When did you arrive in Johannesburg after having left (30) the island? -- In 1969.

And/...

And on that occasion at Ikwezi Station he related to you the history of a girl he wanted to get married to? -- Yes.

A girl from the Transkei? -- Yes, he had said the girl is from Idutywa.

Why was this never put to Ngomezulu when he testified?
Do you know? -- No, I do not know, but I had made this known to him that when I met Ngomezulu he told me about a girl from the Transkei. Now whether this was put to him or not, I do not know.

Then subsequently Ngomezulu asked you to introduce (10)
him to Father Desmond. -- Yes, after some time it was when he was telling me of his intention to get married to a girl from Messina and then he asked me to go and introduce him to Father Desmond.

And you refused. -- No, I did not refuse. I only agreed though I did not do this.

Did you actually then introduce him to Father Desmond? -- I agreed to go to Father Desmond, but I did not go to Ngomezulu to take him to Father Desmond.

Why not? -- I just did not go. (20)

Was there no reason for that? -- I cannot say if there was no reason, nor can I say there was a reason. I just did not go.

You testified in your evidence-in-chief that you were reluctant to introduce him because this man was very boastful. -- Yes, he was boastful.

Yes, but that is not what you said a moment ago. -- There is not much difference.

Only because he was a boastful man you were reluctant to introduce him to Father Desmond. -- Well, I became reluctant to take him to father Desmond to introduce him because I(30)
just thought to myself that this man is so boastful, he regards

himself/...

himself as somebody great and am I now to go and introduce him. I just became reluctant to take him.

You had seen him on numerous occasions. -- When I met him afterwards he asked me why I had not gone to him to take him to Father Desmond. I told him I did not have time. And then he just told me of his wedding date. I did not go to his wedding.

Yes, I know that. It was your policy to help all sorts of people who needed you. Isn't that so? -- Yes, ignorant people. The people I helped were those who needed my help, (10) those who were ignorant. Not people who were advanced to me, like Ngomezulu.

But he only wanted you to introduce him to Father Desmond. Obviously for the purposes of his marriage. Isn't that so? -- I was surprised that he did not know Father Desmond and yet he grew up in Johannesburg, he knew so many things.

But you did not want to help him. -- I was not interested in helping him.

But this was never put to Ngomezulu when he testified. -- That I did not help him? (20)

Yes, and that he was boastful. -- I think it was mentioned to him that he wanted me to take him to Father Desmond and it was also mentioned I think that I did not attend his wedding.

Yes, but everything was not put. -- But you must bear in mind that when evidence was being given here and a person is being cross-examined and we pass on pieces of paper, is not like standing here and giving evidence, because when one is standing here, then you explain everything. For an example, while I was giving my evidence-in-chief being led by my Counsel, I did not expatiate on everything, I was just (30) making touch-ups just as he did, but now I am explaining everything/...

everything to you.

That may be so but there were adjournments after all the witnesses had testified for the purpose of consultation. -- Yes, it may be so but it is not everything that was remembered to be challenged or to be made known to the Defence Counsel. While I was here attending the trial and even while I was kept in prison.

But now apart from Ngomezulu's boastfulness, you were on friendly terms. Correct? -- We were just people. Though we were not at loggerhead, I cannot say we were on friendly (10) terms.

You greeted each other and you talked to each other. -- Greeting each other is not like being a friend to a person.

Did you have no conversations? -- We did.

Conversations of a friendly nature. -- That question confuses me because now that we are here as accused, you cannot say that we are on friendly terms though we do have discussions with each other.

But before your arrest. -- .. (inaudible) .. you are not necessarily a friend to a person if you only have dis- (20) cussions with that person.

And according to your evidence Ngomezulu also said that you had done a funny thing by taking the men from the Bantustans to the Anglo American Corporation. -- Is this what he said?

That is what you testified. -- Yes, it is what he had said.

Now this shows that Ngomezulu did know quite a lot about your activities. Isn't that so? -- I do not understand. What knowledge is this he had? (30)

You said that Ngomezulu had also said I did a funny thing

by/...

by taking the men from the Bantustans to the Anglo American Corporation. -- Yes, this is what he said.

