

MR N. NKOMO

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

VOL 97

CASE NO: 18/75/254

DATE: 18TH MAY 1976

THE STATE

VS

S. COOPER AND EIGHT OTHERS

VOLUME 97

PAGES 5573 - 5622

LUBBE RECORDINGS (PRETORIA)

COURT RESUMES:

PHANDELANI JEREMIAH NEFOLOVHODWE, STILL UNDER OATH:

EXAMINATION BY MR. SOGGOT CONTINUED: Now, I think we got as far as when the decision had been presented, would you tell His Lordship what happened at the student mass meeting?
--- Briefly what happened at the student meeting, the SRC then complied with the petition, and it called a mass meeting of students to explain to the students the step that they took. In the mass meeting the first thing they gave - the man who moved the petition was Peter Gaele, to motivate his grievances against the SRC. 10

To explain what the basis was? --- That is right.

What did he say? --- He went over all the aspects that I touched on, that is Africanisation, primarii inter-
varsity - PAUSE -

What is primarii ? --- Primarii is a sort of prefect. The SRC had - what had happened is that the SRC was elected into office and they chose themselves to be the primarii because there is some remuneration from the administration, and students felt that the SRC is in a luxurious place, it can use student funds - the president for instance can use a bit of the student funds for his trips, so they felt that students should be primarii so that they could benefit from whatever remuneration there is by the administration. 20

Let me show you some Minutes and see if you can identify them, I show you Minute - M'lord I believe that this would be EXHIBIT EEE - do you identify this document?
--- Yes.

Have a look at it and tell us whether in your view it is a correct reflection of the proceedings of that 30

meeting / ...

meeting? --- I think some arises from what was said at that meeting.

Now you have mentioned that he mentioned about primaeri, what else?

MR. REES OBJECTS: M'lord, I would like to know how the witness identifies these Minutes.

MR. SOGGOT: I think we can satisfy my learned friend. Would you answer that question? --- Well what happens is that in an SRC - INAUDIBLE - an SRC after, I had attended also this meeting, but there is a Minute secretary who takes the Minutes, then he goes and writes the Minutes, and after writing the Minutes then he pins them on a notice board for the general student body to go and read and find out whether this is what they said in the meeting, then at subsequent meetings these Minutes have got to be read again to the students for them to say: we adopt them as a true reflection of what transpired in that meeting. So firstly I attended the meeting, and then later these Minutes were attached to the notice board, later they were adopted in a mass meeting.

Now if you look on page 1, you will see under petition moved by Gaele various points (a) accommodation, (b) primaeri, (c) inter-varsity (d) SRC - Rector meeting, (e) the SRC - student relationship, and then there was a discussion. Now I don't think we need to go into the details of that discussion, may I just refer you to the middle of page 3:

"Furthermore while the student body support the move for Africanisation of this university, deplore the SRC's tactless and reckless approach

to / ...

to the Rector on this issue of Africanisation" -
is that a correct reflection of what was said and felt?

--- AWAY FROM MICROPHONE

Can you just answer that again please?

--- "Furthermore while the student body supports the move
for Africanisation of this university, deplore the SRC's
tactless and reckless approach to the Rector on this issue
of Africanisation of the university staff. This may result
in the deterioration of the student/White lecturers
relationship in general, and the consequence that can crop
up on the part of the student body".

And then they resolve that the SRC should resign?

--- That is right.

And was that Resolution carried? --- It was carried.

And was it put into effect, if so just tell us
briefly how? --- It was put into effect because if you look
at point 4 it says immediately :

"That this student body appoint three electoral
officers who will occupy the SRC offices for the
purposes of running new elections of the SRC,
which should be constituted on or before Friday
the 29th March 1974"

So in that very meeting the three people at the back here,
the last page of the document, three people were elected
immediately as people who will take charge of the new
election.

They were the electoral committee? --- That is right.

And were new elections subsequently held? --- New
elections were subsequently held.

May I refer you to another document please, headed

"Minutes / ...

"Minutes of the SRC meeting" - PAUSE

JOURT: I see Ramaphosa was also an electoral officer?

--- Yes.

But he was also a candidate wasn't he? --- He was not a candidate.

Oh was he not? --- No.

He was chairman of SASO? --- Well he became SASO chairman later in the year, at this stage there was no SASO on the campus.

MR. JOGGOT: Firstly, can you identify this document? 10

--- Yes, I identify it.

How are you able to do so? --- These ones I identify, they were put on notice boards.

May the Minutes go in as EXHIBIT FFF, these reflect the Minutes of the SRC meeting which were made public to the student body, is that right? --- That is right.

I want to refer you to page 2, paragraph (d), would you please read that sentence? --- WITNESS READS. It says:

"SASO: Last year the SRC was supposed to have made arrangements to meet three members of the now defunct advisory board on this matter, SASO. However, such arrangements were delayed and thus this did not materialise. New arrangements are being made". 20

What is the advisory council referred to - you read it as advisory board? --- Yes, you see the advisory council - board - council was the authority, that is the body which used to advise on the university council. There is a university council and there is the advisory board which is constituted of members of various committees and they would 30

advise / ...

advise on matters affecting the student body.

Now as far as the SRC's initiative is concerned in trying to do something about SASO, was there any particular person on that SRC who was concerned about SASO or was this a reflection of the SRC's own feelings? --- This to my mind - this is in February - that is before this SRC was taken out of office. That would have meant that the SRC of that time had made arrangements with the rectorate to find out means of bringing SASO back onto the campus. 10

Bringing SASO back onto the campus? --- That is right, yes.

Now, I think we can move from there to the holding of the elections, they were duly held, is that right? --- Yes.

And a new SRC was brought in. You were a member of that - you were also elected? --- I was also elected to that SRC.

And then did you eventually become - were you appointed by that SRC as the president? --- Yes.

Of the SRC? --- Yes. 20

And was it round about that time that you got the nickname "General"? --- Yes, it was around that time that I got the nickname "General".

And were you referred to as General from then? --- Yes.

Now once installed as president of the SRC, would you tell us what you did in the way of attempting to bring SASO back onto the campus? --- Well once I was SRC president, in a subsequent meeting of the SRC, the students urged that we should step in into the steps that had already been taken 30

by / ...

by the previous SRC in negotiating with the Rector for the bringing back of SASO on campus. And what I did is that I went to the Rector's office and we discussed the matter with the Rector, and later the Rector promised that he would have to meet the university council, and some of its members are here in Pretoria like Mr. van der Merwe who is the chairman of that committee, and he said there would be a meeting in Pretoria, but he wanted us to brief him on the points so that he can put our case to the council. So later in the year, I think it was round about June, then the Rector replied in a letter that the university council does not feel that it should deter students from belonging to SASO. 10

So would you say that from June SASO was back?

--- Yes, officially.

All right. Now tell us, once SASO was back officially, what activities did it carry out or partake in --- Once it was back officially then on campus, that is round about August 1974, the SASO people invited No.3 to come and speak on a day of compassion. 20

Now, may I - just before we go onto the day of compassion - refer you to a document, EXHIBIT RALLY B.1 - have you got that in front of you? --- Yes.

Now the first question is do you know this document?

--- Yes I know it.

When did you first see it? --- I saw it first when round about June it was brought to my notice by Jimmy Matsapola.

Who is he? --- He was one of the SASO local committee - he was the vice-chairman of SASO local committee. 30

I think this document was found in your room by Mr. Strydom, is that right? --- Yes, that is correct.

