

AB190157-13

IN THE SUPREME COURT OF SOUTH AFRICA
(EASTERN CAPE DIVISION)

CASE NO.: CC. 72/76.

GRAHAMSTOWN,
13th SEPTEMBER, 1976.

THE STATE

versus

SOTCMELA NDUKWANA AND FOUR OTHERS

VOLUME 18

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LUBBE RECORDINGS (PORT ELIZABETH)

--- Is it obliged, am I obliged, should I discuss my private letter in court? In this court?

COURT: Yes, I'm afraid so, it's part of the evidence against you. --- Yes.

MR. MULLER: Does your lordship have a copy?

COURT: Yes, I have a copy.

MR. MULLER CONTINUES: You have Exhibit 'U' before you? --- Yes.

Do you still say that you never encouraged anybody to be proud of his colour? --- Yes.

What do you mean through this sentence or what is meant (10 by this sentence "say you are Black and you are proud and say it loud and proud - Black is beautiful", what does that mean?

COURT: Mr. Muller, the copy I have here doesn't contain those words, at least I'm not able to find them thus far.

MR. MULLER: My lord, the copy (interrupted)

COURT: Is that the letter which is addressed to Miss. Mfani it looks like, Grace Gomo?

MR. MULLER: It must be, my lord, yes.

COURT: It commences with the words Black is the colour for everything and the last sentence reads "reply rather soon and (20 try to make some means for accommodating where we will be together as you like from a loving friend"?

MR. MULLER: Your lordship is actually looking at the third page now, according to my copy.

COURT: Oh, that is the only page I have. I have a photostat which has got the address on half of it and then apparently just one page.

MR. MULLER: Is that the second photostat page, my lord, but (interrupted) I'll give you another one.

COURT: Can you give me a photostat of the page to which you (30 are referring.

MR. MULLER: I can give your lordship this one. My lord, unfortunately there some marks on it, but I don't think there's anything written.

COURT: Now you are referring the witness to the?

MR. MULLER: The right-hand bottom corner, my lord.

COURT: To the sentence reading "say you are Black and you are proud and say it loud and proud - Black is beautiful". Is that correct?

MR. MULLER: That is correct, my lord.

COURT: Yes. What is his reply, Mr. Interpreter? (10

WITNESS: What is the question again, please?

MR. MULLER CONTINUES: What is difficult about this, that you don't know?

COURT: You ought to repeat your question. He has been interrupted in his reply.

MR. MULLER CONTINUES: Do you still say that you never encouraged anybody to be proud of his colour?--- I still say I did not encourage any person to be specifically proud of his colour.

Now what do you mean by those things then, those words?
--- I've seen a lot of Afro-American feelings where they (20
utter those words, saying say you are Black and you are proud,
say it loud and proud, Black is beautiful.

Yes, what did you mean by those words? --- As far as I am concerned those words does not encourage any person to be specifically proud of the colour of his skin.

Don't you understand the question? What did you mean by those words? Do you understand the question? --- As far as I am concerned these words do not mean that you should be specifically proud of your skin.

COURT: Yes, no, you've said that, but counsel says well (30
then what do they mean? --- I don't get what you mean.

/What...

What do the words mean? You tell us what you say they don't mean, now counsel wants to know what do they mean. --- To me they mean they say that you say you are Black and proud, say it loud and proud, Black is beautiful. That's what they mean.

MR. MULLER CONTINUES: Will you look at the following page. What did you mean to ask the person to whom this letter was addressed, you ask for help in indoctrinating the whole country. What did you mean by that? --- I meant to help to conscientise the students in the country. (10)

What did you, what do you understand by the word "indoctrinating"? --- I understand it to be is to show all the people what they are supposed to see and what you know it to be.

Below that when I do come I will tell you... when I do come there, I will tell you what this is all about and where it comes from and goes to. Do you see those? --- Yes.

COURT: Just a moment please, I haven't got that passage.

MR. MULLER: My lord, that's on the last page, in other words that is the page your lordship had at the outset, the first (20 photostat copy.

COURT: When I do come then I will tell you what this is all about and where it comes from and goes to?

MR. MULLER: That is it, my lord.

COURT: Yes.

MR. MULLER CONTINUES: Now you wrote that? --- Yes.

Now what was this all about? --- I meant that I was telling her about what I was going to do and I had already started doing it, and then I inserted popular phrases in the letter, not that the phrases had something to do with my convictions (30 and what I... or what I do.

I am asking you what was this all about? --- The letter?

This whole message you intended to convey to this person once you had got there. --- I was going to tell her how to conscientise and all that.

And all what? --- And all the ways of conscientising and sitting up a branch of SASM.

And what were you going to tell this person where does it come from? --- I was going to tell her that this Black consciousness originates from the oppressed people and going to other oppressed people. (10)

Is that where it goes to? --- Yes.

Is that the final consequence of this whole concept? --- Yes, Black consciousness.

Yes, what is the ultimate result of this? --- That people should be, that the students would be rid of slave mentality.

You say you were the person who started speaking about phases? --- Yes.

When did you start introducing this moral? --- To?

When did you start using this moral of phases? --- In second session. (20)

When? --- In the second session.

But when in the second session? --- Early in the second session.

And what did you mean by phase 1? --- I meant that people would rid themselves from slave mentality.

By phase 2? --- I urged the people to get into the struggles of the people, that is getting to know the problems of the people and solving them.

Is phase 1 a deceptive phase? Is phase 1 the deceptive phase? --- Decep...? (30)

Deceptive. --- tive. Not that it is deceptive, it's

/because...

because it is not visible, it happens in the inside of a person's head.

But you called it the deceptive phase? --- Yes.

Why? --- The deceptive part.

Yes, what is deceptive about it? --- It is because it is not visible, physically visible. It takes place in the inside of a person's head.

Who is deceived by it? --- Nobody is deceived.

Why do you call this the deceptive phase then? Deceptive part? --- I called it deceptive part of the struggle because (10 it is not visible. It takes place inside the head of a person.

Do you know what deceptive means? --- I think I know.

Isn't deceptive, deceptive part, the part through which one is deceived? --- As far as I know not only that.

Did you type Exhibit 'F'? --- Yes.

That second paragraph, will you read that, please? --- Brother, this is the first phase and a verbal one or deceptive part of the struggle. Let us try to bring together those students who are prepared to look inside and fight the common (20 enemy.

Is that the first paragraph? --- Oh, the first... I hereby wish that you are making some progress on trying to bring together /^{the} Sons of Africa to the real struggle towards total liberation of the Black man.

Go on, please? --- Brother, this is the first phase and a verbal one or deceptive part of the struggle. Let us try to bring together those students who are prepared to look inside and fight the common enemy. Our prime object is to create a feeling of ^{aware-}ness among Black students and form a united ^{front to} ^ (30
try
^ to liberate the community from mental enslavement and to be

an asset to the betterment and uplifting of ^{our} people, towards this we are trying to bring to your cognizance some of the members who are in New Brighton, to the branch they are trying to form there.

That's enough, thank you. Now what was the purpose of this letter? --- I was just playing with the typewriter.

COURT: I beg your pardon? --- Yes, there at school I was just playing with the... just typing.

Do I understand you correctly? This was just a typing exercise with no purpose attached to it at all? --- It's not (10 that I was just playing but I was typing, using accused No. 2's typewriter which was there at school. There are many things which I typed with that typewriter and letters I sent to people and this one I typed but I typed it after I had met these people. I was just typing, but not typing it, not that I was typing it intending to post it.

That's why I asked you, are you now saying that this letter was simply an exercise on the typewriter? --- Yes, I was just playing with the typewriter.

MR. MULLER CONTINUES: It surely doesn't look like it. --- (20 That's how you view it.

This sentence "our prime objection is to create a feeling of awareness among Black students and to form a united front to try and to liberate the community from mental enslavement and to be an asset to the betterment and uplifting of our people." Is that descriptive of the first phase? --- It also embraces the second phase, first and second phases I embraced.

According to the introductory sentence this is all describing the first phase. --- The first sentence? What is the question? The first paragraph or what? (30

According to the introductory sentence, that is the one

/brother...

brother, this is the first phase. According to that sentence. --- The part which deals with the ridding of the people of a slave mentality, of their attitude.

According to the words "Brother, this is the first phase" and on, according to those words, what follows is a description of the first phase? --- No.

That is what I am putting to you. --- Not necessarily.

That's what I'm putting to you. --- It is how you look at it, but to me it is not like that.

You see why I put this to you is the sentence "our prime(10 objection is (interrupted) --- Our prime object, sorry. That was a mistake.

What was a mistake? --- That's a typing error, mistake.

Yes, was it intended to be "object"? --- Yes.

Yes, now let us alter it that way, "our prime object is to create a feeling of awareness among Black students and to form a united front and to try to liberate the community from mental enslavement and to be an asset to the betterment and uplifting of our people," and there is no word to indicate that one is going through to a second phase. --- Yes, I under-(20 stand you.

That's why I'm putting it to you that according to this document. --- I am saying it is not so.

What did you mean by that sentence right at the, the very last sentence "Blackbound brother, I hereby wish to inform you that we are looking forward to the branch that you are to form. Black brother, let us take Africa to the real Africans." These words "let us take Africa to the real Africans", what's meant by that? --- I meant that we must try and take Africa to the persons who have got the interest of Africa at heart.(30 That is all.

And who are the real Africans? --- Any person who is in Africa, who regards himself as belonging to Africa and who have got the interests of people in South Africa... in Africa at his heart.

Including any white person qualifying? --- Any person.

I'm pertinently asking you, including Whites? --- Irrespective of the colour of his skin.

Why then the following sentence: "Let us task ^{with} ourselves ~~for~~ the total liberation of the Black man"? --- Look the people who are in Africa, who have got a interest of (10) people in Africa at their hearts surely would see that the Black people, when you talk about the oppressed, according to SASM and according to my views, are only the Black people who are oppressed politically, socially and economically.

You made many speeches last year at SASM meetings, not so? --- I did talk.

Didn't you perhaps say the things that the witnesses say you said, but you also meant actually something else? --- I know what I said and I know what the witnesses said I said, things which I did not say. (20)

Where do they come to these things that they allege you said? --- Will you please repeat your question?

Where do they get this from, these things that they said you said? --- I would say some of the things they have said they said them because, they said there in the... when they were with the police.

