

no children of that number, 60, known to me, left.

Now, he then said that you came to his house one day with some school boys and he said it was between 5 and 7 school boys and that day also Enoch Ngomezulu came to his house. Do you recall that? -- Yes, I remember that there were students there. These are the students who were mentioned yesterday about Ngomezulu's evidence. Because when I was going past Vakaliza's house and had seen him on his premises and then decided to go in.

BY THE COURT: Were you with some school boys? -- I was (10)
with school children.

MR PITMAN: Now when you got there with the school children, was Ngomezulu already there or did he come later? When you arrived there. -- Ngomezulu was already there. Both he and Vakaliza said they were from church.

Now, Vakaliza says that you said that you had organised the young people to join the PAC and that you intended sending the children for military training. -- This is again a story. As I have already said, he was only telling stories. This is untrue. These children were talking to Ngomezulu. I did (20)
not say anything there. Ngomezulu was asking them when they would stop what they were busy doing, and they said that they would not stop until Bantu Education be scrapped. They continued their discussions though I cannot remember everything that was discussed but they were only saying that they will not go back to classes again to study until Bantu Education be scrapped.

And did they discuss anything about Afrikaans in their schools? -- Yes, this is what they mainly discussed. They were saying that they were being taught three official (30)
languages which are not taught in White schools, namely

Afrikaans/...

Afrikaans, English and vernacular.

Did you speak about legal advice for the children? --
What I said was that these children needed legal advice from
anybody because they were determined with what they were
doing, they need to be advised.

Now, Vakaliza then said that before the end of 1976 -
sorry, I withdraw that. Just before I go on to that, I must
cover one point that I omitted. Did Vakaliza say something
to the students and did Enoch Ngomezulu say something to the
students? (10)

BY THE COURT: Did you interpret that question? -- (No, M'Lord,
I did not.)

What is his answer? -- The person I noticed to have spoken
a lot to the students is Ngomezulu. The students were also
happy while Ngomezulu was talking to them but the person who
spoiled everything is Ngomezulu's wife who, on arrival, ordered
the children to leave.

MR PITMAN: Now .. -- Ngomezulu's wife came and asked Ngomezulu
to go and after the departure of Ngomezulu the children no
longer had an interest in anything because they were happy (20)
to talk to Ngomezulu.

Now, Vakaliza then said that before the end of 1976 he
met you in the street and you said the young man with messages
from Swaziland had left with other people for Swaziland, he
had gone with other people.

BY THE COURT: Is that still Vakaliza?

MR PITMAN: Still Vakaliza. -- No, that is only a story.

And then Vakaliza said that on a Sunday morning at the
beginning of 1977 you came to his house and you told him that
you had gone to Sobukwe to get money for children to be (30)
sent away. And that you said that Sobukwe had told you to go

to/...

to Vakaliza. -- This is partly true but not everything he said is true. I did go to him on a Sunday morning, this was in January. I told him that I was from Sobukwe's place in Kimberley. Sobukwe had had two of his sons circumcised and I thought there was going to be a feast for that, but unfortunately there was no feast. These sons of Sobukwe had been sent to Graaff Reinet where they were to be circumcised but they did not stay long there, then came back again to Kimberley.

Was Mr Sobukwe a relative of yours? -- My mother (10)
is a daughter from the Nfeni clan. Sobukwe is a member of the Nfeni clan and in that sense he is my uncle.

Now, Vakaliza said that he told you - let me start again: remember that I said that Vakaliza said that you said Sobukwe had told you to go and see him. Vakaliza said that he replied to you that you must come and see him on the Thursday and that in fact he says you came on the Friday and he told you that he would go to see Mr Sobukwe. -- I did not talk to Vakaliza about going to Sobukwe. I had only gone there to tell him that I was happy to see Sobukwe's son coming (20)
back from circumcision. I did not even know that he, Vakaliza, would go to Sobukwe.

BY THE COURT: I do not understand. Was this in January?
-- It was in January.

Why did you go and tell him that Sobukwe's sons had been circumcised? -- Vakaliza is a man I had known to have suffered together with Sobukwe. He is a person I had heard relating his life and that of Sobukwe often.

MR PITMAN: Do you know a man called Michael Rasimeni? --
Michael Rasimeni's mother and my mother are sisters. (30)

Where exactly did Michael Rasimeni live? -- He stay s

in Jabulani No. 102.

Is that the same or a different street from where Vakaliza stays? -- No, Jabulani and Zondi are divided by a street. So they do not stay in the same street.

Do you know if Vakaliza knew Michael Rasimeni? -- Vakaliza knew Rasimeni very well. This is because whenever Dalinjebu had come to pay a visit I would always tell them about Dalinjebu and they would have an interest in going to him. Rasimeni was a chairman of the Democratic Party under Dalijebu. (10)

Is that Dalinjebu Sabata? -- Yes, that is Sabata.

Is that - was he a chief, the Democratic representative?

-- Yes, he was a chief.

In the Transkei. Now the next witness who gave evidence concerning you was Richard Mlotha and I have covered some of the - when we discussed the two little girls that you took there, we covered some of the ground, but there is other evidence that he gave. He said that on one occasion in October, 1976 he had met Dr Ntshuntsha at Park Station, and he says then he arranged to meet Dr Ntshuntsha at the (20) corner of Market and Nuggett Streets in Johannesburg, which he did. And he says that at the corner of Market and Nuggett Streets when he was there, Dr Ntshuntsha shouted to you and he shouted: why is the boy still waiting at the van. He said you were standing in the vicinity and you replied the Combi is full. -- To that I will reply by saying I did not go to the corner of Market and Nuggett Streets though they did go there, Mlotha and Dr Ntshuntsha. Because when I arrived at Park Station Mlotha told me Dr Ntshuntsha and the children had gone to the corner of Market and Nuggett Streets. (30)

When I wanted to know from Mlotha why the children had to go

to/...

to Market and Nuggett Streets, he told me that he thought it wise for the children to go there to avoid disturbance. He thought the children might perhaps see some of their relatives or their parents and get disturbed.

Mlotha said that he asked you whether this boy was interested in getting to Swaziland and you did not reply. That was at the corner of Market and Nuggett Streets. You say that did not occur.

BY THE COURT: What children were these? What children is the witness talking about? -- The children who are said (10) to have gone to Nuggett Street.

Did you not bring them to the station? Did you come there on your own? -- I went together with the children in a van as far as Mayfair. I alighted from the van in Mayfair because I had an appointment with another young man who was originally with a man from the Transkei. He was employed by the newspapers. I wanted to see that man.

And then? -- I afterwards proceeded to Park Station.

And when you got there the children had gone? Is that what I understand? -- On my arrival at the station I was (20) told the children are at the corner of Nuggett and Market.

How many children were there? -- I did not count them.

Where did they come from? -- From different places in Soweto. We did not know where exactly they came from, but we would only meet students and be told by them there are students at a particular place, a school or just in the veld. These children wanted to go away, they did not want to meet their parents, they were running away from the police, they no longer stayed at their parents' homes.

Are you going to clarify any of this? (30)

MR PITMAN: I am going to try now. They were running away.

Where/...

Where were they running to? -- These boys stayed in groups in any place they could find. They did not want to stay individually at their parents' homes because they were afraid of the police. Whenever the police would find them then they would get arrested and be mishandled. They had thought it wise to stay in groups so that if anyone of them got arrested, they would know.

Now we know how they stayed. Now we want to know on this occasion that Richard Mlotha is talking about, where were the children going to? Where were they running to? -- (10)
These children were going for education in Swaziland.

Did you assist any children to go to Swaziland for education? -- Yes, these very children who have just been mentioned. I was together with them though I alighted from the vehicle in Mayfair but I proceeded to the station afterwards where I was told they had gone to Nuggett and Market Streets.

Now, Richard Mlotha says that after that occasion he saw you and you brought two boys to him and asked him to take those two boys to one Joe Makwanazi and you said that the one (20)
was sickly and was crippled, they were small boys and he indicated about 3 foot high, about that high. -- This is true, though he did not put it in the proper manner.

Will you put it in the proper manner for us? -- Before the departure of children, this is when we started. I was not present when the children left from Park Station. There used to be a man and/or a woman, both these are parents of a child who was taken by these parents to Dr Ntshuntsha and asked Dr Ntshuntsha to take this child away to any place, because the child had been mishandled, he had been so seriously (30)
assaulted that his whole body was badly injured. This had
been/...

been done by the police. I also personally saw this child and asked from the child what had happened.

Now just tell His Lordship .. -- He told me that he had been assaulted by the police after they had taken him away from his parents.

Did you do anything in connection with that child? -- We took this child to Nkululeko Kente for safety in Zola 3. Ntshuntsha then went to the child's parents to tell them that the child had not left because there was then no transport.

Where was the child going to leave for? -- The child (10) would go for education.

Where? -- In Swaziland. I went to Mlotha at Park Station and told him that there were many troubles about the children and I wanted to know from him if the transport he had promised us was not available.