Now tell us, you say you saw it? --- What happened is that this was supposed to be a report of the events that took place at Turfloop, and Jimmy Matsapola was of the opinion that it should appear as if we were the engineers of the deposition of the SRC, and he had drafted this to make that particular point,- LAUSL -

This is a report to whom? --- It was supposed to be a report to SASO. Then I had to tell him, I mean that if you include such things it is a false statement - in view of the document that I have already handed in. So much so that it was just an act of political - I can't describe it - a man feels that for political reasons he has got to put his name as if he is the engineer of such a move. So I did not go along with these sentiments, we had to draft another report.

And where is that other report? --- Well I could not get the other report.

And was that other report of yours handed in as a report to SASO? --- Yes.

And just to deal with it squarely the phrase in the first paragraph, namely: "before the decision was taken the Executive Committee of SASO branch off campus decided to infiltrate the then SRC and depose it" - what do you say about that? --- Well I say that is untrue.

And it is signed I see by Ledwaba, is that right? --- No, no, no, it is not signed by Ledwaba. This document is not complete.

Oh I am sorry, I am referring to another document.

Yes / ...

--- Yes, it says "conclusion" there, and those sentences of the conclusion are not complete, there should be some other paragraph in it I think.

And you say this was scrapped and something new was typed? --- But with other points included, points like - it is here on the first page - points like:

"The council agrees with the decision by the Rector that Black students in South Africa can not be denied the right to form a student organisation and to belong to it. The council cannot in the light of the evidence that is before it recognise SASO as a purely student organisation with the object of advancing student interest. Students at the University of the North, the majority of whom are of age and are therefore registered voters in their respective homelands may if they so wish join SASO but then they do so on a personal basis, and they fulfil their obligations towards the organisation on a personal basis"

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So that is the contents of the Rector when he allowed SASO (sic) officially on campus, so this would have been included in the other report.

And is this a correct quotation here of what the Rector had said? --- Yes.

COURT: You say this report was never used? --- The report as I say some of the points that are in the report were used, but I differed with the idea that SASO was the engineer of such a move, because of the evidence in the other - where you see it is Gaele moving a petition, and Jimmy Matsopola

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being / ...

being a SASO local committee vice-chairman, saying well we deposed the SRC, I think it is not a correct statement.

Now I had interrupted you, you had got as far as telling His Lordship that you organised a day of compassion, who were the speakers that you invited? --- The speakers invited were - there were only two speakers really, one speaker was Mr. Gethla Ilkondo, who is chairman of the Black Academic Staff Association, and another speaker was Mr. Mosioua Lekota who was then the permanent organiser of SASO.

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And what did they speak on? --- Mr. Mosioua Lekota has given his version about what he said and I agree totally with what he said.

And Mr. Ilkondo, what did he talk about? --- Mr. Ilkondo gave a talk on compassion, he gave a description of what we mean by compassion, and that was the gist of what he said.

Was that your first meeting on the campus after the restoration of SASO? --- That is right, this was the first meeting on the campus.

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What was your next meeting? --- Our next meeting on campus was the formation school, that would have been on the 21st and the 22nd September.

Now before we deal with that, at that stage which of the accused did you know? --- Which stage?

At that stage? --- Which time, do you mean September or - PAUSE

Formation school time? --- That is September - I knew Accused No.3, at that time I knew Accused No. 2, and I knew Accused No.3.

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Are / ...

Are those the only accused you had met ..(witness intervenes) --- Oh and Accused No.7 also, I just forgot him.

Now by the time the formation school was held, were you still the president of the SRC? --- By the time the formation school was held I was no more the SRC president, I was out of the SRC, Accused No.7 was president.

Now can you just give His Lordship that to fill in the chronology, when were you replaced by No.7? --- Well it would have been on the 13th September 1974.

Is that when the new SRC was voted into power? --- Yes, that is when he became president of the SRC, but the election had taken place a little bit earlier, but on the 13th I ceased officially to be the SRC president.

Now at that stage then your only official status is that of president of the SASO branch? --- Yes - no, no, no, at that stage I had gone to the 6th GSO which had taken place in July 1974, where I was elected SASO president, and that was another motivation that made me not to stand for the new election of the SRC, so I had my term of office as SRC president and later was elected SASO president, so I felt that it would be strenuous really to enter again into the SRC elections, and also because there is always talk about if you are a SASO man and you belong to the SRC it is suspected that you are in the SRC because of your motives of SASO. So being SASO president, if I had gone again to the SRC it would have been interpreted as if: well, this man is going again to further the aims of SASO as the president of SASO, so I decided when the election came I said no, I am not going to.

Now dealing with your SRC, how many members were there / ...

there on your SRC? --- There were about 15 members.

And how many of those were SASO people? --- Those that I knew were three.

Now again with Sedibe - that is Accused No.7's SRC, do you know how many were SASO people? --- Well I wouldn't have known really who were SASO people, because at that stage there was a new SASO local committee under the leadership of Ramaphosa, so this is the man who would have resisted them as SASO people, but I knew for instance that Accused No.7 was also a SASO man. But the other members of the SRC I would not have known really. 10

All right, now tell us about the formation school please? (Court intervenes)

COURT: Ramaphosa was a SASO man was he not? --- Yes but Ramaphosa never belonged to the SRC, he never entered the elections of the SRC.

MR. SOGGOT: Will you tell us then about the formation school? --- Well the formation school was there on campus - now if you want to hold anything you have got to write a letter first to the Rector to allow you to use the premises of the University. So what had happened is that the then regional secretary of SASO, Gerald Phokojo, had talks with the SASO local committee chairman who was Ramaphosa that he should make arrangements for the holding of a formation school on campus. Then Ramaphosa did talk to the Rector and the Rector allowed that such an incident should take place. Then later, on the 21st, when some members of SASO from Johannesburg came to the university for the formation school, they came I think on the 21st, the morning of the 21st they arrived. That is how it started. Then - do you want / ... 20 30

want me to go through the whole conference?

Just tell us briefly what the formation school was about and what happened there? --- Well the formation school it has already been explained, I don't think I should bother again to emphasise the same points with His Lordship now.

Yes I think that was explained by Mr. Biko was it? --- It was explained by Biko, it was explained by Kekane.

And you have nothing to add? --- And by Ledwaba also, I don't think I can add much more to that. 10

Good, now just tell us what happened at that formation school? --- What happened is - I will talk about my activities in that formation school. What happened is at that formation school we had a programme, I think the programme is one of the exhibits - if I can get that programme.

His Lord, it is SASO C.1? --- This is the programme that I also had a copy, and it says opening speech, paper on "The Activist in the rural areas".

Now, who was the vice-president? --- The vice-president of SASO was Rubin Hare one of the former accused. 2

And what was his opening speech about? --- Well I didn't attend his opening speech because what I was doing then, I was making arrangements with the warden, who should have been Professor Lityena for accommodation for the guys who came down ..(Mr. Soggot intervenes)

All right, you were busy with something else. --- Yes.

Then Mrs. Kware spoke on "The Activist in the rural areas"? --- From what I gather she never appeared, she was not there. 30

Then / ...

Then there were commissions, is that right?

--- Before commissions I entered the debate when SASO policy was read by H.M.Y. Kraai, that means before commissions this item No.4 came before item No.3.

Yes, that is the talk on SASO policy? --- Yes after all the others I entered the debate when it was the talk on SASO's policy. Then after that we broke into commissions.