What do you say about the witnesses that were not detained? Like Billy? --- When one is approached by a security police, that especially that must have some impact on you when... especially to students like us. (30)

Get the impression that you, that other people apart from /yourself...

yourself, also explained the three S's. --- Only one person I know of is Nero Barnes. They explained them the same way I explained them.

Did he do so more than once? --- Myself I am certain of that I did that more than once.

You did that more than once? --- About the three S's?

Yes. --- Yes, I did talk about them more than once.

How many times do you think you did that? How many times do you think you explained the three S's? Before you answer (interrupted) --- About 5 times. (10)

About 5 times, and how many times more or less did Nero Barnes explain the three S's at a meeting? --- Twice.

When more or less was that? --- In August.

And yourself explained these three S's? --- In August, September and in October.

Was accused No. 3 present at these meetings? --- At some of the meetings he was present, at others he was not present.

How long did you work at the Holiday Inn, in Fort Elizabeth? --- About 4 weeks.

When did you start? --- In November, late in November. (20)

And when did you stop your employment there? --- On the 16th December.

Why did you stop working? --- It was because there was ill-feeling between me and the authorities there.

To how many schools did you apply for readmission or for admission? --- Admissions or readmission?

Admission. You were expelled from Healdtown? --- Yes.

And you wanted to continue your studies? --- Yes.

And you applied, you made application for further, for admission at another place? --- Yes. (30)

How my question is how many times did you apply for

/admission...

admission? --- I applied to Newell. I was promised that I should go there two days before the opening of the school.

And what? --- That is 1976.

Yes? --- I had a hope that I would be accepted.

Now when did you get this news? Or when did you have this interview? --- I went there in November.

When in November? --- In the middle of November.

Before or after you had met David Paas? --- I met David Paas on many occasions. I now don't understand you when you say before or after. (10)

Yes, thanks. You see you told him that you had given up hope to get admitted at any school. I think that was on the 13th November, page 818, my lord. Didn't you tell him so? --- I told him.

Yes, now why did you tell him that? --- I was promised, I was told by Mr. van der Merwe that I won't get any school in the Ciskei.

Yes, but the Ciskei is not in Port Elizabeth? --- The P.E. people say they are in the Ciskei.

COURT: Is that so, Mr. Muller? Didn't we have a long and (20) protracted court case involving the election of members of the Ciskeian Government, in elections in Port Elizabeth in this court earlier on this year? Or last year, late last year?

MR. MULLER: My lord, I do not profess to have any knowledge of the (interrupted)

COURT: Yes, I think you will find that one of the electoral divisions certainly of the Ciskei extends into Port Elizabeth. What the situation is in regard to schools I can't tell you.

MR. MULLER: Yes, no, my lord, in fairness to the witness I won't continue that line. (30)

COURT: Yes.

/Mr. Muller...

MR. MULLER CONTINUES: But you were told at this place where you applied that you could come, that's why (Interpreter and Mr. Muller speaks simultaneously - inaudible). --- They say I went there for this interview I was told to come so I had a hope.

Yes. --- I was told to go there for an interview two days before the opening of the school.

Yes, so they did not reject your application? --- And it was not that they accepted it.

And you'd only applied at one school? --- I applied at that school because I was schooling there previously. (10)

Yes, so you didn't really try to get, to do everything you could to continue your schooling? --- The other students who were expelled with me, they told me that they did go to the other schools and their applications were turned down.

What schools did they go to? --- They mentioned Pamla, Temba Labantu, Kwazakele, Cowan and others.

Did you apply in any school in East London? --- No.

Yet you were prepared to leave the country just in order to continue your schooling? --- I was prepared? (20)

Weren't you? --- I considered leaving the country if I couldn't get school within the country. Not that I was prepared, specifically prepared to leave the country.

Yes, but you had made just one application in Port Elizabeth and until your arrest in January you hadn't done anything else. --- In East London I had friends. I was told, I heard that Siixo was also turned down at Zonhle and I heard that some of the students, their applications were turned down at certain schools at East London, schools like Ghlokoma so I realised that what Mr. van der Merwe said was the truth. (30)

COURT ADJOURNS UNTIL 9.30 TO-MORROW MORNING (14.9.1976).

COURT RESUMES 14.9.1976.

N.S. HEMPE, still under oath, states further:

CROSS-EXAMINATION BY MR. MULLER CONTINUES:

Mr. Hempe, you yesterday mentioned your aspirations to study medicine and in that regard you also mentioned America?

--- Yes.

Did you propose to start your medical course in South Africa? --- Yes, if I had a chance.

Now why did you consider America in particular? --- Because their standard, as far as I know, is high there. When I am (10 on that other side it's easy to obtain bursaries there or I would get a bursary to take me that end.

Yes. Did you entertain hopes of obtaining a bursary in South Africa? --- No.

Not even for your initial medical studies? --- No.

Why not? --- My father intended to educate me while I was still with him.

So he was prepared to provide for you? --- While I was still with him.

Did you think that the standards of medical teaching in (20 South Africa was not very high? --- Not that, but I wished to further my studies there.

Did you know of any particular university in America? --- No, not in particular, but I received information from a pamphlet USIS - United States Information Service. That is where I thought... in that pamphlet it was stated where I can get bursaries, where I can write to.

I get the impression - you must tell me if I'm correct or not - that you didn't think that your Bantu Education would seriously affect your medical studies in South Africa? --- (30 It would effect it because I would be doing it. When I

/further...

further my studies abroad, it would advance my education.

COURT: Is it correct, you further your studies abroad it would advance your education? --- To make it better.

You mean studying abroad? --- When going to study outside I would be making it better.

Yes. --- Because while I am inside I would be forced to do it because I have no alternative. When I go outside I would raise its standard, when I study abroad.

MR. MULLER CONTINUES: What I mean is, I get the impression that you didn't feel the fact that you had done your school (10 education under the system of Bantu Education would adversely effect your medical studies in South Africa? --- Inside I would do Bantu Education. When going out I would be a... to make it better, to raise its standard, although when I get there I would not start from where I stopped, but I will start at a lower level.

Where did you think you would, or intend to do your medical training in South Africa? --- I only knew Wentworth.

Wentworth? --- Wentworth.

Yes, and did you think that the Wentworth course is in- (20 ferior to other courses for medical students? --- Yes.

Why did you think that? --- It's because the Blacks take 7 years there. In the white universities they take 6 years. That proves that one should cover something first which he did not get while he was in the high school.

Is that the impression you got? --- Yes.

And once you've done your 7 years do you think your training would be inferior to other systems of training? --- Yes.

Why? I'm speaking of a qualified doctor now. --- I say the one who leaves Wentworth he is inferior to those who come (30 out of other universities. That is the impression I had.

/Where...

Where did you get that impression? --- There are doctors who studied at Wentworth. Yes, they've got a doctor's certificate under the Bantu Education. When they meet at hospitals, they, where they are employed together with the doctors of other races, although even if they are qualified like them, even if they are at Bantu hospitals, the Blacks will never obtain a higher post than the Whites because of their standard. That's the impression I had.

Didn't you ever hear of anybody keeping control of the standard of all doctors, their qualification standard of all (10 doctors in South Africa, irrespective of race? --- No.

What did you think your first year course at Wentworth would be? What subjects did you have to take? --- I did not think what subjects would be, I thought that I had to cover what I did not get while I was in the high school.

But you did not know what subjects you needed to qualify as a, for admission, as a medical student?--- The qualifying subjects I know are mathematics and physics. I was interested in those subjects.

But you didn't take physics at Healdtown? --- On that year (20 I was not going to take it. I was going to take it the following. On my arrival there the principal told me that the number there is full, he would - in the physics classes - and he would be able to put me in there the following year.

Did you do agriculture instead? --- Yes.

Am I correct that in the second quarter of 1975 you obtained 61% in your exams for agriculture? --- I'm not sure, but it could be in that region.

You did reasonably high at the end of the semester? --- Sorry?

(30

/You...

You did reasonably well at the end of the semester in agriculture? --- I wouldn't say so.

Didn't you get your exam. results? --- I didn't see my report. It was sent to my father.

Yes, didn't he tell you how you did? --- He only told me that I had passed.

Didn't you enquire to your marks? --- No.

What is the minimum percentage to pass? --- $33\frac{1}{3}\%$ to 35 or 37%.

You passed Xhosa the second term? --- I don't know. (10

Don't you know whether you'd passed Xhosa? --- What I know is that I have passed. I do not know what subjects did I pass and what subjects did I fail. I didn't have a chance of seeing the report because the report was at my father and I was at school. He informed me by writing that I have passed.

And you didn't bother to find out how you'd done? --- I was interested but I didn't get a chance of getting the report because I had not yet gone home. When I am at home I'm then busy with other things and forget about the report. At week-(20 ends when I went home I went home for other important matters, and at times my father was not at home.

You were quite a keen student, weren't you? --- Yes, I was prepared to further my education and received any information I could lay hands on.

Were you an eager keen student? --- Yes, I was keen in the education... in getting education.

Are you not in a position to confirm or deny that you got 23% in mathematics? At the end of that semester? --- No, there's no such. (30

Why do you say that? --- I did talk about mathematics

/with...

with my teachers last year during the second session, the three who taught me during the first session. They said it was not because of us that our maths. were low, the reason (indistinct) lies / because there were lots of mistakes in correcting and in the questions which they set.

So you did have low marks in mathematics? --- Not as low as 23.

What did you get? --- I was above 33½%.

Is it correct that, or can you confirm or deny that in biology you got 29% in the second quarter? --- My percentage (10 in biology was above 33½%.

Why do you know that? --- The teachers told us that so many have passed on the alphabet which was hung in the classroom, during the second session. It was marked on those lists that those, that lot is above 33½% and this lot is below 33½%. That is all.

Were there other pupils at Healdtown who were interested in leaving the country to further their education abroad? --- Accused No. 1 and 2 I could say are such students.

Any others that you know of? --- I would mention Gqajela, (20 Qupe and No. 5 and Majowa.

Qupe told the court that he himself wanted to go for military training. --- That is not what he told me.

When did he tell you that? --- That is not what he told me.

When did he speak to you about his intentions? --- Gqajela told me that he was going with Qupe, Majowa and No. 5. He did not tell me that Qupe was going out for a different reason. I took that Gqajela and the others were going out for the same purpose.

When did he tell you that? --- It was when I asked (30 Gqajela where are the others going to, when I saw Qupe and /others...

others with him.

When was that? --- The morning we were taking Gqajela to Zwelitsha.