Did you deal with the two young boys when you spoke to Mlotha? -- This was on a Friday. Mlotha said he could not take children on that day. I went back to Ntshuntsha to report this to him but then I was told that he had gone to Hlatswayo's place together with a group of children and that they had (20) hired a vehicle. Ntshuntsha and Hlatswayo had on my arrival already loaded more than 20 children. I then told them not to continue with the loading of these children because Mlotha had said there was no transport. Ntshuntsha then said there was no hospital where we could keep this child, people also did not want to stay longer with the child in that condition and therefore this child had to be taken away. He also then said that he would take that child together with a few other children to Park Station and after having said this, he ordered the child to go into his vehicle. He appointed (30) a student from Thladi, I appointed accused No. 6 and ordered

him/...

him to go as well because he pestered me, he wanted to go away. He had said his condition was not good, he wanted to go away.

BY THE COURT: Is this No. 6? -- Yes. Ntshuntsha told another girl to go as well because she had also for quite a time been pestering. He then left together with these children for Park Station.

Who was that then? How many? No. 6, the one you appointed, the one from Thladi, the girl and the one who had been injured? -- Yes.

In the Cortina? -- In the Cortina. (10)

Did you not go? -- I remained behind. There were also 18 children who remained behind.

Yes, go on. -- We wanted to know what would become of the children who remained behind. This was before the departure of Dr Ntshuntsha. Dr Ntshuntsha then said we should try and get accommodation for these children because they would not be taken back at the places where they stayed. This was according to the children because they had said they wanted to go away. Dr Ntshuntsha only said we could get accommodation for the children. (20)

MR PITMAN: You remember I asked you whether you brought two boys to Richard Mlotha. That is what I want to know. -- No, I was not there.

Then I asked you whether you told him to take them to Joe Makwanazi. -- No, I could not have said that because I was not there.

And therefore you say you could not have said to him that one was sickly and crippled. -- I could not have said it because I was not there.

And then Mlotha said .. (intervenes) (30)

BY THE COURT: What he said is a lie th en. -- That I took

a sickly child to him and told him all this, is a lie.

.. (inaudible) .. I thought that was where he was saying it was true but there was a reason for it. That is my note. It was not quite the right way. If you could just tell me where abouts that was said, I will cross it out.

MR PITMAN: Yes, well, I can't of course alter the record in any way.

BY THE COURT: No, it is just that I must get my notes - I may have misunderstood him. I must get my notes correct otherwise - because there .. (inaudible) .. gone on since I made (10) that note.

MR PITMAN: What he said was, when I asked him the question, put to him that that is what Mlotha said, he said this is true, but it was not put in the proper way.

BY THE COURT: Well, that is what I just want to cross out.

MR PITMAN: So his answer actually is that it is not true.

BY THE COURT: When was this when they went off, Dr Ntshuntsha and No. 6 and the man from Thladi and the little person? When was that? Do you know the month? -- In about the beginning of December, 1976. (20)

But you did not go to the station that time? -- I did not.

Anyway, they went off then. -- Yes, they did.

MR PITMAN: Now, Mlotha spoke about one other occasion. He said on one occasion at Park Station you came to him and said that your friend, the doctor, was arrested and you also said your name was Hlengwa and that you came from Dhlamini Township. Now did that occur? -- This is again a lie because we introduced ourselves to him -- we were introduced to him when we met him for the first time. I was with Dr Ntshuntsha.

Did you ever tell him that your friend, the doctor, (30) was arrested? -- No, I did not go to Park Station during that time/...

time.

Did you ever tell Mlotha that you came from Dhlamini Township? -- No, I never told him where I came from. He only knew me to be staying in Soweto.

Now the next witness who gave evidence concerning you was Lena Mawela and she said that one Sunday afternoon two men came to her place and they went directly to the garage. She said that was at the beginning of January, I think it was 1977 she was talking about, and that one of them was you. -- No, this is not true. (10)

She said that two people came again the next day which was a Monday. Did you ever go there on a Monday? -- No, I never went to Lena's house.

BY THE COURT: Do you know her? -- Lena, I know her.

You say you have not been to her home? -- I did go to her home, this was when children were coming back from school. A child had reported to me that she had been assaulted. I then took a sjambok and took this child with me and I went together with the child in the direction of the people she had said had assaulted her. As I was walking with this child, (20) I saw her being greeted by other school children. I was then in Mofolo and then I wanted to know from the child if there were not perhaps some of the people who had assaulted her amongst those children. It was then said that there are usually young boys at a certain house which was pointed out to me and then I went to the house; this was Lena's home. When we approached the gate, we saw a big dog but then Lena came and told us the dog would not bite us and she invited us in. We entered the premises and asked if there were not of the boys who had assaulted that girl on the premises. (30)

Did you ask Lena this? -- Yes.

MR PITMAN: Had you ever met Lena before? -- No, I was seeing her for the first time then.

Did you tell her who the girl was with you? -- Yes, I told her that.

How did you describe the girl? Who did you say she was? -- I told her this child is Mketi's child in Emndeni.

And did you tell Lena what your name was? -- I had introduced myself to her as Baye.

Is Baye your name? -- This is my clan name. And I am also known in the township by this name, Baye. (10)

BY THE COURT: Did you find the boys then who had assaulted her? -- No.

Did you look for them? -- I had said I was looking for such boys and I was told there are no boys there.

Told by Lena? -- Told by Lena.

MR PITMAN: Now, Lena then said that in fact the man who had been in your company on the Sunday when you came there, she said, was one Vuyisile Dlova. Do you know a Vuyisile Dlova? -- I was never in the company of a Vuyisile Dlova, nor do I know this Vuyisile Dlova. (20)

Now the next witness who gave evidence concerning you is Douglas Matsoge.

BY THE COURT: Is that the only time you had been to Lena's house? -- No, it is not the only time. During the discussion with Lena, Lena told me that she was a model by occupation. On another day when this child who was, when I first met Lena, in my company, had to go and buy clothes because she had to leave for the Transkei, I was accompanying the child and I suggested to her that we go past Lena's home. On arrival at Lena's home, Lena told us she was also on her way to town. (30) We went together to town. we travelled together in a taxi

but/...

but in town we parted company because I had to go to a shoemaker. I realised that the girl who was in my company wanted to go with Lena. We then agreed to meet at a shop in town. I then went to the shoemaker where I left shoes.

Is that the only other time you had been to Lena's? -- Yes.

MR PITMAN: Now, David Matsoge says you met him on a Saturday at your place. He found you there with ten young men and you made a speech. -- This is again a story. It is not true.

He said that on Monday he went back to that same house and he found you there with the same children and they (10) said they were going off to Swaziland and eventually he says he was dropped at Naledi by you people, dropped off from a motor vehicle. -- It is true that I saw him on a Monday, but I was not with the people who went to Naledi.

He says that he met you on a Wednesday after that and you said .. (intervenes)

BY THE COURT: Where did you see him on the Monday? -- I saw him on the Monday at 11h10 a week after the Monday I had seen him. This was a week after the Monday I had seen him.

MR PITMAN: Where did you see him the first Monday? The (20) first Monday you saw him where did you see him? -- I saw him at Emndeni.

At what number? -- No. 3270.

I think you had better just tell us how did he come to be there? -- There were boys we had asked to be accommodated there. On a Sunday these boys suggested that they go to their homes rather than staying there lest they disturb the people or even the children because everybody was then home. This was usually the case, people were home over weekends. After they had returned on that very Sunday I found another young man (30) with them and this young man is known as Shorty but his surname

is/...

is Sehu though I am not very sure if this is his surname or just a name.

Did Shorty bring Matsoge to 3270 Emndeni? -- I asked Shorty what he had come there for. He said he wanted to go, but I told him that there were already many people there but he insisted that he wanted to go, until I gave in.

I want you to deal with Matsoge because that is the witness we are dealing with. -- Shorty said that he attended school together with Matsoge and one Sammy at Sekanontoana. This was still on the Sunday. He came together with him (10) on the Monday.

So you are answering my question in this way, you say that Shorty came with Matsoge on Monday? -- He came with Matsoge and Sammy on Monday.

To 3270 Emndeni? -- Yes.

And they came there and what was the purpose of their coming there? -- They were saying they wanted to go away, they wanted to go and study in Swaziland, they had been wanted by the police, also because they were members of the SSRC. We then - I then said that the people who were there, were (20) sufficient and they would leave on the following week.

Did you say which day the following week? -- I said on the Monday of the following week.

Did you meet them on the Monday of the following week? -- Yes, I did.

Where did you meet them? -- In Jabulani at No. 1110.

And did those people, that is Sammy Kau and Matsoge, did they leave on that day or did only one of them leave or what is the position? -- Only one of them could leave because the vehicle was full. (30)

Which one was that who left? -- Matsoge.

Now, on the Wednesday between the first Monday and the second Monday did you see Matsoge or not? -- No, I only saw him on this Monday and then again on the following Monday. I did not see him between these days.

Because he said in his evidence that you said to him on that Wednesday that they must acquire travel documents so that you could send them to Tanzania and elsewhere to get money. -- No, it is not true because all the children who had travel documents did not use them when they left, they were leaving them behind. (10)

And Matsoge said that he saw you again on an occasion when he and Sammy Kau saw you and they said they were withdrawing from the PAC. -- No, I do not know. There was nothing concerning the PAC. I did not know anything about the PAC, I am not a member of the PAC.