And what was your commission about? --- My commission was Black communalism. 10

And tell us what you debated and concluded there?

--- Well what we debated is there in the exhibit.

It is in the exhibit? --- Yes.

Then after the commissions had sat what then happened? --- After the commissions had sat we went to our various commissions and we debated our points, and later during the course of the commission debate I left, I think I left the commission on which I was, you see as the president I was not really bound to any commission, I could go around and listen to the debates as they debated, and where possible if I find out that what they are debating is not really the principle behind our movement, I would indicate that I don't think that is the point that should be emphasised. Like I left the commission here of Black communalism and I entered the other commission of Dentustans of which Ledwaba talked about, I found them debating the question of infiltrating the high school institutions, and I mentioned that I don't think that is our attitude, we don't have to go and infiltrate, we have got to go there and preach our gospel because there is nothing we hide, so that is why 20 30

I think Ledwaba mentioned categorically that I said this was not the kind of thing, because that could not go along with the SASO policy. So I had a chance at least of attending that other commission where I had a chance to say to the guys: look, this is not the facts that you should put into your commission. And thereafter the commission broke up and we went to our respective places.

When were the recommendations read of the various commissions? --- The recommendations were read the following day, and what had happened is that the following day, because I belonged to the Black communalism commission of which No.8 was also a member, then the following day we were the first to report, our commission, and apparently No.8 never made a complete report, he took only the notes, so he wanted - what he did was he read the notes and he explained the notes to them at the meeting and the meeting kicked him out and told him no, you cannot do that you must write a complete report, so he had to be ordered out to go and complete a report, so I went along with him to go and complete the report, so during the time that we were completing a report - the communalism report, that is when I think other commissions reported. But he subsequently went back to report on his own commission.

Now SASO O.1, "Bantustans - popularity and practice" which contains the contentious phrase "preparing the minds of the people, making them aware that the Bantustans mean, conscientisation, that is for example if a freedom fighter comes to the house of an individual he should be prepared to house him" and then over the page: "areas near the border should be conscientised to identify

themselves / ...

When was that now? --- What had happened is that on the - I think it was on the 12th, the Thursday, I took a train from Turfloop for the Staff & Executive meeting, and I arrived in Johannesburg on the Friday morning, that would have been the 15th. Then from Johannesburg ..(Mr. Soggot intervenes)

That is the same day that the new SRC was ..(witness intervenes) --- Yes, from Johannesburg I drove down to Durban, and I arrived in Durban I think on the morning of the 14th. Then on the morning of the 14th we had a meeting of the Staff & Executive ..(Mr. Soggot intervenes)

Is this a sort of regular meeting of the SASO staff and Executive? --- It is. Well that meeting came about because of what No.3 had already said that prior to that the Executive had made some staff appointments and we had to have that meeting to explain to other members of the staff what the situation was. So after the Executive had decided on people to put on its staff, we had to call all the people who are concerned to say: look, the Executive has felt that you no more belong here, you belong here, so it was really a necessity that we should have that meeting to explain to those guys that look we felt this and this and this so that it can be clarified. So it was in fact to effect what the Executive has already decided.

Which of the accused were there? --- At that meeting it was on the 14th at Alan Taylor residence, accused No.2 was there, accused No.3 was there, I think that is all.

How had accused No.3 been suspended yet? --- No, it was the 14th, accused No.3 was suspended on the 15th. And on the 14th when we were discussing the problem of

staff / ...

staff, as Accused No.3 has put it, Ben Langa was in the secretary-generalship, and at GSC, GSC had sanctioned the appointment of Accused No.2, so we were explaining to Ben Langa that GSC which is the policy-making body of the organisation has felt that your position - you should relinquish your position in favour of No.2. So he could not understand, he had been long I think in the movement, and there arose a lot of hot debate so to speak, wherein even swear words were used, and those swear words came from Accused No.3 when he was motivating for his point, and Ben Langa was also motivating for his point. So subsequently in a meeting on the 15th, which No.3 did not attend, Ben Langa with other guys motivated that such words should not be used by an Executive member, and therefore that Executive member should be punished in a sort of suspension. So that meeting sanctioned that because of the behaviour that they did not feel it was proper, he should be given a suspension of I think about two weeks. So that is how the suspension came about.

Well we will have to return to the suspension, what happened to the Kajee Hall meeting? --- The Kajee Hall meeting, I attended the Kajee Hall meeting on the morning of the 14th - no, the morning of the 15th, and I went along with Accused No.2 and the other SASO members. Accused No.3 was not there. After the 14th meeting Accused No.3 went to his place, but I did not know where he was that time.

Now I just want to have clarity, was that the end of the staff and Executive meeting as far as you were concerned, or do you want to go back to it? --- No, we will have to go back to it because you are talking about the

staff / ...

staff and Executive meeting, and I am talking about the Kajee Hall, which I said we must start with.

All right, you do it your way? --- That is right. So we started with Kajee Hall on the morning of the 15th, we went to Kajee Hall and I was asked to say a few words ..(Mr. Soggot intervenes)

Sorry, now when you got there, had the meeting started yet? --- When I got there the meeting had not started.

And who asked you to say a few words? --- No.5 asked me to say a few words. 10

What was his position in the meeting? --- He was the national organiser of BPC.

Go on? --- Then we went in, and the first speaker when I was there was I think, I am not really very sure whether it was Mtupeng first or Norman Dubazana, but what happened is that Norman Dubazana, who was then the publication director of SASO, spoke first and I think he was followed by Mr. Mtupeng. Thereafter he was followed by me, and I reject all suggestions that I ever said we hate Whites or I gave a speech of anti-Whitism, because what I said there was in fact explaining the SASO policy why we chose to go it alone. I even said why we chose to go it alone to emphasise the point that it was just out of practical necessity that we should continue alone. 2

What else did you talk about? --- I did mention the fact that Black people of this country have got the power to overcome their obstacles, and I did mention the fact that even if a government of this nature has got many guns, we don't have to fear because we are not going to 3

fight / ...

fight them, and I did mention the fact that people must not fear, and people must not think that we are anti-White because our stand is only that we have lost hope in the White community, because for 300 years at least we believe that they could not solve the problem of South Africa, and therefore we should take it upon ourselves to facilitate change in this country, and that is I think the gist of what I said.

Is that the gist of what you said? --- Mmmm

As far as the speeches of Mtupeng and Dubazana are concerned, was there anything ..(witness intervenes) --- The one that I did mention, I think he talked of student involvement in the community, now he would have mentioned the community projects, that is the normal kind of speech coming from a SASO official, because in most cases SASO officials, they emphasise the point of community projects.

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And Mtupeng? --- And Mr. Mtupeng, well, he talked - I think I am not very clear on what he said, but I think he mentioned the fact that we need everybody in the Black community for our involvement towards liberation.

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Did Mkwenkwe Mkombo, Accused No.5 talk? --- I did not hear - he did make remarks after I had said my piece, he made remarks because he was the man really who knew me and he was the man who asked me to talk, so he gave some few remarks about the SASO president has said this and that.

Well that would be as a master of ceremonies.

COURT: Well he introduced you? --- Yes.

MR. SOGGOT: And did you hear anything relating to how to deal / ...