Is that after Gqajela had come to wake you up? --- Yes.

And he accompanied you to where the other people were standing? --- Yes.

And where did he tell you that? --- They were standing on the side of the road, they were not in a house, I saw them standing there. As we were approaching them, I asked from Gqajela. (10

Now you have mentioned the Sons of Africa yesterday, didn't you? --- Yes.

Did these, or some of these people known as the Sons of Africa have quite a lot of influence with the authority? --- Some of them.

Who for instance? --- Tuso.

Yes, any one else? --- Jeff.

Jeff, what was his surname? --- Mqolomba.

When did they join SASM? --- In September.

Didn't you see that as an opportune moment to approach (20 the principal with SASM? --- No.

Why not? --- Even they themselves did not know of any principal who would agree to... or they did not think that the principal would agree to such a thing.

What was wrong with SASM then? --- There's nothing wrong with SASM.

What would be disagreeable about SASM to the principal? --- They, the Sons of Africa, the principal banned a play which was educational and historical. If now he can ban such a thing they didn't think that he would accept such a thing and (30 moreover the atmosphere at that time was tense there.

/But...

But SASM had commendable aims like, just as the SCM and other organisations have. --- Yes, it had commendable aims.

And one of the main aims was to encourage the love and appreciation for study? --- Yes.

What would be disagreeable to the principal about that? --- The other, the first aim is to speak to the principal about matters effecting the students and in the interest, and matters of interest to the students, and at the same time the principal didn't want to co-operate and he didn't like to be approached about matters concerning the students. (10)

Did he like to be approached at all? --- He didn't want to do what we asked him to do.

What kind of things did you ask him to do? --- We asked him to give us reasons why some of us were expelled so that we should not do the same thing and be expelled as well. Instead his reply was he received an authority from the Ciskeian Government if he deemed a student to be not suitable there, he can expell him as he had shown us before.

When was this? When was this discussion with the principal? --- There are certain classes which approached him late in August and in September and individual students. (20)

Why didn't you approach the principal right at the outset, right at the beginning of 1975? --- As I have said the atmosphere in the school at that time it was not good.

But surely there was no reason to keep a thing like SASM away from the principal? --- We thought that there was a reason.

Were there any people, members of SASM, who were interested in leaving the country for military training last year? --- No, although Gqajela once asked about such a thing, but he was stopped. At the stage he was leaving, he was talking about education and about his sister who is abroad. (30)

Qupe told the court that Gqajela had obtained permission to write his exam, although he was banned from the hostel. Can you comment on that? --- I cannot dispute that. It is true that Gqajela was not staying in the school, he was staying in the location and he didn't attend classes. He was forbidden to attend... he was not allowed, he told me that he was not allowed to attend classes.

Yesterday you said that the three S's were explained by yourself more or less 5 times? --- Yes, I said so.

And you also mentioned that Nero Barnes explained these (10 three S's one time that you can remember? --- Yes, the occasion which I can specify and say that he made the explanation.

But can you remember any other instances when Nero Barnes explained the three S's or not? --- There were other persons who talked about the three S's.

Do you know who they are? --- People like Balemi, they also spoke about them.

So can one safely say that the sum total of these instances where the three S's were explained would be more or less ten? --- In my presence? (20

Yes, although you can't remember the specific times? --- At least I would say around 8.

Yes, and this was done in the second term? --- Yes.

Second quarter... second half of the year? --- Yes.

Ndzeke here gave evidence and he said amongst other things that the three S's were constantly related. Do you agree that it was constantly related in the second half? --- Because we had a lot to discuss about at meetings there was no need that it should be stressed constantly. I don't agree that they were explained constantly. (30

You see this was when Ndzeke said this was said that they

/were...

were constantly related, this was denied by counsel. You, according to counsel, you said that you remember speaking of it once. That's on page 557, but that does not really correspond with what you said here. --- I denied that they were explained constantly but the explanation of them... you know at times it happened like this, when you are talking then you also mention them in your speech. There is a time when you actually explain them. It was only once to Ndzeke when I actually explained the, to give a reply to what Ndzeke said is that I made a clear explanation of the three S's once, (1) I did mention them in my speech about around 5 times, and other people as well. Not that they explained the three S's.

Ndzeke attended at least 6 meetings of SASM, and I get the impression 5 of them were in the second half and yet you say you only spoke of that once in his presence. Is that what you are saying? --- No. It's only once that I explained what they are meaning, clearly what the three S's mean. In other occasions I mentioned them in my speech and others they mentioned them in their speeches. It's not that they were explaining them. (20)

Yesterday you said that Stanley Gqajela spoke of military training once? --- He posed that question at a meeting and he used that phrase.

And what did you say? --- Tata stopped him first. I also told him that that was against our policy and I told him to stop that.

This business of military training? --- And the question of going out and things of that nature and military training.

Can you explain why counsel - that's on page 555 - said that at no meeting was there any mention of military training? (30) --- I don't follow the question.

/Counsel...

Counsel put it to Ndzeke that you, the accused, say not at the meeting he described or any other meeting was there any mention of military training. --- You ask me to give a reply to that?

Yes. --- May I ask this question? Are you saying that accused No. 4 said to the counsel there was no mention of military training at meetings?

COURT: That's what it appears like from the cross-examination. Counsel was putting to the witness Ndzeke what you had said to him and he said that the accused - that is all the accused as (10 the record reads - which would include you, say that there was never any mention of military training at a meeting. Now the Prosecutor says can you explain that. --- I would explain it this way that this phrase was never mentioned by persons who presided at meetings, but the person who asked a question about this phrase, it was only Gqajela.

Now you say counsel has phrased that question wrongly? What he should have said is there was no mention of military training by members of the executive? --- Or that it was discussed. It was only in the question asked by Gqajela. (20

MR. MULLER CONTINUES: At what meeting did this question arise? --- At a meeting in the Kloof.

How late in the second half? --- Late in August.

Late in August. Now yesterday you said that Victor Nxula did not attend any meetings in the first week of the second half, is that correct? --- Yes.

When did he attend his first meeting? --- He came back in August and the schools were opened in July.

Just to clear this up, when did the schools open in July? --- A week and a half before the end of July. (30

And he, Victor Nxula, only came back in August you say?

/Or...

Or he only attended meetings in August? --- He came back early in August.

Lego Ndzeke described a meeting which he says it was the first meeting, or a meeting in the first week after the schools had reopened, and he says that Victor Nxula spoke at this meeting. --- I did not follow the question.

Lego Ndzeke said that, he described a meeting held in the first week of the second half and he said that Victor Nxula attended this meeting. That's on page 500.

COURT: 500?

(10)

MR. MULLER: 500, my lord.

COURT: Do you understand the import of the question thus far?

--- Yes.

In other words that according to Ndzeke, Nxula attended a meeting at a time when you say he had not yet come back to school. --- Yes.

I don't know how the question is going on, but you listen to it, we'll find out.

MR. MULLER CONTINUES: And counsel put a question to Ndzeke about that, page 555. I'll read the question to you. Accused 3 and 4 say that he got excited then as he usually did, but this was ignored and the meeting got on to the business of electing an Advisory Committee. --- Yes. (20)

Did you tell counsel that Victor Nxula was not present at this time? --- The meeting at which the Advisory Committee was elected, it was not during the first week after the school was reopened. It was at a meeting in August when the Advisory Committee was elected. That is where Nxula suddenly backed out.

No, this was not put to Lego Ndzeke, when he said this (30 meeting took place in the first week of the second half. Two

/witnesses...

witnesses, I think one was Nyati, the other Ndzeke, they said that they attended meetings at which prayers were said and while the prayers were said members raised their clenched fists. Did any member ever pray in that way, with his clenched right-hand fist? --- Some raised their fists when praying. They did that on their own.

Do you know what they meant by that? --- No.

Was it ever discussed? --- No.

This manner of greeting - "Amandla", putting up the right-hand fist and the reply "Ngawetu", did you, you say this was (10 quite a common form of greeting? --- Yes.

Did it become a part of every day life? --- What was done every day was to say "Amandla" or "Power", not necessarily that one should reply and say "Ngawetu" "is ours", but if one feels like replying would one reply and say "Ngawetu".

According to the witnesses this exclamation "Amandla" and the reply "Ngawetu" was quite, did quite often take place. Do you agree to that? --- Do you mean inside and outside meetings?

Well they described inside meetings. --- And even outside.

I'm asking you. --- I reply and say and even outside. (20 Yes, this exclamation was (interrupted) --- Even outside.

Was it ever used in front of the principal? --- To greet with a fist raised?

Yes. --- We did it at any time.

Was it ever done in front of the principal? --- Not specifically in front of the principal.

Did you ever see it done in front of the principal? --- Not specifically in front of the principal.

As secretary of SASM, did you keep records? --- SASM records?

Yes. --- Yes, at times.

Did you keep notes of what took place at meetings? --- No, because some meetings were held at night, I didn't have a chance of writing.

What kind of records did you keep? --- I was assisting the treasurer and the Disciplinary Committee, numbers of persons, their names and their money they contributed and their attendances.

What did happen to all the records? --- They are with other persons.

Did you ever have documents that arose from SASM in your possession after you'd been expelled? --- Yes.

What did you have with you? --- a hard cover exercise book, a long one, blue in colour. At the back it had a blue cellotape.

When did you get the information that SASM policy was against leaving, any one leaving the country for any purpose? When did that come to your knowledge? --- I heard about that from accused No. 1 first.

When was that? --- In the first session.

Before, was that before the 10th May or after the 10th May? --- Before. I cannot be sure whether it was before or after the 10th May, but it was during the first session.

How many people went to SASM on the 10th May? --- Pardon?

On that conference, how many people? --- It was accused No. 2.

Only him? --- Yes.

Because from question by counsel to Ngaki it appeared that more than one person went? Or don't you agree to that? --- People who gave reports it was not only accused No. 2. He was assisted, because when on his return he told others what he got from King.

/You...

You see the question I'm referring to - that's on page 206 - Ngaki was asked the following: Do you remember that on the 10th May there was a SASM regional conference at Kingwilliams-town to which some of your delegates went, some of your executives. That's the question I am referring to, and according to this question counsel was instructed that more than one person went from Healdtown to Kingwilliamstown. --- We were going to attend that meeting but the person who succeeded in going there it was only accused No. 2.

Who else was supposed to go to this meeting? --- I was (10 supposed to go there and accused No. 1 and No. 3.