Did you see Matsoge at his home after he came back from Swaziland? Did you ask him why he had come back or anything of that nature? -- I did see Matsoge. I had heard that he was around and then I decided to go and see him and hear from him why he had given us the trouble of taking him away (20) after having said he wanted to go.

And what was his reaction when you asked him? -- He just laughed. And he said he would go away again.

BY THE COURT: Did you ask him that? -- I asked him why he had come back after having given us the trouble of taking him away when he had said he wanted to go, but now he had come back and he only laughed and said he will go again.

Where was this? -- At his parents' home, he was busy painting.

MR PITMAN: Did he tell you on that occasion that a group (30) had arrived in Tanzania? -- He did not tell me about a group

that had arrived in Tanzania, but he told me about a group of about 140 if not 104 which was in Thladi which wanted to go away. He said one of these people was being sought for by the police, he had tried to get away and he is also from Pietersburg.

I do not want to go into that unless Your Lordship wishes to go into that. But when you were with Matsoge did you see one Khotso Seathlolo? -- He asked me to accompany him to Sammy's house when I was about to go. We then went to Sammy's house. (10)

Yes, now deal with Khotso. -- And as we were at Sammy's house we saw a motor vehicle approaching. We were at that time just at the gate of Sammy's house. There was a boy seated in the front seat and another one in the back seat of the vehicle. The boy who was seated in the back seat was pointed out to me as Khotso and it was also said .. (intervenes)

BY THE COURT: By? -- By both Sammy and Matsoge. They also said just look at him sitting like a coward, he is afraid of the police. They were also criticising him of being a staunch church-goer and too much of a believer. (20)

THE COURT ADJOURNS FOR TEA. THE COURT RESUMES.

JOHN GANYA: still under oath:

FURTHER EXAMINATION BY MR PITMAN: Now Sammy Kau said that in November or December, 1976, that you introduced yourself to him and you called yourself Kani Ndlovu. Is that true or not true? -- It is a lie.

Now he says that you told him that Joseph Tsoue sent you to him.-- It is a lie again.

And he said that you said that the purpose was to ask him to help you in recruiting. -- It is a lie. (30)

And he said that h e told you that he would help you
although/...

although he himself wanted to go for military training. --

This is a lie.

At any rate he says that he was - that he met you on a Saturday with Morgan Matsoge but that he saw you on the Monday again. -- It is a lie. He saw me on a Monday only.

Where did he see you? -- He saw me at Emndeni Extension No. 3270.

Now on the Monday he says that he was dropped off by one of your vehicles, the vehicles you people were using, at Naledi. Is that correct? -- I do not know, because I was (10) not there.

And he says that on the Sunday, the next Sunday, in other words, Saturday, Sunday, Monday and then the following Sunday you came to visit him and you told him to come to 1108 Jabulani on the Monday if he had some recruits. -- It is a lie.

Did you ever talk to Sammy Kau about recruiting or military training? -- I never spoke about such things with him.

Was Sammy Kau there on the Monday that Matsoge left? -- He was present. (20)

But he is the one I think you said who did not go. Or was it he who went? -- He did not go because the vehicle was full.

Did you ever visit Sammy Kau at Kau's house? -- I did not, except on the day I had gone to Matsoge's home. I left Matsoge's home together with Matsoge to his home. This is the day on which I saw Khotso.

And did you ever see Sammy Kau on any occasion other than the two Mondays? -- I saw him only on these two days I have mentioned and on no other day. (30)

The next witness who gave evidence against you was

Ngangeliswe/...

Ngangeliswe Qongqo. He said that in December, 1976 one Vuyisile Dlova and he went to your residence and you said the PAC needs young men and you asked them if they would join the PAC. -- It is a lie.

Where did you first meet Qongqo? -- I saw him at a school, Mpumulelo School together with another group which was from the Cape, they were Xhosa-speaking. Arrangements were being made on that day for the funeral of Ntshuntsha.

What date was that? -- I think it was on the 9th January when I met them. This was the day when I first saw him. (10)
I had not seen him in 1976, he was just lying.

9th January, 1977? -- Yes.

What makes you say it was that particular date? What had you just done? -- I remember this because this was the day on which I arrived from Kimberley. I had started at Zondi.

Do you know or have you ever known any of Qongqo's family in the Transkei? -- I knew a Qongqo family in Cofimvaba.

In the Transkei. -- In a village known as the Qongqo village. This village is situated between Cofimvaba and Engcobo. The whole village was known as Nobokwe village. (20)

Now, Ngangeliswe said he met you on a certain day and told you that he had joined the PAC, and that you said the young men had gone to Swaziland. -- It is a lie, he was just telling a story.

And he said that you asked him to accompany you to Botswana to get money to buy a car. -- Even that is a lie.

And he said that he went with you, at first he said it was in about February, 1977. -- That is a lie because I went together with a certain Mrs Jako from the Transkei. She was employed as a domestic servant in town and she was accompanied by two children. (30)

Why was she going to Botswana? -- She had said these two children were going for education outside and we had gone together to the SACC because she had said she had no money. When she could not get money from Reis she cried.

From Reis? -- From Reis at the SACC.

He is the secretary of the SACC. -- She was ultimately given the money.

By? -- By Reis. An appointment was made for her to meet Reis again on the following week. I was then not with her.

Anyway, she got the money. -- Yes, she did. (10)

Where was her husband? -- She had said she did not know where her husband is and that the husband had left her long ago.

Now, Ngangeliswe said that he went with you by train to Mafeking, that you saw Mrs Monty Seremane and that you went via Witkleigat to Botswana. -- Those are all stories. It is not true.

And he said that in Botswana you asked for the PAC offices and you were taken to the police station and that from there you went with him to a man called April's house. -- On my arrival in Botswana we went to Mahalape and when I (20) spoke about education, I was taken to Dr Price. Dr Price stayed near a Holiday Inn and I had been made to understand that he was a chairman of an organisation that had to do with school affairs.

This man you call Dr Price is that a man who is from Ghana and is at the University of Botswana in Gaborone? -- Yes.

Now, could you just explain how you think Ngangeliswe could have known of the name of Mrs Monty Seremane? -- I had heard that there was a group which belonged to Ngangeliswe which was in Botswana which I had seen in Botswana, people (30) like Shortboy who was known to be Moffat Zungu from

Meadowlands.

Is that No. 10 accused? -- No, not accused No. 10. There was also another boy originally from Cradock, another one from Mount Frere, another one was said to have come from Springs. I did not know all by name, but I saw them in Botswana. When I saw Ngangeliswe in Botswana, he was in the company of these people I have mentioned, the young boys I have mentioned.

Can you explain how he might have known Mrs Monty Seremane? -- I had heard that Mrs Seremane used to go to (10) Botswana.

Anyway, you say that you got to Botswana and were you with Mrs Jako? -- Yes.

And you say you met Ngangeliswe there. Where did you meet him? -- I went with Dr Price to the police station and he left me there and in the police station I met Ngangeliswe and other people from the Republic of South Africa.

Did you go to April's house? -- I did.

And Ngangeliswe also? -- Yes, he did because his group, the group I had seen in Soweto here in South Africa also (20) was staying at April's place.

Was that the first, second, third time you had been to Botswana or what? -- When I had gone there for the first time I met a number of people and we arranged that I go back again, so as to get what I had gone to Botswana for.

When was the first time you went there? -- In January, 1977.

Now, this occasion when you went with Mrs Jako what month was that? -- It was in January when I went there for the first time. (30)

And was that the occasion when you met Ngangeliswe? -- Yes.

At/...

At April's house did you meet a man called Victor Obote or not? -- I saw Victor at Dr Price's place when I saw him for the first time. He was then wearing an overall and he was only going past. We only greeted each other and he spoke to Dr Price then. I first spoke to him at April's place.

Was that later? -- When he spoke to Dr Price previously, Dr Price did not tell me who he is.

Now you saw him later at April's house? -- Yes, a few days thereafter I saw him at April's place.

Was Ngangeliswe there on that occasion? -- A Matsobane (10) came there and took Ngangeliswe with him to Lobatsi. It was said that friends of Ngangeliswe wanted him there. Ngangeliswe was not there when Victor Obote came there.

Now let me just get this clear. The occasion that Jako's wife and you went to April's house, that was in January, 1977. -- Yes.

Did you go again to Botswana again at all in February? -- Yes, I went there again in February.

Did you on either or both of those occasions stay with Dr Price - you call him Dr Price, I am going to call him (20) Dr Prah because I understand that is his name - did you stay with this gentleman? -- Yes.

On which or both occasions? -- When I went to Botswana on the first occasion, I started in Mahalape and then later went to Dr Prah but I stayed with him when I went to Botswana for the second time.

On the first occasion did you stay with him at all? -- I slept in his house though we were many. There were then many students at this doctor's place and also at April's place.

BY THE COURT: Was this on the first occasion? -- Yes. (30)

You stayed at Dr Prah's house? -- I did stay at Dr Prah's

place and also at April's place.

MR PITMAN: On the occasion when you were at April's house, did you ever hear April say that the PAC is a red organisation? -- I never heard him say anything about the PAC.

At April's house did Victor Obote show any pictures of his training in China? -- No.