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deal with snakes? --- Well I think that would have been in the afternoon, because after that - it was on the 15th you must know, after that, after I had said my piece then I called my guys to go back to the Alan Taylor ..(Mr. Soggot intervenes)

What do you mean by your guys? --- I called
- PAUSE

Your boys? --- I called Accused No.2 who was there and the regional secretary who was there, two from the Cape and the other one from Johannesburg, to go again and continue on the meeting which Accused No.3 said it ended up without being completed. So we went back, we were not actually there for the whole day in the symposium. When we went back that is when we went over the question, Ben Langa raised the question that some of the Executive members are really rude to us and we think they should be given punishment, and he agitated for it, and I think he had already caucused other guys, regional secretaries, because Accused No.3 was not there to defend himself and he put his point across and there was a time where voting came to be conducted, and when they did vote the Executive members did not vote, I was chairing the meeting, so Accused No.2 and the publication director dissociated themselves from the other guys.

Well I think to cut through this, the decision was then taken to suspend No.3, is that right? --- That is right.

COURT: Langa is the person whom No.3 ousted in the election, he succeeded in getting No.3 suspended? --- No. 3 I think - well he agitated for - well to use agitated really is a

very / ...

very strong term, he said that Ben Langa is a banned fellow and he could not carry out the duties of the organisation properly, because when you are banned really, M'lord, you have got to meet people ..(Court intervenes)

Yes I follow that, so he got his own back by getting No.3 suspended? --- So the 6th GSC because that is the body which ratifies on the position of the secretary-general, got the idea that in fact Ben Langa could not carry out his duties properly, so the 6th GSC before it could even talk to Langa, it decided that Accused No.2 should be the secretary-general, be elected into the office. So my duty really as the president now was to inform Ben Langa that the GSC has chosen its man and I think you have got to go out of your position. But that was the difficulty we had to go along with, GSC has given us a man, Accused No.2.

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No.3? --- Accused No.2, sorry, because it is the position of the general secretary.

Oh, the general secretary, yes? --- And GSC has given us a man here, and there is a man still at the office and GSC did not tell us how to go about telling the other man ...LAUGHTER..it trusted us.

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But you were president? --- That is right.

You must tell him? --- That is why he went to.. INAUDIBLE.. my view was that before you tell a man to go out you must come to a meeting where other guys are there and explain the matter in a more dignified way.

MR. SOGGOT: Mr. Nefolovhodwe, let us get to matters of a little more moment, was anything said there about rallies?

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Where / ...

--- Where? I was still dealing with that meeting.

No, I was hoping to cut you short? --- Well after that meeting - well the most important part of the meeting was reports, it was the report of the secretary-general, the report of the president, the vice-president was not there, Rubin Hare, the report of the publication director, the report of the regional secretary - the report of all the regional secretaries, and those reports would have to go through them and accept them. Then after that deliberation really we talked about finances, which point was raised by No.2 because he was the administrator of the organisation, so he raised the point that well, we don't have finances, and what are we going to do with finances. Then we went all through this organisational topics, then at the end of the meeting, not at the end just about the end of the meeting Accused No.2 came out with an idea that he felt it would be a very good thing for SASO to organise rallies in solidarity with the new government of Mozambique, and he felt that it would be a good thing to show a sign of friendship between us here in South Africa, Black people, and the Mozambique government. And he motivated by saying that it would seem even the government in reports, the government is showing a spirit of neighbourliness.

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COURT: Goodwill? --- Yes. And also from reports that I read before that meeting, I think it was Hilgard Muller the foreign spokesman of South Africa, he was saying well we accepted the fact that Mozambique is a government, and we hope that there will be good relationships, and it was really an inspiring thing to find that even our Foreign Minister is

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saying / ...

saying: well I think we will live together with these guys. So to us we thought this would be a very good thing to have rallies of that nature, to show what we also feel - to show, if I may say so, what the Foreign Minister also feels. (LAUGHTER)

COURT: You did not invite him to the rally? --- M'lord, I mean he is such a high official that sometimes ...(WITNESS LAUGHS - INAUDIBLE)

MR. SOGGOT: Any suggestions as to the date on which this should take place? --- He went further suggesting that we could have these rallies on the 25th, because that would mark exactly when the power is given to the new government. There had already been a transitional government if I remember very well. 10

Well whatever it is he fixed on the date because something was going to happen on that day? --- That is right. So then later one of the guys in the meeting raised the question that with SASO sometimes a meeting of that nature would be banned, he was not really saying the meetings would be banned, but he was drawing from experience that - I think it was our Sharpeville meeting prior to this one, heroes day commemoration was banned. So he said these people from the government might ban our meeting, so what about if that meeting is banned, what are we going to do. Well we discussed that issue of the ban and Accused No.2 came with an idea that if they can be banned, then the best thing will be to solicit for other organisations within the Black community to hold those rallies, and I think I remember him specifically mentioning that: don't worry, in Durban at least they have got BAWU and they have got other 20 30

cultural / ...

cultural movements which they will solicit in case that rally is banned. Then it was also put to the other regional secretaries that: look, if in your regions - because the responsibility really was with the regional secretaries to organise rallies in their regions, if you are in your region look upon this matter seriously, until the government bans this rally, then you go to other cultural movements. I think that is why the Johannesburg fellows wanted also to go around - I think it is TRAYO.

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COURT: Is that the Transvaal Youth Organisation? --- Mmmm - that is after they had heard about the banning, so that idea was there, so they thought of doing the same thing.

MR. SOGGOT: I just want clarity on this, what organisation was going to hold this? --- The organisation which was going to hold the rallies was SASO, but it was put at that meeting that ..(Mr. Soggot intervenes)

We have got your picture about the other organisations? --- If other organisations are interested let them come too.

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As far as the subsequent intervention or team-up with BPC, can you tell us about that or is that out of your personal knowledge? --- The thing is it was put up like this, Mr. Soggot, that look, regional secretaries, you are responsible for your own region, organise those rallies if you can. Look, you guys in Durban, you are responsible for your own rally here in Durban, organise it on those terms if you can, as long as the general picture has been put down that this rally is for this and this. Then subsequently when the guys went in soliciting BPC, I

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read / ...

read it in the paper and I didn't find anything wrong really in that, because it was an idea mooted in the meeting that probably you can join now with any organisation.

All right, is there anything else of interest that you want to tell us - of importance rather at that meeting? --- No, I don't think so.

Then you returned to Turfloop, is that right?

--- Then I returned to Turfloop on the - I actually took a plane I think on the 16th, then I would have arrived in Turfloop on the 17th. Then on the 18th we had a SASO local committee, and I was the president of SASO, and we discussed the idea of the rallies in Durban. At that meeting in which Accused No.7, Ledwaba I remember very clearly, they attended, our SASO local meeting, I think it was in the cinema hall. Then in that meeting we were dealing with issues like how we can have community projects, after that discussion then I indicated to the members, being the chairman of that branch that: look SASO has decided to have Viva Frelimo rallies, and I suggested that it would be a very good thing if the SASO local committee of that campus could hold such a rally. Then in that meeting Ledwaba then came out and said: well, I think that is an idea that the SRC had already decided upon, so that it won't be necessary for the SASO local committee to hold such meetings. You see, M'lord, there at the university the SASO local committee when they do have their own functions they take responsibility for their own functions, that means what they do they write a letter first to the Rector, they inform the Rector that: we are having our meeting as SASO local committee, that will

mean / ...

mean they take responsibility for everything that they are doing. If the Rector wants any information about what happened in that meeting, then he is informed by the SASO local committee directly, and in the case where the SRC takes its own stance, then it takes responsibility as an independent institution, then whatever happens the Rector must be informed by the SRC. So what happened Ledwaba said well, the SRC had decided on having this type of rally, so he doesn't see any reason for the SASO local committee also to have their own rally. 10 So the meeting felt that, well, that is over, so SASO local committee cannot hold their rally, if the SRC is holding a rally.