The following question is a... the following: accused No. 1, 2, 3 and 4 say the 10th May there was this regional conference and there they reported back to a later meeting, they were told the general procedure in running a meeting, and they were told many things about SASM policy. Now this also gives the impression that you, accused No. 1, 2 and 3 had gone to Kingwilliamstown. --- No. After accused No. 2 had told us, we all reported at the meeting.

So this question is actually wrong? --- I would say it was a mistake. (20

Yes. On page 216 there's also a question making the same mistake. The question is, or the words are: Because then there was this regional conference at King and delegates came back and they said this is how we are to conduct our meetings and there was a prayer at the meetings after that. That also the same kind of mistake? --- We reported at the meeting. We gave a report about what accused No. 2 had told us.

But you did not come back from Kingwilliamstown? --- No, we did not attend the conference. (30

Because that is the impression given by this question.

/When...

When you went to Kingwilliamstown in the company of Stanley Gqajela, accused No. 3 and Qupe, Majowa, what did you do when you arrived in Kingwilliamstown? --- I was sent by accused No. 3 to go to Temba Labanta and look for the members of the executive. I left them in the vicinity of Zolithemba.

Yes? And when did you see them, when did you go back to them for the first time? --- When I came back from the Post Office.

Accused No. 3 did not give that evidence. He says you went to the school and then you returned to them - that's on (10 page 2199, and then you left them again. Is that not correct? --- Is it No. 3 who said that?

Yes.

MR.MULLER:

COURT: 21? ---/99. That's about line (interrupted)

Yes, I have the passage, thank you. --- 15.

WITNESS: He is making a mistake by saying that I went back to them, because I went back to them after I had been to the Post Office.

MR. MULLER CONTINUES: To how many people did you speak there at the school? --- Several. (20

And what did you find out? --- I found out that the persons whom I wanted were not there on that day. I was told about the one who was at the Post Office. I went then to Mandisile.

Whom did you speak to or whom did you ask to give the others a message? --- (Indistinct) called Zola.

Was he an ordinary SASM member there? --- Yes.

How far from the school were these other people waiting for you? --- It's a fairly distance, fairly far.

About half a mile? --- Longer, maybe longer. (30

But you in fact expected the executive members to be there

/at...

at the school? --- Since there were some who were schooling there.

Yes, but you were going to talk to those people? --- Yes.

What about? --- I wanted them to go and explain the policy to Gqajela. Accused No. 3 and I wanted them to explain, that they should explain the policy to Gqajela.

And the others? What about them? Qipe, Majowa, accused No. 5? --- I took it that Gqajela would explain it to them since they were his friends.

Why didn't you go to the school with Gqajela and the (10 others? --- The school was in. I wanted to borrow one member of the executive from the school, from the principal.

Yes, and... --- There was no need for us to go there, the group.

But you wanted him to come back all this way to talk to Gqajela and then walk back to the school? --- I wanted him to go and explain this to Gqajela. The accused No. 3 and I would assist him.

Yes, but why cause this person all this trouble, to come all the way to where they were waiting and have to go back to (20 school again? --- We didn't want to go to that school six of us.

Why not? --- There was no... we did not discuss why we did not discuss why we shouldn't go there together.

COURT: But that doesn't answer the Prosecutor's question. The Prosecutor says if you wanted to take somebody out of school with the principal's permission, why didn't you all go to the school so that you were on the spot, so that when you got this man he could speak to you and then go back? Why did some of you wait half a mile away or more? --- At the spot where they were waiting it's a usual spot where Mei and the others (30 used to meet. The person whom I was going to call, that is

/where...

where they usually met and that is where I usually left them.

MR. MULLER CONTINUES: When did you see accused No. 3 and the others again, what time more or less? --- I cannot be certain of the time.

More or less, was it late that morning or...? --- It was still in the morning.

And then you came and you fetched accused No. 3 and Gqajela? --- Yes.

And then you went to the Post Office? --- Yes.

Why didn't you leave the... why did you leave the other (10 three waiting there? --- The other three were not giving us any trouble. It was Gqajela who gave us some trouble. We thought that if Gqajela could be convinced it would be easy for Gqajela to go and convince them.

But still, at that time they were still having the intention of leaving the country? Why leave this to Gqajela to explain? --- We believed that it was Gqajela who did not believe this policy and we took it that it was Gqajela who made them or told them not to believe the policy, but they didn't give us any impression that they did not believe the policy (20 like Gqajela. We wanted this person who was giving us trouble to be convinced, then he would explain to others.

What was Gqajela's problem? When he first came to you? --- At first he told me that he has reached a decision and his problem was money. I then told him that I cannot help him with this money and he told me that he did not believe that this policy was the true policy.

And then what was his problem when he came to accused No. 3? --- I think when accused No. 3 and Gqajela met, accused No. 3 told him about the policy. Accused No. 3 stressed (30 the policy to Gqajela more than I did. What Gqajela approached /accused...

accused No. 3 for, he wanted to know more about the policy. Gqajela did not believe that the policy which accused No. 3 told him about was the genuine policy.

But you were present when he discussed it with accused No. 3, weren't you? --- When we went to accused No. 3 we had already discussed it.

Yes, and you were present when Gqajela spoke to accused No. 3? --- Yes.

And you assisted accused No. 3 in this conversation, didn't you? --- Yes. (10

And you say the only thing Gqajela wanted from accused No. 3 was clarification on this policy? --- What accused No. 3 stressed on Gqajela was the policy. Gqajela queried the policy to accused No. 3.

Yes, and that was what he wanted from accused No. 3? --- And the other thing I am younger than Gqajela, accused No. 3 is bigger or older by a year or they are of the same age with Gqajela. Gqajela didn't like to discuss much with me. He discussed, he was satisfied when he discussed things with accused No. 3, even if I am present. (20

Was the only reason why Gqajela went to accused No. 3 that you referred him to accused No. 3 about the policy? --- He also wanted to approach accused No. 3.

Yes, but it was all about this policy business? --- Yes, the most important thing.

Because accused No. 3 says that Gqajela approached him for money? --- Who?

Accused No. 3 said that Gqajela actually came to get money from him in the first place. Page 2197. --- Gqajela even asked me for money and I told him that we can't give (30 him the money because the policy is against what he was telling.

Even at the time he was now talking to No. 3 he also mentioned the question of money. I wouldn't say that was the most important thing.

According to accused No. 3 Gqajela came to him about money. --- Only?

That's what initially was discussed, according to accused No. 3. --- In my presence the question of money was discussed but the most important thing was the policy.

Accused No.3 gives the impression that he was the one who mentioned the policy to Gqajela. --- In the sense that he was (10 explaining the policy to Gqajela.

Yes, and didn't you get... go to Kingwilliamstown to get aid for this trip? --- No, we went there so that the policy could be explained to Gqajela.

So Qupe must be telling a lie when he said that the object was to get assistance in the form of transport and that kind of aid. --- Yes. Yes, he is telling a, he is lying.

According to the witnesses, all the State witnesses, the whole, this matter of going out for military training was quite a popular subject there at meetings. --- No, that was not a... (20 I deny that. It was only mentioned once by Gqajela and in a form of a question. When he was asking that question, he included that phrase.

He's a man who always spoke of armed struggle, didn't he? --- Not always, he now and again spoke about armed struggle, when he had those feelings of hate.

That your vice-president? --- Pardon?

That was your vice-president speaking of armed struggle?

--- From August.

Yes. --- To September.

(30

And he encouraged armed struggle. --- What do you mean by /encourage...

encourage?

He said armed struggle must be taken as a means of settling the problem. --- He put it this way that he, Gqajela, when he was in those moods he would suddenly quote Bismark or say things about armed struggle.

But he did so quite often, didn't he? --- He didn't do it once or twice.

COURT: What does that mean? --- He didn't say that many a times but he didn't say it once or twice.

And the Prosecutor says this was your vice-president (10 speaking like that? --- Yes, from August to September.

The prosecutor wants to know why your vice-president should speak like that at a meeting of SASM? That's the import of his question. --- He didn't start speaking that way when he became a vice-president. He said these things before he became a vice-president and he was stopped and even when he now became a

that way when he became a Vice-President. He said these things before he became a Vice-President and he was stopped, and even when he now became a Vice-President he said these things, but he was even then stopped.

How did he become Vice-President if he was a person saying things like that? -- When SASM matters were discussed he was interested and he made contributions to it and he appeared that he was prepared to contribute.

BY THE COURT: Prepared to? -- To contribute. He had at times such feelings and when a certain matter was being discussed then⁽¹⁰⁾ he would come out with something else, different. That was before he became a Vice-President and even after he had been made a Vice-President.

MR. MULLER: He was even a man in general eager to get out for training, wasn't he? -- No.

So you deny this question by Counsel to Sinxo, - that's on Page 720 M'Lord - I will read it to you: "The accused do not say anything about that, they say that in general he was very hot about getting on with the struggle and going out and getting trained." Is this incorrect? -- He implying is that (20) by the questions he asked at the meeting which was held in the Kloof, he is not that in general he was a person eager to going out. If I'm not making any mistake, that is in connection with the meeting which was held in the Kloof.

So Counsel is making a mistake saying that the Accused, referring to you amongst others, say that Gqajela was in general very hot about getting on with the struggle, going out, getting trained? Is that correct then? -- That's what he implied by his questions and by encouraging people to get involved with the struggles of the people. (30)

When did you say this lectures by Radio Dippa was given? --

In/.....

-- In August.

Ajanda Ngcola also said it was in August, and this was disputed on your behalf. - Page 476 M'Lord. I will quote about line 26/7 "Accused No. 3 and 4 say they think it was in July, not August." And I'll go on: "In fact, Accused No. 4 said, (specifically mentioning you) that when Radio Dippa gave this lecture in the second half, he thinks in July, he lent him Bukati Washington's book, "Up from Slavery"". Now where does this July business come in? -- I would say that it was after July, or late in July or in August. (10)

Why didn't you tell that to Counsel, or did you? -- I cannot be certain that I did say so, but I did tell them about that point. Maybe I made a mistake. About me giving the book, yes I did give him the book.

Did you give him that in order to give this lecture or not? Did he use this (interruption) -- No, I gave him the book for reading.

Was that before or after the lecture? -- Before the lecture.