Did Victor Obote say there was no money from Dar-es-Salaam and did he give you R200? -- We did not talk about money with Victor but the person who gave me money is Prah. I also realised that this was not money of his own which (10) he gave me, that is Dr Prah, but he gave me money from Bali Ntuli which was South African money. I think the money he had was not South African money and that was why he took money from Bali Ntuli.

How much was it? -- This was R200 in R1 notes.

BY THE COURT: Did he give you South African money? -- He gave me South African money.

MR PITMAN: What were you doing in Botswana? What was your purpose there? -- When I spoke to Mrs Jako about the many children who wanted to go for education and that these (20) children kept on coming there, she suggested that I try Botswana.

Did you discuss it at all with Dr Prah? -- I spoke to him to another person known as Colin, a White minister of religion. There was also another one, Van Schalkwyk, whom I did not talk to because I did not trust him. This was because he was a South African Boer that I did not trust him. I had worked with a Van Wyk in a firm who was very cruel.

Did you say something about Siphon Buthelezi? -- He is also one of the persons to whom I spoke. I spoke to these (30) people about scholarships of students and about legal

representation/...

representation and said they could not get legal representation because of poverty.

Was that on the first occasion in January? -- Yes.

When Dr Prah gave you R200 what was that for? Why did he give it to you?

MR HAASBROEK: The witness never mentioned the name of Dr Prah, he referred to Dr Price.

BY THE COURT: I note that that is so, but in order that presumably we do not have much confusion, it is clear on the record that Counsel has used the word 'Prah' for 'Price'. (10)
You will find it on the record. So that presumably what is being used now by the Interpreter is what Counsel says is the correct name, but you can draw what conclusions you like, but it is clear from the record that Counsel made that statement. So whatever arguments or whatever flows from this, you can argue. It is on the record. Yes, Dr Prah did what? -- Dr Prah or Price wanted to know what my position is. He also carefully looked at me as though he was examining me from shoe to my head and when he gave me this money, he said I look like a person who sleeps in the veld, I must get (20)
myself clothes with this money.

MR PITMAN: That was, I think you said on the second occasion in February. -- On the first occasion.

Now the second occasion you saw this doctor, did you discuss anything with him? -- I spoke to him a lot on this occasion as well as to other people. It was on this occasion that I saw many students leaving for different places like Ghana, Nigeria, Liberia.

BY THE COURT: Did you see anyone leaving for Banghazi? -- No, I do not know. I heard these names which I was used to (30)
and also other names which I was not used to because I even
asked/...

asked if it was possible for students to go as far as America and I was told yes, if arrangements are made they do go as far as America.

MR PITMAN: When you left Botswana on this occasion did you go back to South Africa with Ngangeliswe? -- When he heard me say I was going back to the Republic, he became very happy and said he also wanted to go back and he wanted to know when I would be going back to the Republic. I could not tell him when I would be going back to the Republic because I first had to meet Dr Prah to find out from him when he would (10) take me away in his car.

BY THE COURT: When Dr Prah would take you away? -- Yes, because he had promised that he would take me away.

Away? -- Take me halfway.

MR PITMAN: Did you go back to South Africa with Ngangeliswe? -- Yes, I came back to the Republic together with Ngangeliswe.

BY THE COURT: Is that when you got a lift halfway? -- Yes.

With Dr Prah? -- Yes, with Dr Prah, although I did not introduce Ngangeliswe we Dr Prah.

MR PITMAN: Where did Dr Prah leave you? -- He left us (20) at Ramutswa.

Is that in Botswana? -- Yes.

BY THE COURT: Why didn't he take you to the border, dropped you at the border post? -- The reason is I had not gone through the gate and Qongqo had also not gone through the gate into Botswana.

MR PITMAN: Now when you got back to South Africa did you and Ngangeliswe go to No. 1 accused's house to look for No. 1 accused? -- Which No. 1?

Zeph Mothopeng. -- We did not go to his place. He (30) had been taken into detention long before I left.

Did/...

Did you go to - let me put it this way: Ngangeliswe said that you went to Silas - sorry, I withdraw that as well. Did you go to Silas Ntengo's place in Orlando West? -- I went alone to Ntengo's place. Ntengo then took me to Junior.

Did you go to Silas Ntengo's place with the witness Ngangeliswe at all or not? -- I went alone, not with Ngangeliswe when I went to this person.

Did you go to any places with the witness Ngangeliswe? -- I do not remember because on our return he was at the school where he usually stayed for a short period of time (10) and then he disappeared. I used to go there to see his elder brother.

The next witness against you, his surname was Gae. Do you remember that witness? Vuyisile Gae? -- Yes, I remember him. I saw him for the first time in the prison.

Do you mean by that for the first time in your life? -- I was seeing him for the first time in my life, yes.

Is that the Krugersdorp Prison? -- In the Bethal Prison when he had gone there to identify me. This surprised me and I said to myself this is again the experience I had in (20) the Transkei being identified by a person I did not know.

What is your attitude towards his evidence? Your attitude towards his evidence about you is that true or false? -- I had never seen him before. I saw him for the first time in the Bethal Prison and I beg you to forget about everything he said.

Are you saying that it was false? -- It is false and I beg you not to ask me anything again about him.

Yes, I will honour your wish and go on to Veli Maseko. That was the next witness, Veli Maseko. I take it you (30) do not remember that witness because you were not in court

in that time, but you were told that witness Veli Maseko had given evidence against you. -- Yes, I heard this.

BY THE COURT: Do you know him? Have you ever seen him? -- When I was told about him. -- I saw Veli Maseko for the first time on the 7th July in the Krugersdorp Prison.

1977? -- 1977.

In jail. You had never seen him before then? -- I was seeing him for the first time then. He may perhaps have seen me or known me as a child, but I was seeing him for the first time. (10)

MR PITMAN: Was there any identification parade with this gentleman? That is to identify you. -- Yes. This surprised me, this identification by him but he had told me in Krugersdorp that he was going to identify me. He was in the company of two others and he had said I was the person who was wanted.

BY THE COURT: Did he identify you here at Bethal? -- Yes.

MR PITMAN: He said in court that you told him that he ought to go to Tanzania for military training and that he must go in PAC motor cars. -- No, forget about him, he is also one of the music games, they were just taught this music. (20)

So you say that is untrue? -- He is a liar, forget about him.

But you say that is untrue? -- It is untrue. This is just music they had been taught to sing.

The next witness who gave evidence against you was one we dealt with in part, that is Fakazi John Mdakane. Do you know him? -- Yes, I know him.

And I want to put to you the parts of the evidence I have not yet put to you. He said you came to his parents' home in Zola Township in 1972 and you spoke to his wife (30) and asked her whether she knew what the PAC was and that he,

Mdakane/...

Mdakane and his mother, told you to keep quiet. -- I feel so sorry about these things that had been said about me because they made me look like a person who had taken a purgative and could not control his bowels.

BY THE COURT: Anyway, you did not go there. -- I do not know about that.

MR PITMAN: And he said that in about September 1974 you came to his parents' home again and you said now is the time to work hard to get boys across for training and he replied to you: the jail was sufficient for me. -- Mdakane was (10 lying. He was the first person to tell me in the Krugersdorp Prison that the Special Branch Police wanted me and that I am the most wanted person who was then in the company of Mahapa. I then walked next to him as he was telling me of these things. It was during the exercise time.

BY THE COURT: Did you know why they wanted you? -- Who?

The Security Branch. -- This is what surprised me. They were also surprised and they wanted to know why I was so much wanted.

MR PITMAN: Did you ever tell Mdakane that you were going (20 ahead to get boys across and that the past week you had helped 15 Blackjacks, boys, to get across?

BY THE COURT: Who?

MR PITMAN: Didn't Your Lordship hear the question?

BY THE COURT: I know it is something about Blackjacks.

MR PITMAN: I will put it to him again. Did you ever tell Mdakane that in the past week you had helped 15 Blackjacks (that is boys - 15 boys who were Blackjacks) to go across? -- No, he was only telling the Court an untruth. This was just an untrue story he was relating again to the Court and (30 because he had suffered while in detention in terms of

Section 6. He only wanted to free himself by saying such things against me.

What is a Blackjack? -- I do not think there are people who are Blackjacks, but that I know is that the municipal police who used to wear a black uniform, we referred to as Blackjacks.

Did you ever tell Mdakane that you had received an instruction from No. 1 accused, Zeph Mothopeng, that he was interested in getting 50 boys from that area, that is Zola, for training across? -- This is again a story, untruth. (10

BY THE COURT: This John, was he on the island with you? -- I was with him on the island, but I unfortunately did not stay with them, I stayed with Mandela at the isolation cells.

MR PITMAN: Mdakane says that in July, 1976 at his parents' home, you came with two young men of about 20 years old and said they were going across the same evening. -- It is again as I have already said, an untruth.

THE COURT ADJOURNS FOR LUNCH. THE COURT RESUMES AT 14h15.

JOHN GANYA: still under oath:

FURTHER EXAMINATION BY MR PITMAN: Now, I want to deal (20
with the witness Mahapa. He said in his evidence that he came to your - sorry, that you went to his house and you said to him you would like to send him, Mahapa, to Swaziland if P.K. Leballo gave permission. -- That is a lie. I am begging you again to forget about Mahapa.

What do you say about the rest of his evidence that you told him that he will run the PAC offices in Swaziland and that he will receive people from South Africa who are there for military training? -- There is no such.