Ledwaba described the SASO local committee meeting?

--- That is right.

Do you agree with his evidence, or is there anything you contradict? --- Well I agree totally with his evidence, I don't contradict anything.

There is also a piece of evidence from him that on the way to the hostel you met Accused No.7? --- Yes, I met 20 Accused No.7 and Ledwaba, you see I was the past president of the SRC there, so what happened was they were elected in office when I was in Durban, they were elected on the 13th, and I was on my way to Durban that day. So when I came back I had to meet the new members of the SRC, it is what Accused No.3 said courteous, you have got to meet the new guys and say: congratulations, well you give even advice from your experiences, and you say:well, I would advise you that you run the office this way, that is how I have been running the office, and they either accept your 30 advice / ...

advice or reject it. And that is what I was saying: guys, I am happy that you have been elected president, well I was merely talking to the other president. I was normally president of the SRC so I said: guys I congratulate you for having succeeded.

I think you should express your congratulations into the microphone ..(LAUGHTER)..

COURT: Anyway to come to the point you mentioned the rally? --- Yes, and the idea of the rally came up, so it was just simple talk. 10

MR. SOGGOT: Then the rally was eventually held, is that correct? --- Then the rally was eventually held.

Now, as far as the preparations for the rally were concerned, were you - first of all dealing with you, were you involved with this at all? --- Well in a sense one might say a man was involved in the preparation, but what happened is that the SRC takes responsibility, and in that situation, I was SASO president, and I had been past president. In any arrangement you surely call students to say well, arrange - I wouldn't go along going for placards and all those things because I think I was respected in that community. 20

COURT: You were above that? --- So I would call other people to do that, so I was never even in the preparation of the rally, but the SRC did request me to solicit for speakers for them, as the past president of the SRC.

MR. SOGGOT: And did you do that? --- Yes I did.

Now who was going to speak? --- Well according to their programme.

Give us the history, first take their programme? 30

Yes / ...

--- Yes, their programme which I was notified of by Rathlagane, a member of the SRC was that, I think it is in one of the exhibits, that the SRC president was going to talk, and the SASO local committee chairman was going to talk as a representative of the SASO local committee, and the SASO president was going to talk as a SASO president representing SASO in the Turfloop rally. I think there were those speakers. And I think it was also a question of one of the members of the Black Academic Staff coming to talk.

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COURT: Any particular one? --- That would have been the chairman, or if the chairman feels that he can not come he must send his deputy.

MR. SOGGOT: Then you cannot give evidence on the handing out of posters or anything like that? --- No, except that one stage I came to the SRC when they were handing out posters, but I cannot give evidence because it was just a walk in, and I go back to my hostel.

All right then, shall we deal with the morning of the 25th? --- Yes. On the morning of the 25th - well the SRC had indicated earlier on that when they are holding this rally it should not be interpreted as a demonstration, and, that is the SRC president, No.7, he mentioned to the students that the rally is just a coming together and there is no demonstration about it.

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At what stage did he say that? --- He said it on the 22nd, that evening.

Now, where were the students gathered? --- They were gathered listening to speakers.

COURT: What did you understand by demonstration? --- My

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understanding / ...

understanding of it is - you see at Turfloop, M'lord, we had had demonstrations in that campus, and my understanding was that the SRC president who was No.7 had experience of that demonstration, and he was ..(Court intervenes)

Well tell us a little more about this demonstration that you had, I want to know what do you call a demonstration?

--- What I call a demonstration is something that if, say, I am not satisfied - let us use the example of the Court - if I am not satisfied with what is happening here in Court, I would come with placards saying: "To hell with the Judge" ..(Court intervenes) (LAUGHTER)

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Well that is a protest? --- Yes, well I am demonstrating my feelings against what I think is not proper. So I would call it demonstration, but a rally I would call a meeting where you come together, you are just speaking, and you don't have to have anything against somebody else. That is how I understand it.

Yes, well I think I understand now. (LAUGHTER)

MR. SOGGOT: Anything else that No.7 said? --- That is how I understood No.7 to say: no, in this meeting of a rally nature, you don't have to carry placards and say, well, we would perhaps challenge our professors, - with respect the name is the same, Professor Boshoff.

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COURT: But must you use strong language for a demonstration? --- Students in a campus, this is the other thing that I think M'lord must get, in a campus you have got a lot of students, and it is a community of young people, and others are of age, and it is a community - I mean in the Black community talking generally - you have got students of the following nature, frustrated students who are failing

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their / ...

their tests, that is apart from any other political inclination, he is frustrated, perhaps he feels that this university is no good for him, because he is failing there. You have got other students who are really dedicated students to their tasks, you have got other students who are what I call agents provocateur; you have got other students who, because of their social/political background, they cannot cope with the tasks of a university, and in that sense you have got students that can express all sorts of things, depending upon their frustrations now. Now, I would not be surprised sometimes especially in Turfloop, to find that you might find that in a community of about 1 500 students, you might find 80 or below that mark who are making really silly statements, and the normal thing there at a university would be either to laugh at it and just ignore it, that is the normal pattern, because if I may bring some other experience that I had - PAUSE -

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The irresponsible element? --- That is right, if I may bring some other experience before the rally, I mean I had been at Turfloop from 1969. At one stage SASO itself, it was still a student body, it was in 1972, at one stage when we went to classes we found lots of placards there - if I may use the prosecutor's word - denegrating the student organisation SASO. One student had written, he had depicted a cartoon of some members of the SASO local committee, and said: "You sex organisation" and a lot of other swearwords really, I really don't want to put it to His Lordship. That was his feeling, he wanted to challenge us, out of perhaps vindictiveness or - PAUSE - but that was what he did.

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And / ...

And later, I think it was in 1974 when I was president of the SRC, at one stage when we were negotiating the bringing back of SASO on campus, and when we had to wait for the Rector to give the go-ahead, and I think some of the students felt that we were not doing our duty there at the offices of the Rector. We keep on coming and saying: well we reported the matter to the Rector, the Rector says on such and such a day he is going to Pretoria to meet his other colleagues and he will give us an explanation. I think amongst some of the students they said: no, these guys are not doing their duty, so he put something on the noticeboard against my SRC saying: "Well you are just an SRC which goes along with high lords, and why", so all the students had to read that as they go to classes, they put it sometimes in places where they know that when students come from lectures they might immediately see it. So the normal thing there as president of the SRC, you ignore, you just ignore, because if you don't ignore tomorrow they put another one..LAUGHTER.. if you can't take it, tomorrow they put another one, so the normal thing you just act as if you don't see it and you go to your offices and you conduct your duties.

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MR. SOGGOT: What about the other students, did they behave as if they had not seen it? --- Even the other students, they see it, they laugh and they pass on to their lectures. Even the lecturers are used to this type of thing, they go and look at those placards, you will find sometimes some of our lecturers, White lecturers, who stand together in the morning and who are looking there, and well, he might raise it as a joke in class, well they are friends, they are

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challenging / ...

challenging you there, it ends, it ends like that. The thing is it is the type - I may call it - the type of mentality you find on a campus. And people who have lived in that campus, some of them just say, well, it is just a student type of activity, and they ignore this.