Are you quite sure of this? -- Yes. (20)

I must disagree with you. On page, it starts at the bottom of Page 524 M'Lord, line 31 - "because you see, Accused No 4 said that he, Accused No. 4, gave this book to Radio Dippa in August, that is in the second half of the year. Accused No. 4 said that after Radio Dippa's lecture in the second half he gave him one of the books that were for circulation there." Is that not correct? -- I gave him "Black like Me" and "Up from Slavery" before his lecture. I did give him other books after his lectures. And these books dealt with Afro-American life. (30)

Counsel went on cross-examining Ndzaka, I've already read

to/.....

to you this part: "Accused No. 4 said that after Radio Dippa's lecture in the second half he, Accused No. 4, gave him one of the books that were for circulation there. That was 'Up from Slavery'". In other words, "Up from Slavery" was lent to Radio Dippa after that lecture. -- I gave him the book before he gave the lecture. Even after the lecture he did come and took the book and made referances to it.

So now you say he used this book both before and after the lecture? -- He used the book before the lecture and then after the lecture he came for reference. (10)

Did you lend this book "Up from Slavery" together with the book "Black like Me?" Did you give these books to him at the same time? -- I gave him the other book after I had given him the other one. That was before he made the lecture, but he did refer to the other book and even referred to other books, not only those which have been now mentioned, and also to other books.

So you gave him this "Black like Me" book also before the lecture? -- Yes.

According to Counsel he says, referring to you, he asked (20) the question, "And he says when Radio Dippa returned that book to him, he lent him "Black like Me"". -- Yes I gave him "Black like Me" after he had returned the other one.

COURT ADJOURNS FOR FIFTEEN MINUTES. COURT RESUMES.

NGCOLA SEBASTIAN HEMPE still under oath.

FURTHER CROSS-EXAMINATION BY MR. MULLER:

Mr. Hempe what did you say after Accused No. 1 had announced that he was leaving the country now because he was tired of Bantu Education? -- I praised him because of this stand he has taken against Bantu Education, and at the same time I (30) regretted the fact that he is now putting us in a disadvantage because/.....

because he is a President, he is supposed to obey the SASM regulations, but he was the first to infringe them.

Did you say that? -- I said so at the meeting.

Because he didn't mention that you regretted his violating the policy of SASM.

And Counsel, when putting this version of what your reaction was, did also not put it that you expressed your regret of Accused No. 1 violating SASM policy.

For instance, when Ndzeka was cross-examined about this question, reflected on the transcription of the record on Page(10) 545, "Now you said that accused no. 4 spoke? == Yes.

Accused
And he praised/No. 1 for the stand taken? == Yes. Accused
No. 4 said, that is all he said on this point."

So do you have any comment to that? -- What I said is that I praised his stand he has taken but I regretted the fact that he has put us at a disadvantage.

BY THE COURT: Yes but do you understand the purpose of Counsel's question? -- No.

Counsel says that you have given evidence today saying that you praised him, praised No. 1 for the stand that he had (20) taken, but at the same time you told him that you regretted that he was violating SASM regulations in leaving the country. Counsel says your Counsel, when cross-examining Ndzeka, never mentioned the second portion, that is that you said that you regretted that Accused No. 1 was violating SASM's regulations. And in fact, your Counsel went so far as to say, "This Accused No. 4 says that is all he said on the point" that is that he praised Accused No. 1 for the stand taken. Now the Prosecutor wants an explanation from you as to the difference in those two versions. -- I mean to say that the sentence I uttered is the (30) one which praised him and I did in fact in that sentence said

that/.....

that I regretted that he has put us at a disadvantage, but there I mentioned that I praised him.

Yes, but that does not explain why your Counsel confined what you had said only to praising. -- I say I did tell my Counsel that I praised him for the stand he has taken. I realize that I did not tell him that I regretted that he has put us at a disadvantage.

No but it goes further than that. Now, I'm asking you these questions, because quite obviously, from the line of the Prosecutor's cross-examination of you, it is going to be said (10) at the conclusion of evidence in this case, that a large number of things were said on your behalf by your Counsel that you have now either contradicted or have not confirmed in the witness box, and it will no doubt be urged upon me in argument that I must find you untruthful because of those things. That is why you are being given an opportunity now to explain the discrepancy in regard to this portion of your evidence. Now you say you did not tell your Counsel that you had also told Accused No. 1 that you regretted that he had put you at a disadvantage? -- Yes, I only told him that I had praised him (20) for the stand he had taken.

But your Counsel, as the question is framed, said this: "Accused No. 1 says that is all he said." It's not a question of merely omitting something, it is a question of you having instructed your Counsel that you only said a certain thing. Are you able to explain that? -- I told the Counsel that I praised Accused No. 1 for the stand he had taken, I only praised him, that's all I said to Counsel.

MR. MULLER: Now you and Accused No. 3 accompanied 1 and 2 to King William's Town, didn't you? -- Yes.

(30)

And you were introduced there to members? -- Yes to

members/....

members of the Executive.

What was the discussion on the way from Healdtown to King William's Town? -- On the way Accused No. 3 tried to show Accused No. 1 what is wrong in what he has done, he was doing. I was trying to assist Accused No. 3. What we were actually discussing is his leaving, we were trying to persuade him against that.

And what was Accused No. 1's reaction? -- At times he would listen and at other times he would not listen and at times he would keep quiet or become angry. And then I would (10) not speak to him and would speak to Accused No. 3 only, or all remain silent.

Why didn't you mention this in your evidence in chief yesterday, when you were asked about this trip? -- I only said I travelled from Healdtown to King William's Town because I disputed nothing to what Accused No. 3 said on the train, the trip from Healdtown to Zwelitsha.

Then you, after this trip you reported to the people back at Healdtown about what had taken place? -- Yes.

What was the report? -- I told them that we arrived in (20) King William's Town. In King William's Town they told us their procedure and that they have field projects and they explained to us about Black Consciousness and he told us how to, we told them that they told us how to make members to be active by putting them in field projects and in King William's Town they test the policy which was violated by Accused No. 1. They told us that we should not deviate at all from, if we fail to convince one that that is SASM's policy we should take that person to them. They would try to explain it to him as much as they could. (30)

You eventually formed a sub-committee on Bantu Education

as well. -- Yes.

And you said yesterday that you did some work for this project of finding out about Bantu Education? -- Yes.

Did you ever give a report to a meeting about what you had done? -- We decided at a meeting after the opening of the school that reports would be compiled, at the time I gave a report the reports were not compiled, that I had a discussion with people about Bantu Education who were at the sub-committee about Bantu Education so I gave that report.

Did you ever give a report to a meeting of S.A.S.M.? -- Yes. (10)

About this? -- Yes.

When was this meeting? -- It was in August.

Where was it held? -- In the Kloof.

Now to come back to this report you gave to the people at Bealdtown about your trip to King William's Town. Did you tell them what had happened about, to Accused No. 1 and 2? -- We told them that they had boarded a bus going towards Umtata.

Did you know what their destination was? -- Their destination?

Yes? -- Where they were going to. I knew that they were (20) intending going out.

Did you know where they wanted to go provisionally? -- I knew that they intended going out.

Did you know that they were going to Durban? -- The bus they boarded, it was going to Umtata. From Umtata I did not know where they were going to go to. They were going to go up.

So you did not know that they were heading for Durban, is that correct? -- Specifically that they were going to Durban?

Yes? -- Something about Durban was once mentioned by Accused No. 1 in King William's Town. (30)

I'm asking you, did you not know that they were going to Durban/.....

Durban, or did you know that? -- I knew that they were going to pass, they did mention that, No. 1 mentioned that he might pass Durban.

What did he say? -- That he might go via Durban.

But he wasn't sure? -- To me he did not appear to be certain.

Didn't you ask him? -- That he was sure about Durban?

About where he was going? -- He mentioned Durban. What I knew is that he was going out. Where he was going to outside I do not know. (10)

Didn't you ask him? -- I did not ask him where he was going to.

Didn't you ask him what route he was going to take? -- I assumed that he was going to go via Durban, because he mentioned Durban.

Didn't Accused No. 3 ask him in your presence what his plans were, what route he was, didn't Accused No. 3 ask him in your presence what his plans were, what towns he was going to visit, what route he was going to take? -- I wouldn't say he specifically asked him, but Accused No. 1 did mention Durban. (20) Accused No. 3 was present and I was present.

But this must have aroused your interest very much, this whole project of Accused No. 1's? -- The interest I had was that I was not supporting it.

Didn't you find these plans of his intriguing even if you did not approve of them? -- I knew that the journey they were about to take was going to be very adventurous.

Didn't this arouse your interest, this project of his? -- I was interested in trying to show him that what he was doing was wrong. I was more interested on those lines. (30)

Were you not interested in how he was going to go about accomplishing/...

accomplishing this object of his? -- No I didn't ask him such a thing specifically.

When you reported back to the people at Healdtown, did they ask you what had happened to them, referring to Accused No. 1 and 2, where had they gone to and all that kind of thing? -- I told the people that Accused No. 1 and 2 boarded a bus going towards Umtata and they might go via Durban because they did mention Durban, that is No. 1.

So you did in fact say these people had taken a bus heading for Umtata and they could go through to Durban? -- Yes. (10)

Did you say that? -- I was telling them about the journey.

You were doing the speaking, the talking? -- And Accused No. 3.

Now was there ever, at later meetings, discussions of routes of going out? -- It was never discussed.

Not necessarily by you, but by other people? -- In my presence it was never discussed. People did make enquiries about it, people like Gqajela and Ntoyi.

What did Gqajela say about routes? -- He only asked how to go about when one is going out. He was then stopped and Ntoyi it was the same, he was stopped. (20)

Didn't Gqajela ever mention a specific place in connection with the route? -- What Gqajela said was that he had a sister abroad, either in Botswana or in Zambia and he had a relative either in Zeerust or in Mafeking.

Did he ever speak about borders near Zeerust? -- No.

Are you sure of that? -- I said he mentioned the fact that he had a relative either in Zeerust or Mafeking.

But he didn't discuss the borders around Zeerust? Or did he? -- He only said that he had been to this place and he went

to/.....

to the location near that vicinity and he said that for instance that the location at one place you'd be in South Africa and the other location not far away would be in Botswana, and he said he knew that place very well.

Did he say to which town he was referring when he said one part of the town is in South Africa and the other in another country? -- He was referring to these two towns, Zeerust and Mafeking.

When Tuso Kewana made his speech in the dining hall and you held that special meeting on a Wednesday night I think it (10) was, -- Yes.

Did you say anything at that meeting? -- I expressed my disagreement to what Tuso Kewana had said, just like the other members.