Did you - you said earlier that you went to the (30
wedding of accused No. 1's daughter. Was he there? Mahapa?

-- I saw him at the wedding of Uncle Mothopeng's daughter and I had before that seen him at a farewell party of one Sotondoshe. This Sotondoshe had been deported, he had to leave Jabulani for the Transkei. The farewell party was held in Orlando East where his mother's home was.

Did you once in fact visit him when you came back from the Transkei? -- I went to his place on an occasion when I was from the Transkei. He then gave me R1. I thereafter saw him in the prison.

What was the address of his house? -- His address (10 is 2466 Orlando East.

Now, the next witness I want to deal with who gave evidence concerning you was Ester Seremane. -- Forget about her as well. When she went to identify me, she said: it appears as though this is the man. This gave an impression that she had been taught somewhere.

Had you ever seen her before that identification parade? -- I was surprised when I saw her identify me. I was seeing her for the first time. But I then said to myself after all this is a habit. (20

And now we come to the man Mountain Mathebula who gave evidence against you and he said that in June, 1976 you came to his house in Zondi and introduced yourself. He said you said that you work for the nation and that you were a member of the PAC and he said that you said Zondi branch is asleep, I have come to resurrect it and I work day and night and you said we must recruit people to go abroad for military training to Swaziland and Botswana without passports and they must go by Combi and the money comes from Russia and communist countries. And you said leave your work and come and work for the (30 PAC. And he says he threw you out. What is your comment to that/...

that? -- This is all a lie. I never went to Mathebula and introduced myself to him. I saw Mathebula on two occasions. The first occasion was at a shop where I was introduced to him by Vakaliza.

Where was that shop? -- The shop is in Zondi. The second occasion was when he was in the company of two girls who, according to him, were from Swaziland. He also said that he wanted to take one of these girls as a second wife. These are the only occasions I met Mathebula.

Did you ever go to his house? -- I never went to his house. (10)

Did you ever meet him, as he said, in Jabulani where you said they had found the horse and trailer to take children across the border? -- I heard of this for the first time when I was told that it had been his evidence in court.

What was the name of the shop in Zondi where you met him? -- Moane Stores.

I now come to the witness ~~Jim Xebe~~, who said that in December, 1976 you came with accused No. 6 to Dhlamini's Shop at Jabulani and you said who wants to go to Tanzania for training. -- I heard that for the first time here in court. I do not know about that. I was told that he had said that in court. (20)

He says that on the next day you were at the house where he lived and that Jim Xebe and No. 6 accused had two girls in a locked room. -- This is true. I had gone to look for accused No. 6 and then I was told that he is at Jim Xebe's home. When I came to Jim Xebe's home and knocked at the door, there was no response. Then when I went back to accused No. 6's home, No. 6's sister told me there are people inside. (30) She then accompanied me to the home of Jim Xebe and on further knocking/...

knocking there was response.

Well you found him there and then he said the three of you went to a house in Jabulani where there were some children and two motor cars. -- I did not talk to him because I walked together with accused No. 6, while he followed, walking with two girls.

Did you go to Jabulani? -- We went to Jabulani to Hlatswayo's place.

And was Jim Xebe there when you went to Jabulani? -- Yes, he arrived at Hlatswayo's place together with us, but (10) he came to join us after the girls had left.

And he said that you said there at the house at Jabulani, you said to one grownup there that Jim Xebe should learn the route and go with them and then he can come back with No. 6, but he said that the other grownup men said no, the cars are full, Xebe cannot go. -- That is untrue.

And then Jim Xebe said that after he returned from Swaziland he was asleep at his parents' home and you arrived with accused No. 6 and you asked him about Swaziland and that No. 6 accused handed over R200 to him, that is to you. (20) -- This is untrue. I did not go to his home nor did I receive R200.

And he then went on to say at some other time, a later stage at his parents' home, Xebe's parents' home, you and No. 6 came there with Morgan Matsoge and Sammy Kau. Do you recall that? -- I went on the day on which the children were to leave, to accused No. 6's home, No. 1108 and there I was told that the children were at Xebe's home.

Did you go to Xebe's home? -- Yes, I did. This was on the day on which the children were to go. (30)

But did you go there with accused No. 6 and Morgan and Sammy/...

Sammy? -- I found accused No. 6 there. I am no longer sure who of Morgan or Sammy accompanied me from No. 1108 to Jim Xebe's house.

Did you say there that Morgan will go and get acquainted with the route to take the children out, but Sammy will not go on this trip? -- This is a lie.

Jim Xebe said that No. 6 then went off to fetch two boys from Jabulani, Rocks Radebe and Boy Nyandeni. Did that happen? -- No, I do not know about that. I do not know who fetched who. All we did was just to take stranded (10 children, children who had become homeless.

Did you go off to fetch one person or not? -- No, I did not fetch anybody.

Now I just want to put to you three more incidents that Jim Xebe talked about. I am putting it to you all together and I think you will answer the same to all of them. He said that after he had returned to Soweto, you came to see him and that he told you the people in Swaziland were waiting for money and they said when it came they would send it with Mlotha. Then he said two weeks later you came to him (20 and said Dr Ntshuntsha is arrested and he said the third incident was that he saw you later under a bus shed because it was raining, a bus shelter and that a child called to you and you asked for the money and they said they had given it to Dr Ntshuntsha's wife, that is Xebe said that. What do you say to that? -- Who told me that the money had been given to Dr Ntshuntsha's wife and who had called me?

Jim Xebe says: We told him that we had given it to Dr Ntshuntsha's wife. -- Jim Xebe was lying. I went to accused No. 6's home, found his sister there, accused (30 No. 6 was not home, but his sister told me accused No. 6 wanted/...

wanted to see me. I went to accused No. 6 afterwards and found him. No. 6 told me they had been given money which was supposed to be taken to Dr Ntshuntsha's place, seeing that Dr Ntshuntsha had died and he also said they had taken the money away. I told accused No. 6 that he made a big mistake by personally going to the place of Dr Ntshuntsha's to take away that money and this I said because death is a very delicate matter with Africans. He did not personally have to go to a place where there had been a death. I told him never to do this again because that money was supposed (10) to have been taken away by an elderly person.

But what I want to know is did the three incidents that Jim Xebe spoke about, occur? -- I did not have anything to do with Xebe. If you only knew how much I did not like him. I even went to the point of going to accused No. 6's parents to complain to them about No. 6 being in the company of Xebe and I even said I do not want to see accused No. 6 in Xebe's company any longer because No. 6 was a scholar and Xebe was just but a hooligan. No. 6's mother asked me to come back again when No. 6 will be home. I afterwards went there, (20) found No. 6 and told No. 6 that I did not want to see him in Jim Xebe's company again. He had to be an example.

So what is your answer to the question I put to you? -- I do not know anything about these incidents as related by Xebe. This was again just a song he was also singing as a member of the choir.

Now the next witness who gave evidence was one Patrick Mpoposhe. Do you know him? -- I know him very well.

He says that you stayed with his elder brother in Zondi. -- That is true. I was fetched by his father from Zola. (30) His father asked me to stay near him so that I can always give him/...

him advice. This was because he was a member of the Democratic Party and a representative of Sabata.

Do you recall a conversation with him at about midnight one night in that house, that is with Patrick? He says that you said he was wasting his time playing soccer. -- That is also part of his story. I am saying this because his name was also in the records at the Race Relations Institute. I had gone there to get football uniforms for them like shoes, I was very much interested in football. I am surprised that he said I did not like football. (10

I want to know if you are saying that you do remember such a conversation or you do not. -- I do not know of such a conversation.

And do you remember any conversation about men fighting on the border and taking Patrick to the border and you saying something about taking him to the border also? -- I do not remember talking to him about such things though we usually had discussions at his home. This is because his people are related to Mandela and they were interested in politics and also in events, things like fights or wars. (20

Now, Silas Ntengo, the next witness, do you know him? -- I saw him at the Race Relations Institute.

He said that in September, 1976 he saw you at the South African Council of Churches. -- That is true.

Is that the same building as the Race Relations? -- No, I made a mistake by saying I saw him at the Race Relations Institute. It was at the SACC.

Now, he said that there you said you were busy with PAC activities and sending boys for training. -- All what was said between me and him was what have you come here for. He (30 said: I have accompanied these boys, there were some boys with

him/...

him. These boys wanted a lawyer. That was all. And if he says that I said these things to him, he could just as well have said the same about the many other people who were also there.

And he said that you came to his place two or three weeks later and you wanted him to show you Nkosi's house. -- That is true.

And he said you talked about numbers of - he said you talked about organising boys for military training, but that you had difficulty with transport and that you suspected (10 one of your co-workers, Dr Ntshuntsha. -- This is again a lie because when I came to him I asked him to show me Mr Nkosi's house. He accompanied me halfway and this was because he was also in a hurry, he had also just arrived from town. It surprises me that he told this Court lies because in the Krugersdorp Prison when we met he told me that he had been expected to say a lot about me but that he mentioned having met me on two occasions, namely at the SACC and at his home. He was also saying to all the people who were listening to him, we are now going to be pressed by the Security Police (20 because what the Security Police wanted most was about Robben Island, they wanted to know about me. And then I asked him what he said about Robben Island. This was after he had told me about what he had said with regards to having met me. He then said that he told the Security Police that we are politicians, we could not talk of any other thing except politics on Robben Island, but I was surprised to hear that he had said the things he related in this court.