Now you were dealing there with what No.7 said at the meeting on the 22nd September, he said it is not a demonstration? --- That is right.

Is there anything else he said in relation to the rally? --- There was not really anything he said, he just said the SRC is going to organise the rally, is holding a rally, and you students you must not regard this as a demonstration. I mean I would have thought that he is talking from experience, that it is useless to have such kind of things. 10

All right, can we then get back to the rally and Wednesday morning the 25th? --- On Wednesday morning, M'lord, I did not know that there would be placards really, I did not know that there would be placards, I mean I thought there will be placards of a general nature, placards: "we support Frelimo", placards saying "Viva Frelimo" - placards of that nature. Then when we went to classes, I had classes up to I think 12 o'clock, because the SRC had said also that : you must attend your classes, there is no disruption of classes here, this is just an ordinary meeting which will be held in the afternoon. And he also said that students like myself who were doing science - fortunately that day I did not have a practical - if I had practical I was forced to go to the practical in complying with the request from the SRC. So he said those students who do practicals in the 20 30

afternoon / ...

afternoon they must go to their classes, because it is just a come-together, and two or three guys talk, and then we go to our hostels. So the morning when we went to classes then we found lots of placards - as we were walking to the office because the placards were at the blocks - the lecturers' blocks, before you reach the blocks you can actually see some of the placards. And the normal thing you would be reading one, two, three as you pass along, as you go to your class, because you expect to attend your class. So what I saw - I never saw a single one of the ones that I think the State selected - I mean there were lots of placards, H'lord, and to put His Lordship into the picture, if they really wanted to put His Lordship into the picture they would have just collected all and put them to His Lordship, although it would be a very strenuous thing for His Lordship to look at all, but take them all, give it to His Lordship and say: well, His Lordship must find out at least the behaviour of the students from all the representatives. Then the normal thing will be that His Lordship will have a clear picture, His Lordship may form the idea that, well, the students are like this and that.

Well your point is that there were a lot of placards? --- There were a lot. And I didn't see any of those that are displayed here - I must have seen some of the ones that are here, but I can't remember, my purpose was going to attend the lectures, and so I read some of them as I went along.

I think the State has put in approximately 25, how many would you say as an estimate did you see that day?

An / ...

--- An estimate of what I saw - I might have seen so much more than what the State has brought.

Can you give us any indication - 60, 100, 150, 200? --- As I walked along to the classes I might have seen, walking along to the classes alone, I might have seen more than twenty.

But that day how many did you see altogether?

--- And walking along again from my classes, my classes are ..(Mr. Soggot intervenes)

Mr. Nefolovhodwe, can I just cut you short if you don't mind, don't worry about the geographical distribution of the posters, just tell us how many posters altogether you saw that day? --- I cannot really estimate. 10

You cannot? --- I cannot really estimate, well the normal thing there is just to look at them, you don't even count them. I mean you don't make an assumption that - you don't even think that you would be asked to estimate how many.

No, I understand that. Then you say you did not see some of the posters that are here? --- I might have seen some, but I don't remember. 20

Well, what impression did the posters give you? --- Well to me being a member of that student community it was just one of those things that happen in the student community, and I walked to my classes, and there we were we had our classes lovely with Professor Saayman ..(Mr. Soggot intervenes)

You attended them as usual? --- As usual.

Now, this is what I want to ask you about, whatever you had seen, was there any reaction that you could see from anybody / ... 30

anybody, Black or White, student or lecturer, in relation to those posters? --- Well I get that point - as far as - I will talk about my lecturers, one of them, Mr. Traub, he came here to give evidence, the one who said he was assaulted later, he was one of my lecturers, he was asked whether he knows me and I don't think he really remembered, and I will talk about the professor who conducted our morning classes in Zoology. Well to me there was no outward facial expression that I could say: today my professor has seen placards and my professor is angry. 10

There was no facial expression? --- Even among the students ..(Mr. Soggot intervenes)

Was anything said amongst the students to indicate that something untoward or ..(witness intervenes) --- No, no, as I told you the normal thing with students is just to ignore or laugh, if there are others that are amusing then you might talk about that one, if you saw that one is amusing then you laugh. That is the normal kind of thing that I know, and that is what happened in the morning, we went to classes and we had our classes normally and that was all. 20

Did you hear any suggestion by anybody that any posters should be taken down? --- I did not hear that.

And was there any suggestion anywhere - my question is very wide, but deliberately so - to suggest that the students or an element of the students were perhaps motivated towards violence or disobedience of any kind? --- Well I did not hear any, I did not hear any.

Now again, still talking about you, you have told His Lordship this was an SRC rally? --- Mmmm 30

Did / ...

Did you during the course of the morning at any time see the banning notice? --- Yes I saw the banning notice. You see actually I was drawn to this banning notice, when I went to classes up to 12 o'clock, round about half past twelve when I came back from my classes, I had about four classes following each other, when I came back from my classes at about I think it was half past twelve, then one of the SRC members, I think Rathlagane, because remember I was in the programme to talk at the meeting, he came to me ..(Mr. Soggot intervenes) 10

Excuse me for interrupting, you were in the programme to talk as what? --- As SASO president.

As the SASO president? --- That is right. So he came to me to inform me that SASO and BPC rallies have been banned, and then I asked him: where did you hear this, because I did not have a radio, I was one of the unprivileged students, and I did not hear anything through the radio. So the morning I had to rush to classes, so when I came back one of the SRC members, Rathlagane, came to me and said: look, the SASO and BPC rallies have been banned 20 and the SRC does not want any confusion about it, you can speak as an individual, but you cannot speak as a representative of SASO. I think he was interpreting the wide range of the banning, so he showed me the banning and I felt that it might be very dangerous if I address the meeting on behalf of SASO. But I did want to address the meeting on my own, my feeling was that I was the past president of the SRC, and I would address the meeting. But it was made clear to me that: look, if you do address, you have got to address the meeting in your individual capacity. 30

And / ...

And you accepted that? -- I accepted it.

One other thing, what was your understanding of the legality of the SRC rally in the light of the banning, and when I say your understanding, what had you been told as to what legal advisers had said or the Rector had said? --- Yes, that is the man who came to me now and said: well as far as they are concerned as the SRC, they have sought legal advice from senior members of the student body who are doing LL.B. final year, and well, Accused No.7 also was a law student, so they sought advice and they found that they are not affected as the SRC, but they were not going to risk me addressing the students on behalf of SASO, because that would implicate them. So they told me specifically that : you can address, but you address us in your individual capacity. 10

Again, on a question of what you understood, you have told His Lordship already that people were allowed to go to the rally but they had to attend classes if their classes were on? --- That is right.