What did you say in that regard? -- I only said I did not like what Tuso had said.

Did you say anything else? -- I expressed the fact that by what he, I view it this way that what he said that was campaigning to the students to the boys for a follow-up against him. We then volunteered to go and speak to them, that is (20) Accused No. 1 and myself.

Didn't you speak of security of SASM? -- I expressed the feeling that SASM was placed in a

Didn't you speak of security of SASM? --- I expressed the feeling that SASM was placed in a disadvantage by what he said.

Did you go and speak to him that is after you had volunteered ? --- I did not go to him. I went to his henchman.

Did you ever read this Exhibit C, that SASM newsletter? You know that one the other accused also were cross-examined about?

COU T: Show it to the witness please.

WITNESS: Which one?

MR. MULLER: The newsletter? --- Yes, I read it.

Do you agree that the views there give the idea that the (10 Whites are regarded as oppressors? --- No.

Why do you say that? --- Because - may I refer to this newsletter?

Yes? --- Because the editorial opinion what is supposed to represent the views of SASM, it explains that. It does not mean it is only the whites who are oppressors, there are also black people to support that. At paragraph 5 there are words who run this way "Last year three Tamba Lebantu students were expelled by the Ciskeian wing of the oppressive system". And there is another portion which says, on page 3, the last line: "It is the (20 same group devision, suspicion and mistrust which gave back to this glorified class of the Vorster regime, the Sebe's, the Matanzima's, Rajha's, Leon's, Ulster's, Ramoses(?), Nkepu's(?). Then on page 8 and page 9 there it is referred to Gatsha Butelezi as a "whitie". There they are trying to show that Gatsha Butelezi has completely engaged himself in furthering the aims of oppression by going out and come back and say that there is nothing wrong in South Africa, that things are getting right, and yet the position remains the same. By that I am trying to show that it was not specifically stated that it is only the whites who are opporessors although basically the whites are the people who plan oppressive laws but

/ they ...

they are not the only oppressors.

Do you say that this exhibit, this newsletter, never gives the idea that the whites are regarded as oppressors? I'm not saying necessarily the only oppressors but the oppressors? --- It doesn't specifically state that it is only the whites who are oppressors.

This whole thing, taken as a whole, don't you get the idea it is aimed mainly against the whites? --- No.

Look at page 6 there, the 2nd paragraph, the last sentence, "Let us not tolerate injustice and struggle for our liberation (10 from the white oppressors's yoke." What does that mean? --- To me it means that we should not tolerate injustice. We should struggle for liberation from the white oppressor's yoke. Since I have already said who basically planned oppression are the whites but they are not the only oppressors as they have got black henchmen in the oppression.

What do you say about the words in the paragraph just on top of that, above that one "It is expected of him to fight all injustices which are daily experienced in South Africa by whites"? --- Apart from the editorial opinion, the others are contributions by (20 other persons. They express themselves to the best they could express themselves. They even go as far ^{as} if they are implying to whites specifically whereas as turn round and then explain that they mean black oppressors, they also mean black oppressors.

Will you look at page 4, about in the middle of the page there is a new paragraph "Indians, Africans and Coloureds should unite due to the common oppression that they experience at the hands of these ruthless and brutal oppressors". Do you see that? --- Yes.

Now doesn't this give the idea that whites are regarded as the oppressors? --- Not to me.

/ You ...

You were an ordinary reader? --- I was responsible for circulating this newsletter and I used to tell a person before giving him this that some are contributions by persons. In those contributions, that is how certain individuals express themselves but the official view of SASM is what is contained in the editorial opinion.

Was there ever any discussion about this newsletter at a meeting? --- I don't remember.

But didn't you ever hear questions directed at you about this? --- When I was doing the explaining? (10

At meetings? --- No.

Isn't it because the newsletter was nothing different from the tenor of speeches at the meetings? --- No.

Yesterday you mentioned the Black Train. When did you speak of that, at what meeting? --- I spoke about it at a meeting when we met the Sons of Africa.

What did you say about that? --- I said there is a Black Train coming from Cairo going downwards to the Cape. There is fire coming out of it and there is nothing that would stop it.

What did you mean by that? --- I meant "The winds of change". The only thing, I put it figuratively. (20

What did you mean by that? --- In my own words I was meaning "the winds of change". I told them that I was meaning "the winds of change".

What are they? --- The winds of change is the change which is taking place from North downwards.

What do you mean by that? --- At countries where there are changes politically, socially and economically. The direction is downwards.

And nothing would stop it? --- No.

Was the expression "freedom train" ever used? --- Yes.

At meetings as well? --- I don't remember.

You did come across this term? --- Yes.

Under what circumstances? --- In this newsletter.

Was it ever a topic of discussion at Healdtown? --- No.

What was said to you when you were arrested? --- Do you mean what was said by the police?

To you? --- They asked my name. They asked my reference book. They then asked me to come along with them to the police station, to go along to the police station.

They took you to the car? --- Yes. (10

You were in the back? --- Yes, on the back seat.

And then you say Sergeant Nicholson started throttling you? --- Yes.

Had he asked you anything before he did that? Apart from the reference book? --- He was talking, saying that he was going to make me shit and other abusive language.

Did he ask you for any explanation for did he require information from you before he assaulted you? --- When he was assaulting me?

Yes, before he throttled you? --- He asked me for my name (20 and my reference book.

Yes, apart from that, did he want anything from you before he throttled you apart from the reference book and your name? --- They searched the house. They were asking me if I didn't have any clothes in there and they took my notebook. They told me to dress up. They handcuffed my hands together behind my back.

So you were not refusing to give them anything or to answer anything? --- At first I didn't think that they were policemen, I didn't trust them, but I did see Captain Schoeman's gun on his left side of the chest. I told him that I am ^{Nzola Nzube} Ngoola Hempe. On our way to the car I told him that I am Ngoola Hempe. At that time they

/ could ...

could not get my reference book. They also took Stali Liberty Vusani. They also told him to dress up. They took him to other cars.

What was said to you when you got into the car? --- Sergeant Nicholson said I had told a lie by my name. He thereupon throttled me and then he used abusive language towards me.

Saying? --- And then the car pulled off. We proceeded to Cambridge.

So he actually had no reason at all to harm you? --- No.

It was a senseless assault on you, wasn't it? --- There was no reason for him to assault me. (10)

Did he seem to know you? --- Sergeant Nicholson?

Yes? --- He appeared to know Ngcola Hempe, the name, but not in person, the face.

Did he threaten you in the car, apart from assaulting you? --- He said he was going to give me a thorough beating and he was also swearing at me. Most of his swear words were threats.

Did he say "You used to swear at us and now we are going to sit on you"? --- Yes, they said - not the way you have put it. They said they are going to work me thoroughly. (20)

So the way I put it is not correct? --- That is not how I know it.

That is how Counsel put it to Sergeant Nicholson. Page 1048 M'lord. --- May I ask a question?

COURT: Just let me get the passage first please. I'd like to check on this. Page 1048?

MR. MULLER: That is it, M'lord. About line 15, M'lord.

WITNESS: May I make it clear on this point? Was that said in the car while proceeding towards Cambridge or while the car was still parked there and they were taking me to the car, - whilst I was in the car and the car was still stationary? At what stage of the

/ journey ...

journey was that alleged to be said?

COURT: The way it was put by your Counsel, it was said that after you were arrested you got into the car, that in the car an attempt was made by Sergeant Nicholson to throttle you. And then the question goes on "Accused No.4 says you said to him 'You used to swear at us and now we are going to sit on you'." You spoke this in Xhosa. --- Yes, in Xhosa.

And then a little while later in the cross-examination it is put that when you drove off, Captain Schoeman was a passenger seated in front? --- Yes. (10

So it would appear -- but I'm not suggesting that this is definite -- it would appear that this was while you were in the car before you drove off. It may not be so. --- The Counsel for the State, did he mean that those words were said when the car was still stationary or while the car was in motion?

He has not specified. --- May I ask that it should be clarified?

Why? --- Because after I had been put into the car, he throttled me. The car had moved some distance away from the house when he said he was going to work me and he told me that I used to swear at them. Not while the car was still stationary when he started throttling me. (20

That has got nothing to do with Counsel's question to you now. Your Counsel put this to Mr. Nicholson that "You used to swear at us and now we are going to sit on you.", that that is what Nicholson said? --- Yes.

Now your reply to that was "You did not put it quite in that way"? --- As we were getting into the car he said he was going to work me, when he started throttling me. As we were travelling, we had travelled for quite a long distance and he then said I used to swear at them. And then he said he is going to sit on me. He said

/ that ...

that in Xhosa. That was Sergeant Nicholson.

MR. MULLER:

That was said after the car had moved off for some distance?

--- Yes.

Were you just assaulted without anything required from you why you were assaulted? Weren't you, for instance, required to admit anything? --- They did mention Marawu but not when they started assaulting me. We were far away when they mentioned that.

It would appear that they just assaulted you for the fun of it? --- I know of no reason why a policeman should assault a person.

And when you arrived at the offices, you were told to sit (10 on the floor? --- Yes.

And then what happened? --- Sergeant Nicholson grabbed me by my leg and he pressed his foot against my testicles and he twisted me leg while Warrant Officer Naude and Constable Jan Meyer were hitting me on my body and on my head.

Were they kicking you as well? --- I was leaning on my hands behind me. Then as I was supporting my body with my hands behind me, then he would kick my hands off the ground so that I could not support my ^{upper} body with them.

Did you sustain several kicks? --- Whenever I supported my body with my hands behind me, he kicked my hands off the floor (20 several times.

COURT: Who did that? --- Constable Jan Meyer and Warrant Officer Naude.

MR. MULLER: Did any one of them trample you, put his foot on your stomach for instance? --- Only on my testicles.

What leg of yours was taken hold of? --- Left leg.

Your left ankle? --- Yes, he was twisting the left ankle.

Because you told Counsel apparently that your right ankle was taken hold of? --- The twisted leg was the right.

Because the question Counsel put to Sergeant Nicholson:

/ "And ...

"And he says (that is referring to you) that you (meaning Sergeant Nicholson) grabbed his right ankle and pressed your foot on his testicles"? --- He put his right foot on my testicles.

So your right ankle was never grabbed? --- No, the left leg was twisted.

So Counsel is putting it wrongly? --- He meant that I was trampled with a right foot.