So he knew about your activities. -- If I tell him I had taken a person to the Anglo American Corporation, is that activities?

Well you must have taken these people to the Anglo American Corporation, isn't that so? -- Yes.

And you must have told Ngomezulu about it. -- I told him about it. Yes, the person I was telling him about whom I had taken to the Anglo American Corporation is Jackson Nkosiana (10) who had been kept in Barberton after his arrest.

But you said the people from the Bantustans. -- That is what he said. He said this man belonged to the Bantustans.

But there was a lot of communication between you and Ngomezulu. -- I would not say so.

And you remarked that Ngomezulu must have got something about Tshikila in a newspaper. -- Yes, I was saying he knew much more about Tshikila than I knew. He was together with him in the cell. They were on Selby Ngendane's side during the trouble on the island, they were friends. (20)

Did the newspapers write anything about Tshikila? -- About his sentence, this is what I heard of.

Did you read anything in the newspapers? -- I read about his sentence. When the sentence was passed on him I was in Botswana. I saw the Rand Daily Mail while I was in Botswana. There was mention of a person from East London, a Walter Tshikila who had been sentenced to 13 years.

So it is then correct that you do read the newspapers quite often. -- But I have said it was said in Botswana a man from East London has been sentenced. This was said by (30) people in Botswana.

Yes/...

Yes, but you said you read about it in the Rand Daily Mail. -- Yes.

And incidentally I saw you here during the tea adjournment reading a newspaper. -- Yes.

Was there anything special in that newspaper? -- I was looking at the soccer results.

Are you in a habit of doing that? -- I very much like soccer.

But are you in a habit of reading about soccer in the newspapers? -- But I said if there is something attracting (10) me to a newspaper then I read about it.

Yes, but in your evidence-in-chief you testified that you do not read newspapers. -- I said I am not really fond of reading newspapers.

Now, this Tshikila was on the island together with Ngomezulu. Is that correct? -- Yes.

And also Baker Mgali. -- Yes.

And they were in a group close to Selby Ngendane. -- Yes.

Now can you elaborate on this group that you are talking about? -- I said during the trouble he was on the side (20) of Selby Ngendane.

Yes, and what did this group do? -- I do not know. All I heard was just that there has been trouble.

Now all these people belonging to that particular group that you are mentioning, were they Xhozas? -- I do not know Xhoza people.

Do you not know one single Xhoza person? -- Ngomezulu whom you have mentioned, does not speak Xhoza, his home language is not Xhoza, it is Zulu. Mgali whom you have mentioned does not speak Xhoza. (30)

Selby Ngendane? -- You asked me a question were the people who/...

who were on Selby Ngendane's side Xhoza people.

Yes. -- And I was only answering your question.

Yes. Was Selby a Xhoza man? -- He is originally from Herschel and he speaks Xhoza and Southern Sotho.

Yes, and I understand he is a Xhoza. -- I will not agree. If I am continuing on this line as you have been pursuing it, people who stay in the area of Herschel and Matatiele, Mount Fletcher are said to be Tsubi. These people are mixed with Southern Sotho people.

In any event, you do agree that there was a group of (10) people behind Selby Ngendane on the island. -- Yes, I have just said that.

And how did you come to know about that? -- If you will remember that I also said Ngendane was sent to the isolation cells after the trouble.

And what was the trouble about? -- I do not know. I did not ask him for any details of this trouble when he told me there was trouble.

Weren't you curious? -- The reason why I was not curious to know the details of the trouble is that I knew that (20) whenever there is trouble between people everyone involved in that trouble will have his own version of the trouble. When he told me there had been trouble that was sufficient for me. If he was to tell me the details of the trouble, then he would put the blame on other people just as these other people could also do the same.

Was there a split between two groups? -- I would not say so. What I heard was just that there was trouble. What I know is that when there erupts trouble between people, then there are going to be people who will stand on anyone's (30) side.

And/...