Where did you understand that instruction emanated from? --- Well that instruction emanated from the SRC. 20

Where did they get that idea from? --- The SRC on, I think it was on Tuesday, you see on Tuesday when it announced that tomorrow we are going to have a rally in the dining hall, these SRC members they go around in the dining hall announcing their activities, then they said that when we are going to have a rally, we are going to continue with classes, it is only after 2 o'clock when most of the students do not have classes, it is only science students who might have practical classes, then we are going 25

to / ...

to have our rally, at that moment, so that we don't have any disruption of the normal going of the university. So they said that the Rector - from what I gathered from the men who told us - the Rector has given an indication that you can continue with your rally only if classes go as normal. So I think to me it is an instruction from above, that this is the kind of thing that the rectorate would like to see on his campus. MA

Now just before we start with the actual meeting of the rally, one other word on the question of the placards, you have since your arrest obviously had ample opportunity to study the photographs of the placards?
--- Yes I have. 10

And I think it seems clear that some of them express anti-White feelings, and feelings in favour of violence --- The difficulty is that one could not just generalise, one has to go through them and say this seems to say this, that one ..(Mr. Sogot intervenes)

I think we will leave that, Mr. Rees will ask you questions on that I suppose, I just want to cut it short, some of them you see express - for example there is the one with the gun, do you remember: "take the gun" - it is an illustration of a gun, do you remember that? --- That is right. 20

Now, you know what that looks like today, do you think that a poster like that had an effect of any kind, and if so what, on the students? --- Perhaps I would give this to His Lordship that in determining an emotion out of a man it is either that we use facial expressions or behaviour, that means if we want to determine that this man 30

is / ...

is either angry or he is expressing an emotion of fear, it is on those two really most important things to see whether this man's facial expression has changed, or his behaviour tends to suggest that he is not a happy man. So looking at the situation at Turfloop, the behaviour of the students was the normal way of going to classes, meeting students on the way as you go to classes and the behaviour of the lecturers there, did not suggest to me that there is something abnormal on the campus. So I mean judging from that, although the placards there, M'lord, some of them say very very naughty things, very naughty things really. But I could have only judged the mood of the students through those two things that I am saying, that their general behaviour could be that these students - there seems to be something that they want to do, but in a campus where the Rector has given the lead that you must attend classes in the normal way, and students were going to classes like that, one cannot say with certainty that there was some kind of behaviour or the other, because you see the normal behaviour, you don't see any social change in both the lecturers or the students.

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Well, Mr. Nefolovhodwe, just let me ask you this, look at B.25 - M'lord, that is the photograph with the gun - I am sorry, M'lord, it is B.24. Now just look at that and tell His Lordship how you react to that? --- You mean my reaction as I read this?

That is correct? --- Well I would say it says what is written there, it says what it means.

And what does it mean? --- Well it means: "Black man, your land is at stake, wake up, come Frelisa, come

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SASO, Samora Machel has shown you dialogue cannot solve your - oh yes - this my son I give you, don't be a coward". I will say to His Lordship that this student is suggesting that we should take up arms, but what seems to come out from this other side, is that this student knows that SASO and BPC are not for violence, he says: "come Frelisa come SASO, Samora Machel has shown you that dialogue cannot solve your problems". It seems in his mind, although he suggests that SASO and BPC must take up arms, in his mind it seems he is saying: well you guys you are just sitting there, Samora Machel has shown you that the gun is the only answer, you say dialogue. That is how I see it, so it would have meant that this student knows SASO and BPC.. LAUGHTER.. and he is challenging that organisation that Samora Machel has shown you that dialogue cannot help you.

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COURT: Well, we'll see how Mr. Rees gets past that.(LAUGHTER)

MR. SOGGOT: Does Frelisa mean anything more to you than.. (witness intervenes) --- Frelisa I don't know really what it means.

COURT: It could mean what it says.

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MR. SOGGOT: Tell us about the meeting in the hall? --- Well the meeting in the hall subsequently it was held at about 2 o'clock, where Accused No.7 took up the chair, and issued a few remarks ..(Mr. Soggot intervenes)

Well let us hear what they were? --- About Frelimo.

I think please would you try and be detailed as far as you can remember about what he said and what any other speaker said there and of course what you said? --- Yes, what I can crystallise out of what he said, these things took place a long long time ago in 1974, but what I could

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crystallise / ...

crystallise is that he said to the students: look - what I heard is that he said: well, Frelimo was an organisation of which one of the students who was a student here in South Africa belonged to, that is Mundlana, he was a student leader at one time, and subsequently he left student leadership and he went to join Frelimo. And he said well, subsequent to the change in government in Portugal, Frelimo was given over the government (sic) and what we are doing here is to celebrate the outcome. He said: we are celebrating the outcome, and I think he even went further to mention that well we are here celebrating the end of bloodshed, the end of suffering among the members of the Mozambique community. So we should feel with them, well that they have come to the end of their road. 10

What was the atmosphere in the hall and the mood of the students? --- The mood of the students was a general mood of say, if a man says something: "Hah!" and "Amandla" which is the normal thing which happens in all student meetings if there is a point which a particular member of the students feels that he has just got to shout back, then he can fight for that point. He didn't really take long because the police arrived I think at half past two, and when they arrived there was a lady speaking. After he had said something which I told the Court, then he said well: this meeting - I think it was because of the disruption of the programme where I was supposed to have been representing SASO at that meeting, and Ramaphosa, if Your Lordship will look at the programme, was supposed to represent the SASO local committee. Now, because of the banning now, it means I have got to follow, Ramaphosa has 20

got / ... 30

got to follow, and I think the Black Academic Staff did say ...INAUDIBLE, NOISE ON MACHINE .. so it means the SRC had difficulty in speakers. He said: well any member of the student community who feels like expressing his feelings about Frelimo is allowed. So as I told His Lordship that I was keen to say something, so when he said those things I felt: well this is the gun, let me also express my feelings about Frelimo..LAUGHTER.. So I stood up, I was not actually in front, I stood up from the student mass, and I think part of what I said has already been put in the record when Kekane was giving evidence, I think virtually that is what I said, I don't think I can go along there, it was put to Kekane, and Kekane ..(Mr. Soggot intervenes)

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Well tell us the gist of what you said? --- Well the gist of what I said is that we are here commemorating with those who have found their own freedom, we are here commemorating with those who have suffered for freedom's cause, and we are commemorating with those that have ultimately gained their humanity and we also have to re-dedicate ourselves to our own struggle in South Africa. I did mention that I should not be misinterpreted as saying to commemorate with those things I am advocating for the means they came to power to make that point clear to the students.

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And did you say anything about the capacity in which you were speaking? --- Yes, before I said anything, as I told His Lordship, I indicated that: look here, I am not representing any of the organisations, I am talking here as an individual member of the student community, because

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students / ...

students would have seen the programme, and students would have expected me to come there and say: on behalf of the South African Students Organisation, and as the president of the South African Students Organisation this is what I say as a message to you. So I had to make that point that: look now, I am not representing any organisation, I am a member of the student community and I am expressing my own views. I did not want the organisation to be implicated with my own views at that meeting, because of the banning order. 10

COURT: You mean the official views of the organisation?

--- Yes, the official views of the organisation.

MR. SOGGOT: And then I think you said a lady spoked?

--- Then a lady spoke.

Who was she and what did she say briefly? --- She was one of the members of the SRC, and she spoke on a topic - generally on the same theme that we are here gathered to commemorate with the Mozambique government, and as she was talking the police came, and I was no more listening to what she was saying, my attention now was directed to the police. 20 My attention was directed to the police to hear what they were saying.

What was your response to seeing the police, what did you think? --- What was the response, well a person's response to them?

Well did you think it normal or were you surprised? --- I thought it was not normal, I was surprised, because in my mind I was really convinced that the banning order could not affect the SRC.