COURT: The question is put in very clear language. The challenge to Sergeant Nicholson was in these words "And then he says (and the person that Counsel is talking about is you) and then he says (10 you grabbed his right ankle and you pressed your foot on his testicles". Now you say Counsel has made a mistake? --- I made a mistake in telling him that.

You made a mistake in telling Counsel? --- Yes.

What did you tell Counsel? --- To say he grabbed me, I said the right, in fact I meant the left leg.

MR. MULLER: And you say you were kicked, your body was kicked off balance when you tried to push yourself up? Is that so? --- Yes, the hands off balance.

Were you still handcuffed behind your back then? --- No. (20

So you were just kicked? --- My hands were kicked off the ground.

Did you tell that to Counsel? --- I told him all what took place there.

You told him of the kicking? --- To remove my hands?

Yes? --- I think I told him.

Aren't you concocting this story? --- No.

How did it come that your trunk was found in Port Elizabeth? --- They told me that they had been to my home, they did not find what contained my books so they asked me where my books were. In the course of the assault on me, I told them in Cambridge. Then

/ they ...

they took me to Port Elizabeth.

Why didn't you just tell them when they asked? --- I did not know what connection did it have with my arrest because my father was going to take it out.

Why didn't you tell them where this trunk is? --- The reason was that I did not know what connection did it have with my arrest.

Did you have anything to hide? --- No.

Did you have any idea why you were arrested? --- When I was arrested?

Yes? --- No.

(10

So why not tell them where your trunk is? --- I did not know what connection did it have with my being arrested.

Is that your reason? --- Yes, that is why I did not tell them. I did not take it out because I didn't have money. Well I expected my father to go and fetch it, take it out.

In fact Sergeant Nicholson eventually paid for the trunk to have it taken out? Isn't that so? --- And he recovered that money from my father.

But he did pay? --- Yes.

And didn't he find the key in your possession? --- Yes, he found that. (20

Now this little notebook of yours, it was on your person when they arrested you? --- Not the whole of it.

Which part of the notebook was not on your person? --- The first part was on my person. The cover and the last pages were not on me. They were found in my trunk.

No, I don't think we are referring to the same notebook. The small notebook. (Court intervenes)

COURT: Perhaps you can show it to the witness Mr. Muller, so that he will know.

MR. MULLER: That book. Where was that found? --- This part was the

/ first ...

first page, was found on my person and the cover and three pages were found in the trunk.

That notebook was handed in intact? --- No, when they found this notebook, these three pages were not attached to this portion.

I'm afraid I must disagree with you? --- The three pages and the cover were found in the trunk and this portion was found on my person.

Now right at the front there, I think on the inside cover - could I just have a look at it please? There is a torn page, it is the second page, on the inside of that, there are some notes (10 on the left hand page. There is mention of a conference. What kind of conference was that? --- SASM.

Where was this conference? --- It was going to be held.

Where? --- In Zwelitsha.

Was it held? --- It was held. I was arrested before it was held.

What is the date there? --- 28th January. That is supposed to be 1976.

Is there any year written there? --- Yes.

What is written there? --- 1975.

(20

Why is it written 1975? --- That was my mistake because it was to be held this year, in January in Zwelitsha.

You wrote that? --- Yes.

Didn't SASM start at Healdtown, start long before this Lovedale sports meeting? In 1975? --- No.

At the back of this notebook or near the end, there are a few points numbered from 1 to 9. Will you please look at it? The first point is "Books and literature". Do you have it? --- Yes.

What was the purpose of these notes? These two pages of notes? --- They were written and meant for myself.

COURT: May I have a copy please Mr. Muller?

/MR. MULLER .

"What did you mean to do with these notes? --- I kept them for my own use.

Yes, what use? --- Just to remind me. Some are meant for reminding me.

I'm specifically referring to these notes numbered from 1 to 9. Are you also referring to them when you say that? --- Yes, I am referring to them. Some of them were to refresh my memory.

What was the purpose of entry 8 on the right hand page? Read it please? --- No. 8?

Yes? --- The skip business. (10)

And the following, also numbered 8? --- It is on to the individual and his contact.

COURT: It is on the individual and his contact? --- Yes.

MR. MULDER: What is meant by that? --- The second one?

These two? --- Skipping is in connection with the leaving of the country. That is a question I had inside me. The question of leaving the country was within me, the wisdom and the wrongness of it. After we had been to Mr. Marawa I depended, that questioned depended on Mr. Marawa and on to the person who was going to be contacted by him at the WCC - that person of the WCC. (20)

What is the idea of the words "It is on the individual and his contact" ? --- It means that it depended on Mr. Marawa and the person he was going to contact.

Did you make all these notes at the same time? --- I cannot be certain on that but I did not make these notes, all of them, on the same day.

I'm referring to these two pages, not the rest of the notebook. Did you write on these two pages that I have been referring to on the same day? --- What I wrote on these two papers, I did not write only on one day.

But they are numbered from 1 to 9? --- Yes, they are numbered.

/ During ...

During what time did you make these entries? During what period? --- I would say late in October and in November.

Were these two pages, were they never bound together? --- They were together in the trunk but they were not attached to each other.

Were they never attached to each other? --- They originally come from this pocketbook, the two of them.

When did they become separated? --- When my trunk was sent home with the books. That was in November.

Sergeant Nicholson, ^{says} that he found this notebook on your person? --- This part.

He referred to the whole book? --- No, I meant this part when I admitted.

COURT: Which part are you showing Mr. Interpreter? --- The first cover without the last page and three pages.

You are showing the front cover and a large number of pages? --- Yes.

And the witness says that those were found on his person? Is that correct? --- Yes.

And then he has three pages and the back cover, is it? --- Yes.

And those he says were found in his trunk? --- Yes.

MR. MULLER: My Lord I'm in a bit of a difficulty. I was under the impression that this book was intact when handed in at Court.

COURT: Do you have the passage in Sergeant Nicholson's evidence?

MR. MULLER: Yes, M'lord. Volume 10, page 1036 and I got the impression that this notebook was getting a bit worn out during the time it was here but I even had the impression that where the Registrar took possession of this book now, it was not torn in two pieces.

COURT: And it was not my present Registrar who took possession of

it, took control of it when it was handed in but my present Registrar who has been in Court since the resumption last week, he tells me the books has been separated, those pages have been separated in the time that he has had control of the book. That is certainly since last Tuesday. In any way you may find yourself obliged to make an application to call further evidence in this regard if it is material. I don't know. It is a matter I must leave to you to decide.

MR. MULLER: No My'lord, I don't think it is that material anyway.

Sergeant Nicholson said that he found this notebook ^{on} your ^{person} (10) and nothing was disputed about that? --- Yes I confiyed that he found this portion of the notebook on my person.

Could I just have a look at the part that you said was in the trunk? (Court intervenes)

COURT: Mr. Muller for purposes of the record, my Registrar has just confirmed that when he dealt with these exhibits which was before the resumption on the 30th August, he found those two pages and the cover detached from the rest of the book and he put a bulldog clip on them to keep them together with the others.

MR. MULLER: I'm indebted to Your Lordship. (20)

When was mention first made of a man that had to be contacted, a man who was in the World Council of Churches? --- That was when I went there with Accused No.3 and Ceba and Africa Suleni and Baleni.

Was there then already an arragement in question with this man? --- That person was not in South Africa according to what Mr. Marawu told us. It was said he would be contacted when he returned.

But there was this arrangement made between you people and Marawu that this man would be contacted? --- That is what Mr. Marawu said.

But surely you didn't have the idea that this man would be back only in three months time, did you? --- Mr. Marawu said so.

There was a meeting in Port Elizabeth when it was mentioned that some of you were going to East London to find out how far these arrangements had gone? --- At the meeting in Port Elizabeth it was discussed that members would be sent to Kwazakele, SASM members to Kwazakele.

For what purpose? --- To help and put the Kwazakele branch in order.

Was there any question of going to East London to find out about arrangements at that time? --- That person was supposed to come back after three months. We were told about that in November, late October - early November. (10

Was there any question about possible arrangements that could be made in November? --- About what?

I'm asking you. Any arrangements, were there any arrangements in the air with Mfundisi? --- The arrangements were to open a branch and arrangements to go and put a branch at Kwazakele in order.

COURT: No, Counsel is asking you about arrangements to find out what was happening in East London? --- At the meeting which was held in the park?

That is the question, yes? --- That was not discussed at the meeting. Baleni was going to go to East London. (20

MR. MULLER: For what purpose? --- He wanted to go there for lectures and to ask Mr. Marawa about what he taught us and he would try and find out if he could not get written lectures. That is what he was going to do there but that was not at a meeting, in that meeting.

COURT ADJOURNS - COURT RESUMES.

N.S. HEMPE, sworn states:

CROSS-EXAMINATION BY MR. MULLER - CONTINUES:

Mr. Hempe I was referring you to certain arrangements made with - allegedly made with Marawa. Now Cupe says that a meeting which he attended in Port Elizabeth, at such a meeting Vuyo Baleni

/ spoke ...

spoke. That is at page 267 M'lord. Can you remember such a meeting? --- There was a meeting held in the park. Its main aim was to send people to Kwazakele.

Oupe mentioned Kwazakele in this regard. He said Vuyo Baleni said at the meeting that Glade Nkabinde was coming to visit him, Vuyo Baleni, and Accused No.3 told the meeting then that the members of Kwazakele wanted to see some of the members. Was that the meeting? --- It was Accused No.3 who was supposed to go and address and Baleni, to address those people at Kwazakele.

Now Oupe also ^{says} that Baleni also told the meeting there that he (that is Vuyo Baleni) and Accused No.3 were going to East London to find out what arrangements Maragwu had made. Do you remember him saying such a thing? --- Baleni was going to Mr. Marawu for things like lectures and for written lectures. (10

Do you remember him saying that they were going to find out about arrangements? --- Not specifically arrangements.

Because that is what Oupe says? --- I say Baleni was going to visit Mr. Marawu but for the purpose of getting lectures.

Can you remember Baleni mentioning this going to Marawu at the meeting? --- Baleni (20

Yes? --- I didn't say he mentioned this at the meeting but there was the trip he was going to take to see Mr. Marawu.