Now, the next witness was Jabulani Dhlamini. -- Forget about that one. (30

Do you say he was telling the untruth? -- Forget about him/...

him, he has been taught to sing. He was also a member of the choir that was taught to sing.

And now we come to one of the female voices, Glenrose Mbelwa. -- Yes, you may mention that one.

Do you know her? -- Very well.

She says that in December, 1976 you came to Hora, who stayed in the house, to look for accommodation for four boys. -- Hora was at work. I had gone to this woman Glenrose.

Yes, but Hora lived at her house. -- Yes.

And did you go to this woman and ask for accommodation (10 for four boys? -- Yes, I asked accommodation for boys though I did not mention how many there were.

Did you ask her? -- Yes, I did.

Because she says that you asked Hora and when she interrupted and said no, she could not afford meals, you said: I do not talk to women. -- She may have said that only because it is our practice that we do not just talk to women but the practice over here is that the houses belong to women and I spoke to her.

Well, at any rate, she said she agreed and eventually (20 you spent the night there. -- Yes.

Then she said during the night she heard you talking to this man Hora and saying that the boys were your soldiers. -- This is again one of the stories. She had to have something to say and satisfied the police while she was in detention.

So you deny that you said that. -- I deny that song.

Did you come and see her on a later occasion with Dr Ntshuntsha and did Dr Ntshuntsha say they would pay all expenses if she accommodated young people? -- I did not go with Dr Ntshuntsha to her house but Dr Ntshuntsha did go (30 to the house. This was during the stay of these children there

and/...

and he had taken - he had gone to deliver tinned stuff.

She says that later she saw you at the taxi rank and you were with two girls and you said they were leaving the country.

-- This is again another song.

Well, I can take it now that by that you mean it is untrue. -- Yes, it is a lie.

Now the next witness that gave evidence was Stephen Kwapeng. Do you know him? -- I had seen him on the island, though I did not stay with him because I was taken to the isolation cells. (10)

Now, he says at first that you came to him in early 1974 and then later he said no, it was the middle of 1974, but he said that you came to his house and said to him people must be found and sent for military training. And also you said the Johannesburg PAC people are weak and they have hidden under the table. And I just want to tell you the charge-sheet says that it was 1975 so you must answer for any period. Did anything like that ever happen? -- No, there is no such. I went to his house in the company of Mpenge and Rasimeni. This was during the time when they were campaigning for (20) Masingasi Party. The only discussion we had with him there was what I told him that people wanted to make use of his car and he said he was willing to lend them the car if it was in a good condition. Another untruth again is that they told the Court that I went to them, whereas I had met Kwapeng, this was when I met him for the first time, in town at Hoek Street. He first greeted me. I then could not recognise him. After greeting me, he asked me if I was not the person who had been taken to the isolation cells and I said yes, I am. When I met him for the second time, he was in the company of (30) another person, they were both dressed in denim clothes. When

I asked them where they were getting to, I was told by them they were going to fill up with petrol. They then invited me to Kwapeng's house. I then asked Kwapeng to give me his house number and promised to go to his house later, which I also did. This is how it came about that I went to his home with Rasimeni and Mpenge, but they put this whole thing as though I just appeared from nowhere.

Did you ever talk to him about the PAC? -- No. When I went to him again for the second time, it was between August and September, 1976. I was then in the company of a woman (10) who was originally from Lesotho. This was the woman I had had discussions about love affairs with and on that day I had decided to take her to Kwapeng where I would have discussions, further discussions with her.

Now I want to deal with Johnson Radebe who gave evidence against you. Do you know him? I am sorry, I am going to withdraw that question. He did not challenge anything that witness said.

BY THE COURT: Who is that?

MR PITMAN: Johnson Radebe. He provided transport. He (20) saw accused No. 2 at a certain place. Page 2 464.

BY THE COURT: Did he take people to Swaziland?

MR PITMAN: No, Jabulani.

BY THE COURT: He took people to Jabulani.

MR PITMAN: From Jabulani to Swaziland.

BY THE COURT: Do you know Johnson Radebe? -- I know him.

I saw him only once and when he had come to identify me in prison I was seeing him for the second time.

He is the person who - did he have a taxi or something? A van.-- He had a van. I saw him when we were transporting (30) children to Park Station. I just saw him there, we did not have/...

have any discussion.

MR PITMAN: Were you arrested in a house one night on the border of Botswana and South Africa?

BY THE COURT: What was the name of that woman who was up there somewhere in the border area? She was a nurse.

MR PITMAN: Do you mean the woman whose house it was?

BY THE COURT: No.

MR PITMAN: Oh, Seremane.

BY THE COURT: Was that Mrs Seremane?

MR PITMAN: That was Mrs Seremane. (10)

BY THE COURT: Are you now referring to the time the constable came there and searched?

MR PITMAN: That is so. His name was Eddie le Roux of the South African Police Force.

BY THE COURT: What date was that?

MR PITMAN: 1st April, 1977. -- I remember.

And did you tell the sergeant that you had come from Botswana? -- Yes.

Now did you have in your trousers pocket R68,50? -- I think it was in a bag because I was dressed in trousers like this one. I cannot put money into these pockets. (20)

BY THE COURT: Did you have R68,50? -- Yes.

MR PITMAN: And did you have R1 950 in cash in a blue plastic packet? -- Though I can no longer remember, but it is possible.

You mean by that you cannot remember the amount or do you mean you cannot remember if you had the money? -- I do remember the money, I can only not remember in what it was contained.

Where did you get that money from, the large amount? -- From Botswana.

What was the money for? (30)

BY THE COURT: From who in Botswana? -- I had made arrangements and/...

and I had been promised the money which would be given to me if I went back again to Botswana. The money was made available when I went back again to Botswana. It was made available to me.

MR PITMAN: Who gave it to you? -- It was given to me by Siphon Buthelezi.

And for what purpose was it to be used? -- I had spoken to them about legal representation, defence for children and scholarships for the children.

BY THE COURT: You say them. Do you mean Father Collins (10) and Dr Prah? -- When they were in a group I was promised that the money will be given to me and then I was also told that I would get it from Siphon Buthelezi.

Is that the group that contained Father Collins and Dr Prah? Is that the group? -- Yes, it is.

Is Father Collins a thin person? -- I do not know. I did not really notice but he is not big. Now whether he was lean because of ill-health or not eating well, I do not know.

MR PITMAN: And did you have a travelling bag with you when you were arrested? -- Yes, I had a bag. (20)

Did you have in that bag two Mao Tse Tung publications? Two books by Mao Tse Tung? The books that were handed in to court here. -- I noticed these books in the police station. The bag was given to me in place of a paper carrier bag which I was using. Then I was offered the bag and told if it can happen to rain then your belongings can get damaged or this carrier bag can get damaged, the paper carrier bag which I formerly carried. Then the bag was given to me.

Who gave it to you? -- The bag was given to me by a woman, one of the women who was in the same group as Siphon (30) Buthelezi and others.

BY THE COURT: The same group as Father Colins and Dr Prah? -- There were just many people there and people from different places. I had just seen a number of women there.

All I want to know is it the same place though as you told us about Father Colins and Dr Prah, is it the same place you are talking about? -- No, this is a residential place. The place where these discussions were held with Dr Prah and the others is at a different place. This is where they usually hold their meetings or discussions that pertain to people suffering. (10)

MR PITMAN: Sergeant Le Roux said that he found on you a Tanzanian shilling and a green air ticket. Is that correct? -- It is true, he had said he found these things as well as a Kenian newspaper in this bag and I told him I did not know about the presence of these things in the bag. There was also a cigarette packet from Tanzania in the bag. I had never smoked, I never used cigarettes. I was just surprised that this was also in the bag. I also do not read books.

He said that he also found 42 sealed letters and 34 pieces of paper with addresses and messages on them. -- That is (20) true.

Where did those come from? -- I had spent a month and a few weeks there and the people with whom I was staying used to go and come back, people staying in Gaborone also used to go and come back.

BY THE COURT: Go where and come back? -- To other countries like Zambia, Tanzania and they would always be telling me what is happening in the countries outside and then there was a boy Punky Khali who told me that students wanted to see me and also that some students who had heard of my presence in (30) Botswana whom I had helped, were happy to hear about me.

Now these people brought letters at different times. I would at times be told there are letters which you must take with you, but I later wanted to know how I would take all these letters because there are many. Some of the letters were addressed to a place somewhere in Natal where there is dagga. There had been a war there between Whites, Bergville. When I wanted to know how these letters which had been addressed to Bergville, would reach Bergville, I was told not to worry, but that I would have to deliver all these letters to one place and I would have to give them to a minister of religion, a Father Stubbs. (10)

Where was he, Father Stubbs? -- He is in South Africa.

Yes, but where did you have to find him? -- I had been told to enquire about him at the SACC, he would be known there by the ministers of religion.

MR PITMAN: Is that how you got these letters? -- Yes.