All right, now tell us briefly what the police did 30

and / ...

and what happened to the meeting? --- Oh, what the police did is that I think it is Major Erasmus - I think he came here to give evidence - he was speaking through a megaphone, but the megaphone was squeaking and he could not get across what he wanted to say. But later one of the students said: well wait, let us hear what he wants to say, because the students there some of them were reluctant to listen. So he said: wait, let us hear what he ..(Mr. Soggot intervenes)

What were they saying, when you say they were reluctant to listen? --- Well they were just talking generally, you see with students, if something happens which is a surprise to them you might find that they in the smartest way concentrate on what the man wants to say, I might be talking to the other students: "but what do they want, what do they want", so it was going around like that probably others were saying: "what do they want, what do they want", so one student said: Shhhhh, let us hear what the major wants to say. Then the major spoke, but the megaphone was still not very clear. Then ultimately the major said we should disperse, he is giving us about 15 minutes to disperse. Then the word went around: "they say we must disperse, they say we must disperse, they say we must disperse", so the students, I don't know..(Court intervenes)

COURT: What happened to the lady speaker? --- The lady, I think she was cut short, because she never continued when the police were there. Then I went along with the group of students going towards the western side of the hall, that would mean you go out of the western door and you go directly / ...

go directly to the stadium. Then I went along with the students towards the stadium, I think Major Erasmus in his evidence said well, the students were orderly. And this is what I saw also, I am just confirming what the major said ..(LAUGHTER).. the students did not show any - to the major I think they did not show any hatred or any sign of hostility towards him.

MR. SOGGOT: Did you hear the offensive remarks made to the major? --- I didn't hear any offensive remarks.

So the students walked out - did they walk out or march out? --- They walked out. 10

Singing? --- Yes, well mostly the women students, the women students were singing their songs, and later on the men students also joined.

Can you remember what song they sang? --- Nkosi Sikelele, that is the normal - I think it is the general song that is sung.

It is the anthem? --- Mmmm

And then, where did you go? --- We went to the stadium, to the football ground. 20

Did you go with them? --- I went with them.

Where was No.7 at that stage, do you know? --- I don't know where No.7 was at that stage, because we moved together like this, and I was not really taking notice where No.7 is, where this one is, it was complying with what the major said, so one wouldn't even bother to say: where is the SRC president, I mean we are moving..(Mr. Soggot intervenes)

All right.

COURT: Who was attending to the major, was anybody speaking to / ... 30

to the major? --- Yes, before the major could come through to say let us disperse, one of the SRJ members, I think I remember clearly Mr. Mangoepe went to the major, but I was far I didn't hear what he was saying to the major, but he did talk to the major, and the major I think he just ignored him. And I think the major did indicate that one student came up to him.

MR. SOGGOT: All right, now what happened on the field? Will you just tell us briefly? --- Well on the field, we arrived on the field, and when I went onto the field it was not because of any call that you must go onto the field, it was just that most of the students were moving towards the field, so I just took for granted I am going along with the other students to go and disperse.

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COURT: On the field or where? --- Well I was not really aware of the legalistic meaning of when they say disperse you must go and sit alone..LAUGHTER.. so I thought what they say is that the meeting is banned, you must not continue with the meeting, I thought if you go out of the meeting and if you leave everything that has got a meeting connotation, it is over. (LAUGHTER) So I walked along thinking it is over, so the police were behind us, I thought it is over, and I think I would have walked right through and perhaps go to the post office depending on what would have happened between me and some of my friends.

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COURT: Why would you have walked so far? --- I mean the rally would be over, and I would perhaps go to the post office or go to my hostel, it would depend really on what I would like to do later. So we went out of the hall and we were at the sports field when later I heard from one of the

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members / ...

members of the SRC when we were actually at the sports field, I think it is Rathlagane who came to our side and said: gentlemen, disperse, disperse, we must go to our respective hostels. Then I saw the movement of the students like this, male students going this way, and female students going that way, so I turned also to go along with a few students that were in my midst, and when I was just about to reach the embankment, His Lordship had the photos, I saw a dog behind, but it was having the lead, but it was far from the police - I dashed, and that was the end of me. LAUGHTER.. 10

And where did you dash to? --- I went to my hostel, right to my hostel.

MR. SOGGOT: You say the dog had a lead, was some gentleman holding onto the dog? --- I mean the police were holding the dog, I dashed to my hostel.

Now prior to that did you see No.7 doing or saying anything? --- I did not see No.7 at all.

And apart from the warning or suggestion which you got from, I think you said Rathlagane, did you hear any warning given by the police? --- Warning about what? 20

To disperse? --- When?

While you were on the field? --- No, I didn't hear anything on the field, as I said one of the members of the SRC came to the side where I was and told me so I wouldn't have heard what was said by the police.

And then as you so vividly put it you dashed, where did you dash to? --- To my hostel, M.D.

And what happened there, what did you do after that?

--- Well I went to my hostel and I went to the room of my 30

friend / ...

friend, Makoewe, we stayed there for a while, and we heard noises outside, so curiously I went back to look at what is happening there. You see these hostels are - my hostel is behind another hostel, so I had to go through the other hostel. So when we came through the other hostel and as we arrived at the front of the D hostel then teargas was shot from the tar road right through me inside the hostel, and I got suffocated, and went back again. So when I went back I had to stay for a while because the teargas was all over.

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COURT: Well, what effect did the teargas have on you?

--- Really, it is a serious thing, M'lord.. LAUGHTER..

But what effect did it have on you? --- I wouldn't say what, I think guys who were nearby can describe the situation better.

But you experienced it, I am asking you, how can somebody else tell me what you experienced? --- I mean it gassed you and for a while you are dizzy, you don't actually know what is happening around.

Is that why you can't tell me? --- So what happened was that this teargas was all over the hostel, and there is some green grass between the rooms, the rooms are this side and this side and inbetween you have got a space where there is some green grass, and that is where I went and relaxed.

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MR. SOGGOT: After your sniff of gas? --- The gas was still all around.

Now can you tell us what happened after that? --- After that then, after I cooled down, I don't know how many minutes really, but when I did go out I found the

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students / ...

students standing at the place where we usually get our drycleaning, there were about 400 students standing on this side of the tar road, and on the opposite side of the tarred road there were members of the SRC, Accused No.7 was there, and there were lecturers, staff lecturers.

Who were they? --- It was Mr. Mkondo, and Mr. Motsoologane, Professor Motiwa was also there, but Professor Motiwa attracted me because Professor Motiwa was coming to the students saying: well guys sit down, boys - he was saying boys to us: sit down boys and wait for the outcome of the negotiations, so when I arrived there I was really too late for what was happening there. I stood with other students there, and I think that is where Major Strydom says I was in the vicinity, and I think I was there, I was standing with the other students and looking at what is happening there. And I saw No.7 and the lecturers and they were talking to the major, so I had to say: Hey, what has happened to the whole entire rally, I went to ask the other students: what happened, what happened, what is happening here, so the other students said: no, there are other students arrested here, and the SRC are negotiating for them to be released, and what you have got to do is stand here and wait for the outcome. And when we were standing there the Rector came, Professor Boshoff and Mr. Greyvenstein, who I think was the registral (sic) administrator if my memory serves me well, so they came together and they went to where the major was, and they talked there. I didn't get what they were saying really, we were a bit far, but subsequently the Rector left, he left the gathering, and he went back towards his home.

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Then / ...

Then immediately after the Rector had left, I think some students were released, and after that I remember No.7 coming to us, you see we were on this side of the tarred road, and he said: the rally is over, and you can go to your hostels, and the guys have been released and we have requested the police to go out of the university. And the police did go out of the university, subsequently - immediately when he announced this, the major also announced that his guys must also leave the campus.

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So the police left? --- The police left.

Have you any direct knowledge of the assaults and attacks on the lecturers subsequently? --- No.

COURT ADJOURNS

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