And you do know that a group was formed. -- How?

Selby Ngendane's group. -- But what I know is that it was also related to me Ngomezulu and Mgali were on Ngendane's side.

Yes, can you mention other people? -- Now I do not know whether or not a group was formed as a result of the trouble.

You testified .. (intervenes)

BY THE COURT: Is that Nicolaas? -- Baker. Baker Mgali.

Wasn't there a Nicolaas? -- Mohlala.

MR HAASBROEK: You testified in your evidence-in-chief (10) these people were a group close to Selby Ngendane. -- Yes, I am still repeating it.

So there was a group. -- If people take my side when there is trouble, those people can be said to have been on my side.

Yes. -- But I do not necessarily say a group was formed.

That was the word that you had used. -- I did not say a group was formed.

It was interpreted that way. -- Then it was wrongly interpreted if it was interpreted that way.

What word did you use? -- I said Baker Mgali, (20) Seremane and others were in a group that was on Ngendane's side.

Yes, that is correct. If you will remember I also said these people were Ngendane's puppets.

Yes. -- But where is the word 'formed'.

Right, forget about the word 'formed'. -- You must also bear in mind that words are used here. You were making use of these words and I must also make use of them.

Very well, we came as far as the word 'form' is concerned then. But there was this one group and there must have been other groups as well. -- I do not understand you now that (30) you say there must have been other groups. This is when there was/...

was trouble. I would understand if you said there must have been a group that supported those who were against Ngendane.

Yes, was there such a group? -- Unfortunately I was in the isolation cells but when he told me about the trouble, he only told me and mentioned people from Johannesburg as people who had illtreated him. He had mentioned Mdakane as well amongst the other people he had made mention of.

And Makwetu? -- I do not know because when this happened, Makwetu had been for quite a time in the isolation cells. This happened in about 1966 if I am not mistaken, and (10) Makwetu had then long been in the isolation cells.

But was there any animosity between Makwetu and Ngendane? -- This question could be answered by people who were at that time in the cells, but when he was in the isolation cells, they were on good terms.

And there was never any impression created that they were not friends with each other. Is that correct? -- I do not know because educated people are also psychologists. When they were in the isolation cells there was no sign of any animosity between them. You can sometimes not notice any (20) trouble between educated people even if there may be trouble. They sometimes behave as though there is nothing between them.

Did you know that Makwetu had a POQO group there on the island? -- I unfortunately do not know that this man had ever been a member of POQO because he was sentenced in Engcobo in 1963 and I think in about May. This was also because of activities of the PAC. During the troubles that had erupted in Cofimvaba he was not at all accused, it was actually said he had never been involved with POQO. This is just what was being said by people. He was actually originally from (30) Cofimvaba.

He was sentenced there at Engcobo and you were sentenced there at Engcobo. -- Most of the Transkeians who were tried in 1963 had their cases tried at Engcobo except for one case which was disposed of in Tuwa.

Is Makwetu's home town also Engcobo? -- Cofimvaba.

Is it close to Engcobo? -- It is very far from my place, it is much nearer to Matanzima.

Was he also sentenced for POQO activities? -- But I have just said that it was said that he had been sentenced for activities in the PAC. (10)

But POQO is part of the PAC. -- But those who were investigating or doing the investigations had said POQO and the PAC is not one thing.

No, you are wrong there. Anyway, you also had conversations with the people there in the isolation section. -- As I have said yesterday.

Was anything discussed about the PAC? -- I said yesterday there was no discussion about the PAC.

What did you do to keep yourselves busy if you did not discuss things like the PAC or the ANC? -- There are many (20) things being done there. There were games of draughts, monopoly(?), all the indoor games.

And you participated in all those things or many of those things? -- I participated very much in draughts.

But all the other witnesses who were with you there they heard things about the PAC there, about the PAC being revived on the island. You were also there and you heard nothing. -- I was unfortunately in the isolation cells and I was not kept together with the PAC people.

Yes, but according to you, you participated in some (30) of those peaceful activities like playing games, etc. -- I was/...

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