CROSS-EXAMINATION BY MR WILSON: Do I understand that for almost all your time in Robben Island, you were kept in the isolation cells away from the ordinary people? -- Yes, it is actually all the time I spent on Robben Island that I spent in the isolation cells. (20)

And anything you heard as to what was going on, was just reports you heard from other people. -- Yes.

Was this mainly people who were in isolation for punishment purposes? -- Yes.

I think you said something about people havinb been given three meals. -- Yes.

Does this in fact mean they have been deprived of three meals as punishment? -- Yes.

Now, I would like to ask you about Matsoge. Did you ever tell him that Michael Khala is your helper and knew (30)

the/...

the way into Swaziland? -- No, I heard this for the first time when it was related in court. No child was a helper, all these children whom I helped had said they wanted to go for education.

And when Michael Khala came to you, you offered him help as well, didn't you? -- Yes, I did. I actually made this known to his parents.

CROSS-EXAMINATION BY MR SKWEYIYA: No questions.

CROSS-EXAMINATION BY MR SAAIMAN: No questions.

THE COURT ADJOURNS.

(10)

THE COURT RESUMES ON THE 27th MARCH, 1979.

JOHN GANYA: still under oath:

CROSS-EXAMINATION BY MR HAASBROEK: Why did you refuse to plead at the beginning of this case? -- I refused because as far as I am concerned, I am not guilty.

Why didn't you plead not guilty then? -- I said I am not guilty.

I cannot remember that you said that. You just refused to plead. -- The very refusal is evidence that I am not guilty. (10)

But you did not say that. -- I speak an African language, not a European language. I perhaps did not understand what would be expected in the European language.

It was translated to you properly, wasn't it? -- But to refuse and just not to want to admit anything is just the same thing, in the African languages.

And did you tell that to the Interpreter concerned? -- As far as I can remember, when we were to plead on that day, we were so rushed, it was as though one was riding on a bicycle because we were individually being asked what do you say, (20) what do you say, what do you say.

But everything was interpreted to you and you told the Interpreter what to interpret to the Court. Isn't that so? -- You were reading the allegations against me to me. You should have asked me what I meant by refusing to plead. You did not do that.

But you had received the allegations beforehand, isn't that so? The indictment. -- Yes, the indictment was written and could be written in any manner. I was waiting for you to say whatever you had to say to me. (30)

Yes, and it was put to you on that particular day. -- I answered/...

answered by saying I am refusing. You did not ask me what I meant by that.

There were two witnesses who testified against you, Matsoge and Kau. Do you remember them? -- Yes, I do.

Why did you shout at them when they started to testify against you? -- The question is very important and I am going to answer it clearly. While I was in detention, this was in about the beginning of June, 1977, when I was being interrogated by Mr Van der Walt, Mr Rosy, Mr Botha, there was also another one, Otto, who was reading something like a leaflet, he (10) was actually interpreting, I was told by my interrogators that I would appear before a judge who would give me a death sentence seeing I was refusing to be a State witness. I was told that I would be tried by a judge who tried a Mr Ntuli and gave him the death sentence, this was because he had stolen money to the sum of R500 000. I made this known to my Defence Counsel, I told Mr Skweyiya this and he said I had made this known to them at a late stage. My contention was that I would not - I could not be tried by a person who had been working together with the Security Police. What made me fail to (20) control my temper when I realised that the presiding judge was on the side of the State witnesses, I just decided I am no longer going to control my temper when this is happening while the State witnesses were telling lies. I did this also in the light of what had been said to me by my interrogators when they wanted me to give evidence against Mr Mothopeng, they were asking me about Mr Landingwe who was not known to me, a Mr Matsobane who was also not known to me, a Mr Mark Shinnars and these people's photographs were also shown to me. The gentleman over there hit me with his open hand and kicked (30) me when I was telling them I did not know these people. He

was also telling me that I knew everything. I was personally involved in these things. They were trying to make me say what I knew in accordance with what they wanted me to say and I was just refusing to do that. There was also another person whom I forgot to mention, a lean White man from the Cape. He is the person who hit me most and he was saying that I was going to be given the death sentence.

What is his name? -- This is a Mr ^{Spyker} Speckle if I am not mistaken. He is either Van Wyk or Speckle.

And how did they dictate to you these things? What (10) methods did they make use of? -- That question is also very important. This is what they were doing to me: if I may first demonstrate what they did to me.

You can demonstrate. -- I was made to stand in this manner.

Were you sitting now? -- I am not sitting on anything.

Then I was ordered to stand like this for a long time. I could not. And then I was ordered to stand on my toes as I am now standing. I was also not to look at my interrogators but to look down. Whilst this was being done, a towel was put over my face and I was also told there was bad luck in my (20) eyes, I must not look at my interrogators. There was also a stout man whom I forgot to mention, who also hit me very much. I was gripped just like one would catch hold of a bird. Then I was laid down and electrically shocked. And this is the last thing I could notice. I was later picked up and my nails were then itching.

Did you complain to the magistrate who visited you every two weeks? -- That question is important too. Firstly a Mr Markham who was in the company of a Mr Mtshizane from Kimberley told me never to waste my time by complaining either to (30) a magistrate or even to a judge. He said this is because I

had/...

had taken out children who would later kill Whites together with their wives and children and I must therefore not expect to be kissed or to be given any tender care. On the 16th and the 17th August I was assaulted by the gentleman over there, Mr Van der Walt, who is now looking at me and Mr Rosy, Botha and Van Vuuren. Van Vuuren even went to the extent of drawing a picture of a person who was hanging himself from a window. And they were telling me to hang myself but I refused and told them that I would never do such a thing. I was being assaulted while all this was said to me. Botha was choking me, (10) Mr Van der Walt also hitting me. I reported this on the 17th.

To whom? -- This was on a Wednesday. To a White lady, a Miss or Mrs Hopkins, if I am not mistaken. She then called a surgeon, a Mr De Waal. Mr De Waal promised to call Mr Otto who was the station commander in Pietermaritzburg. He is a captain by rank and station commander. Mr Otto then truly came, he was very merciful to me though he is a Boer. He asked me what had happened when he came to me and then I related to him and he then on the following day went to a colonel, a major, I have just forgotten his name, but Mr Dreyer was (20) present. I saw Mr Otto leaving the place of this major in the company of a lieutenant of the SAP. I was taken in for interrogation after their departure and then I was asked why I had mentioned to the other policemen what had happened to me.

And did you then eventually write what they wanted you to write? -- No, they only wanted to know why I had mentioned what had happened to me. Immediately thereafter a magistrate, the chief magistrate, a Mr Van der Merwe, came.

Did you lodge a complaint with Mr Van der Merwe? -- No, as I have already said that I was told not to expect to (30) be kissed by either a magistrate or a judge.

Well that particular magistrate was an independent person, he did not know about the facts of your case. Isn't that so? -- Yes, but do not regard me as you regard yourself. He is independent as far as you are concerned, not as far as I am concerned because we got sentenced by a magistrate even though we are innocent.

The magistrate is there to look after your interests, not my interests. -- You seem to be taking pleasure in what you are saying, but these magistrates did come to us as though they are just taking a walk. So many people have died in (10) detention. And it has never, not on any occasion been mentioned what a magistrate said about these people. What they actually do is just to be on the government's side.

And you said even the judge is not to be relied upon? -- You see now amongst the judges there are those who are naturally kind and reasonable and fair but then there are also those with the nationalist mind who do not like people.

Do you consider this Court as a fair Court for your trial? -- That question is also important. You see from the mere fact that you are prosecuting and you are a White person, there (20) is no Black prosecutor, the presiding officer is also a White man, not a Black person.

What does that mean? -- Just that so that this is only a court of the oppressors who oppress the oppressed.

So according to you neither the prosecutor nor the judge can be unbiassed in this case of yours. -- This is what they are naturally.

Now, you were interrogated by a Lieutenant Markham from Kimberley. Is that correct? Warrant Officer Markham.

-- Yes.

(30)

And you were never assaulted by any policeman. -- Yes, you/...

you are right by saying Markham did not assault me. I will not falsely say he assaulted me and he was actually said to be my grandmother by the other policemen.

Yes, and you got along well with him. -- A mouse can never go along well with a cat, even if the cat can be liberal the mouse will always expect to be caught by the cat.

That may be so, but you cooperated with him all the time and there was no trouble whatsoever between the two of you. -- You must understand this very clearly. I did not at any stage cooperate with him. He threatened me quite a lot (10) though he did not assault me and he used to go to the others, they would together say I was a liar and they would say there had never been a liar like me on earth.

A lot of singing took place here before the Court started.

THE COURT ADJOURNS FOR TEA. THE COURT RESUMES.

JOHN GANYA: still under oath:

FURTHER CROSS-EXAMINATION BY MR HAASBROEK: Before going to the next point about these two witnesses Matsoge and Kau who testified and you then shouted at them. Did you shout at them to put them off? -- I think I answered that question by (20) saying I shouted at these people because they were lying, the Presiding Judge had said they should not be disturbed and I had noticed that he was siding with them. It had also by my interrogators - it had also been mentioned by my interrogators that he would be presiding in this trial. Both these people had been telling lies in this court and I had seen both of them in the Krugersdorp Prison though Matsoge is a person who often had discussions with me in the Krugersdorp Prison.

That can surely not be the truth that your interrogators had informed you who the Judge was going to be. -- I (30) thank you for what you had said, but it is a habit of

prosecutors/...

prosecutors to say anything they want .. (intervenes)

Prosecutors now or interrogators .. -- Not really prosecutors only but I am referring this to you. I say it is a habit that you people take sides with Whites.

Look, you had been interrogated by the police long before this courtcase started. Isn't that so?

BY THE COURT: It happened in June, 1977. -- Yes, you have said well, but I was assaulted in 1947 by a White man and I still have a mark of an injury I sustained then. This mark will never vanish away. (10)

MR HAASBROEK: That is not really what I want to know from you. I want to know concerning this case you had been interrogated before the case started. Is that correct? -- Do you now mean I went on leave after that interrogation? Did I forget what happened to me?

And you said that your interrogators informed you who the judge was going to be in June, 1977. -- I am saying it without any doubt.

Everybody knows at that stage that it was not known who the judge was going to be for this case. -- All the same (20) they told me who the judge would be and it is just the very judge. They were actually not relating a story to me but they were only telling me things they thought would terrify me, things they thought would make me change and agree to become a State witness as they wanted me to be a State witness and give incriminating evidence against Africans who had done nothing wrong.

And did they tell you about this particular judge in order to terrify you? -- Let me repeat what I said. The people told me Nthuli was working for the African Nationalist (30) Congress though he was a policeman and that he took money,

he/...

he robbed money, R,5 million - R500 000 - and that this money he sent to the African Nationalist Congress. He was sentenced to death and I was also going to be sentenced to death by the very same judge. This was because I had also been planning to kill innocent Whites.

Is that the truth that you had been planning to kill innocent Whites? -- But now you are asking me the question of whether this is true or not.

Yes. -- When I told you that this is what was said to me.

I am asking you whether that was the truth which had (10) been said to you. -- That is a lie.

Now you sang here with the other accused before the Court started on various occasions. -- Very much so.

And you sang, amongst other things, that the Whites were dogs. -- Very much so.

And you wanted to shoot them with a big gun. -- I was also singing when this was sung.

Did you mean what you were singing? -- You are now going to confuse me because you have asked me questions about these things which are very common. I worked in the mines and (20) there used to be songs in the mines like Whites are damned, or songs like these: Stupid Whites sit in this manner. Such songs are sung, depending on what the circumstances people find themselves.

Yes, the circumstances as far as you are concerned in this case is that you have been charged for terrorism. -- Do you want to say these songs are terrorist? |||

You know very well that is not what I say. Have you got a built-in hatred for the White people in this country? -- That is not true, because I have White friends who have done (30) great things for me. For instance I used to take many people

to/...

to the Railways to a Mr Phineas who was from Sibasa. This is a White man and he is a friend of mine. It is not Mr Phineas who is the White man, Mr Phineas is a personnel officer working under White men. One of the Whites under whom he was working was a friend of mine. I also learned welding and took courses in a few other things with money that was given to me by Whites. A White man I do not like is a violent one. Such a person I will never like, whether it be a Black or a White person.

You are against violence in other words. -- I am very much against it, whether it be done by a White or a Black (10) person.

Very well. You testified about one occasion when you were sentenced to 5 years by a judge or a magistrate clothed in a black gown. It must have been a magistrate. Is that correct? -- Yes, I said I was doubtful whether he had black or white clothes on.

Now you were very bitter after that conviction. Isn't that so? -- Nobody can ever fail to be bitter against a person who has done him harm while he was innocent.

Yes, you testified in your evidence-in-chief more or (20) less the following: What I said was that from then on I would never put my foot in any church with a White member. -- Yes, I am still repeating it because when one goes into such a church you are asked to take an oath but then taking an oath on something that is not true and this very Bible of their says: thou shall not kill, when they are murderers themselves.

Well you even added: because the Whites have evil hearts. -- I have not changed. It is true that Whites have evil hearts though there are better Whites.

You went to people like Helen Suzman and Mr Anderson (30) for help. Is that correct? -- Yes, these are the Whites I said/...

said are my friends.

So when you needed their help, the Whites were excellent for you. -- But you must remember that the Whites with whom we have most difficulty are those who speak Afrikaans. I cannot speak or understand Afrikaans because I hate it, my father hated it and he used to tell me the Boers are no good. He also told me that the Boers and the Germans are no good. He was working in South West Africa many of the people with whom he used to travel were many a time killed. They just died along the road, some of them died of hunger. When (10) Afrikaans was made an official language in the Transkei in 1965 many school teachers resigned from their posts and said this is just a language that is no good.

What harm did the Boers do to you personally? -- That question is important. I did relate in this court that I was sentenced by a Boer in 1971 on the 16th August when I was alleged to have been drunk and yet I have never tasted beer or liquor in all my life. On an occasion I had gone to Vanderbijlpark to spend my holiday there, then I was arrested for my reference book which I had in my possession, but because (20) these people had nothing to bring against me an erasion or alteration on my reference book was shown to me and then it was said I had done that. I have never heard of any scholarship sources from Boers lent to help the Blacks nor have I heard of any universities belonging to Boers where Africans are welcome. What they actually do is just to assault and murder Africans whenever they see them .. (intervenes)

Is that the reason why you hate the Boers, the Afrikaans-speaking people? -- But I want you to understand that I do not actually hate the Boers but I hate their actions. (30)

Incidentally, are you married? -- I am not.

Now/...

Now, you testified a long story in the beginning about a lot of things and amongst other things you testified about stock theft in the Transkei. -- Yes.

And you testified that you had felt strongly about action against the stock thieves. Is that correct? -- Yes.

And then: we were suggesting that they be killed. -- People used to - thieves used to steal people's belongings or property from about 1957 until 1961 and what was actually happening then was that when a person had a number of sheep he would sometimes get up to find that all the sheep have (10) disappeared and if you would talk to a thief, trying to trace your sheep and then give the thief a bottle of liquor, asking the thief to help you trace your sheep, then your sheep would be brought back by the very thief.

But that is not the point. The point I am making is that you were in favour of killing the thief. -- Yes, that is an important question because whenever there is a jackal who keeps on destroying or taking away people's sheep, this jackal has to be sought dead.

Yes, but a human being is not a jackal. -- You people (20) were behind all this, you were influencing these things. They would steal the stock and take it down for slaughter in the cities.

I do not understand that. You are referring to you people. -- This cattle or stock would be put onto the train, this is improper, it is not to be done unless there is enough proof that such things could be put on the train, but the station masters would permit such things, these are Whites.

But you were in favour of taking the law into your own hands. -- There was no such a law which I took in my hand (30) and I am not going to agree or admit that I had taken the law into/...

into my hands. We were paying tax and we had no protection. In everything we had no protection. This is what was happening from 1948 from the time the Boers started taking over the government. To crown all this in 1959 it was said that what happens in the prisons should not be published. This was done in order that all the people who died there, would not be known. And thereafter this law, the detention law, the detention for 90 days law was approved.

The only thing, I do not want all those details... -- Immediately after that law was introduced, people started (10) dying. Hlobandla Nguzla died in Pretoria while in detention. And the person at the head of the police, Kruger, instead of protecting people in detention, he protects the police. This is what he also keeps on saying, he is protecting the police. I will therefore not say there is any law if this law be passed by the Boers because their laws are just to oppress people and to kill them. There is for instance a terrorist known as Harry in Braamfontein. He owns a shop and he keeps on killing people. He was not at any stage tried for all these deeds. (20)

Is he a PAC terrorist? -- All they say is just that his case is just a common thing. You Whites came with this word 'terrorist' and the terrorists are murderers, these are Whites.

All murderers are terrorists? -- But I am saying this because you people say terrorists are murderers and you say terrorists - you talk about terrorists as being ourselves, when you are the actual terrorists.

Are you in favour of having the Boers killed? -- But I have said it is the Boers who kill Africans, that there is always every month an African killed by a Boer. (30)

Would you do anything within your power to wipe out the Boers/...

Boers or the Afrikaners? -- That is a difficult thing you are saying. You say if there was truly religion, Boers are to be converted and made believers, they are to be put into the Zion churches and dance in the church as believers.

But the question to you is are you in favour of wiping out the Afrikaners in this country? -- I did not say that.

You hate them. -- I have said I hate murderers. I said I hate violence, I do not like violent people. I never, not on one occasion appeared in any court for having murdered or done anything wrong to a person. I am not a murderer, but (10) the murderers are the policemen, these very ones who are seated here in court.

You testified about one matter, you testified in your evidence-in-chief amongst other things: We told our parents that we prefer not to be represented by lawyers but rather the God of Africa. -- Yes.

What is this God of Africa you are talking about? -- This is what we believe in. Firstly, when we believed in the God of Africa, we were united. We got divided by the introduction of the God of the West. This God was brought along with (20) the churches, the Wesleyan churches, Presbyterian, Anglican which were not known to us formerly. And after the introduction of this God people became unmerciful.

What religion is this pertaining to the God of Africa? -- This is not a religion, it is what we believed in, the God of Africa, it is no religion. You see, what we used to do is this, whenever there was need for rain, people would go and catch a certain type of bird. This bird would be held over water according to our belief and after all this there would be rain. We also believed in unity. When we were united (30) and thought of something, it would just happen, just according to/...

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