COURT: I don't think you fully understand the question. What Counsel is saying to you is that Oupe has given evidence and in that evidence Oupe said that at this meeting at Port Elizabeth Baleni said that he and No.3 were going to East London to ~~was~~ find out what arrangements Mfundisi had made. Now the Prosecutor wants to know did that happen or didn't it? Did Baleni say those things at that meeting or didn't he? --- The going to Mr. Marawu was mentioned, that would be Baleni and Accused No.3. It was not mentioned specifically going there for arrangements. It was mentioned in

this sense that they would go there to get written lectures. Since both of them were present during my first visit, they could ask Mr. Marawa about that man of the WCC. They did not say specifically say that they were going there specifically to ask him about it.

MR. MULLER: When Qupe gave this evidence did you tell Counsel that there was no question of going to East London to find out about arrangements? --- I told my Counsel that such a thing was mentioned, not that it was discussed and it was a decision reached.

Did anybody say anything at this meeting about military training? --- When I was there I don't remember. (10)

Because Qupe, that is on page 384 says Vuyo Baleni spoke about military training? --- While I was at the meeting I don't recall that. Maybe he said that before I arrived at the meeting.

Marawa said in his evidence that you were one of the people eager to go out for military training? --- I deny that.

Did you know David Feas at that time? --- Yes, I knew him.

Did you know him well or just as a casual acquaintance? --- He was just an acquaintance.

Because - I'm sorry M'lord I will retract that. Mbale, do you know him? --- I know him very little. (20)

COURT: Very slightly? --- Very slight.

MR. MULLER: Because he says that Accused No.3 took a list with your name on it to Marawa and he says that this list contained the names of people who were willing to go out for military training? --- Did he say he got that from me?

He said he saw your name on the list? --- I didn't write my name on a list, on any list.

Could anybody else have written your name on the list? With your consent? --- I don't think so. No, that couldn't happen.

I just want to ask you a few other things. From the evidence it would appear that at the very first meeting, Accused No.2,

Accused No.3 and yourself stood up and said that you were glad to be part of SASM, then you sat down? --- Yes, something to that effect. We were happy to discover that SASM was such a thing.

And the other people present did likewise? --- Yes, except No.1.

Yes, of course. And he says some questions were asked by these people when Accused No.1 mentioned the aims? --- Yes. When a person was not clear on a certain point, then he would ask a question.

But they did not make speeches as such? --- No. (10)

Can you remember who asked questions? --- I also asked questions.

And can you remember whom of the others? ---And others also asked questions.

Now I think it was Sinxo and also Mdzeke who said that at their first meeting, they made short speeches by way of comment and it was denied, it was said on your behalf that they just got up and said they were glad to be part of SASM or something to that effect and they sat down. Do you say so? --- Mdzeke, at his first meeting where he said he liked negotiations, such a thing was never mentioned because there was no need for such. Sinxo, when he said that he talked about infiltration to these separate development schemes, there was no need for him to say such a thing and he never said that too. (20)

And Mdzeke also didn't say anything? --- Except to introduce himself.

Can you remember any new member who at his very first meeting made a substantial little speech or substantial comment? --- Except to express his thanks that he was in the meeting.

Did Accused No. 5 speak on his first meeting? --- At the classroom?

I don't know where his first SASM meeting was? --- At the /first ...

first meeting where we met them, where I greeted them, he also expressed his joy to be in there and he said he was happy to know that SASM stood for such things, that is to help the people. They were glad to find out that. Accused No.5 said that their attitude was wrong - not that it was wrong but it was not what they thought it was.

MR. KIES: My Lord I think that My Learned Friend and the witness are probably talking of two different meetings, two different occasions. Could he perhaps clear that up.

COURT: Which meeting was this, insofar as Accused No.5 is concerned
(10)
? --- In the Form 1 classroom.

Was it Accused No.5's first meeting? --- Yes, with us. It was not a general meeting, it was a meeting with us.

MR. MULLER: When you and Accused No.3 accompanied Accused No.1 to King William's Town, you were introduced to three members of the executive? --- The names of whom I still remember.

Yes, you said yesterday the one was Clifford Peter I think?
--- Yes. Patrick Cindi and Walker.

Were they members of the Temba Labantu branch? --- No, they were members of a local branch - of the local branch in Zwelitsha.

And did you find out the names of any other executive members there? --- Then? (20)

Yes? --- I saw their faces but I cannot remember their names.

You made it quite clear in your evidence yesterday that you did not know Mandisi Mti before - I think that was the occasion when you, in the company of Gqajela and Accused No.3 went to see him. Is that correct? --- At the time of the meeting which was held at the kloof?

I'm not speaking about the meeting in the kloof? --- At the time of that meeting, I had not yet known Mt.

COURT: The question is on the day that you went to see him with

/ Gqajela ...

Gqajela, did you know him already or didn't you? --- Yes, I was already introduced to him.

MR. MULLER: When was this? --- Late in September we had taken articles to that place for a newsletter and we went there for reading matter from them.

Then you met him. Did you hear of him before you had met him? --- Mandisi Mti?

Yes? --- No, not before I met him.

He was the Regional Secretary for SASM in the Eastern Cape, isn't that so? --- I learnt that he was just a member of a regional committee. (10)

But was there a regional committee for SASM in Zwelitsha? --- In Zwelitsha there were members of the regional committee.

But the regional committee for the Eastern Cape, was that in King William's Town? --- Not the whole of the Eastern Cape, it is only from King to Queenstown.

Did Healdtown fall in that area? --- Yes.

NO FURTHER QUESTION BY MR. MULLER.

BY THE COURT: Did you know what office Mti held at the time?

--- No, except that he was a member of the regional committee. He was also a member of the local committee - local branch committee. (20)

Was he then still at school or was he employed at the Post Office? --- He was employed at the Post Office.

Was he no longer a scholar? --- No, not at school but he was corresponding privately.

RE-EXAMINATION BY MR. KIES: No questions.

NO FURTHER QUESTIONS.

MR. KIES CALLS ACCUSED NO.5.

FEZEKILE GOODWIN MDA, sworn states:

EXAMINATION BY MR KIES:

You are Fezekile Goodwin Mda and Accused No.5 in this matter?

--- Yes.

And you lived at? --- Port Elizabeth.

Whereabouts? --- In New Brighton..

With? --- With my father and mother.

What does your father do? --- He is a teacher.

Primary or Secondary school? --- Higher Primary.

And your mother? --- She is also a lady teacher.

Your date of birth is? --- 15th February, 1957.

You were arrested at? --- In Mdantsane.

(10

When? --- On the 31st December, 1975.

And you have been detained in connection with this matter ever since? --- Yes.

During this period have you been in a cell with other persons at any time or have you been on your own? --- I was alone.

Throughout? --- Yes.

Last year you attended Healdtown High School? --- Yes.

And you were in Standard? --- Form 4, Standard 9.

When did you actually start at Healdtown? --- I arrived at Healdtown in 1972.

(20

Now last year, did you stay there for the whole of the year? --- No, not the whole of the year.

When did you leave? --- I left school in October. On the 17th October I was expelled.

Expelled, why? --- We were protesting against the principal.

Yes? --- When I re-applied, my application was turned down because they said I do not want to divulge people.

Which people? Who said you didn't want to divulge people? What was it all about? --- It was the principal, he wanted to know who were talking in the hall saying that we should approach him and ask him what we wanted to ask.

Was that before the school was closed? --- That was before the schools were closed.

So then you say you were expelled? --- I was expelled on the 17th.

Others along with you? --- The whole of the boys.

And then you re-applied and the principal wanted you to furnish some information in connection with the incident which had led to the closing of the school? --- Yes, that is so.

And what did you say to him? --- I told him that I was not at the hall when that thing started there. (10)

Then? --- When I arrived I was told the decisions which were made.

And after this discussion were you informed that you would not be re-admitted? --- Yes.

Did you try to get in anywhere else? --- I did not try.

What were your intentions then? --- I intended going out to get a place to further my studies.

Last year which subjects were you doing? --- Xhosa, Afrikaans, English, History, Geography and Biology.

And what were your educational ambitions at the time? --- I wanted to be an attorney - an advocate. (20)

And where did you propose to study? --- In London.

Why London particularly? --- In London I had a friend of my called Glen Tyrrel. He said if I get there he would arrange bursaries for me.

Who is he and where did you meet him? --- He is also practising law. I met him in Healdtown.

Where is he practising? --- In London, Cambridge, if I'm not mistaken.

And you say you met him at Healdtown. When and under what circumstances? --- They had come to South Africa and they were touring.

Who are "they" ? --- He and his three friends. I have forgotten their names.

In which year was this? --- It was last year, in 1975.

And he said if you came to London he might be able to assist you? --- Yes.

Did you belong to any organisations or clubs or associations last year? --- Yes.

Which were they? --- Physiogreg, SCM and SASM.

When did you join SASM ? --- In September.

When in September? --- I think in the first week of September, the beginning of September. (10

And the other organisations, did you belong to them for the whole year? --- Yes.

There has been some evidence that you were connected with a group called the Sons of Africa? --- Yes, that is so.

Will you tell us about this group, who were they and what were they? --- It was a group of persons interested in drama. In 1974 we acted a play called "Sons of Africa".

Were you in that play? --- Yes.

What was the play about? --- About the old American slaves(20 and what had happened to them until they were emancipated.

And where was this play put on? --- We put on this play at Healdtown, Lovedale and in the Federal Theological Seminary near Fort Hare.

And was it well received, the play? --- I think so.

All male group or were there women in it as well? --- All men.

Who produced the play? --- Produced by Daniel Ndzoku.

And what was the position last year, 1975, at Healdtown in connection with the play group, Sons of Africa? --- We were not staging the plays then because the principal told us to stop it.

Any particular reason? --- The principal told us that it would bring us trouble.

So last year you still had the same persons who had been in the play? --- Yes, but not all of them.

And you had a play that you couldn't perform at Healdtown?
--- Yes, the "Sons of Africa".

Last year, did you put on this play anywhere else? --- No, we had stopped it. We didn't stage it any longer.

Did the principal's ban extend to your not playing even outside of Healdtown? --- Yes. He said he was advising us to leave it alone. (10)

So what did you do with yourselves last year, the "Sons of Africa" group? --- We tried to have another play.

What was that called? --- "The Prophet".

How far did you get with that? --- We started in July and we stopped about August.

You what in July? --- Started this play in July.

Did you put it on? --- No.

Why not? --- There was ill-feeling amongst us so we dropped it.

Now there has been some evidence here that the Sons of Africa, the group, had a certain attitude to SASM. What do you say to that? (20)

--- Yes, it had a certain attitude towards certain individual members we knew.

What was this about? --- We thought that they were informers.

What was the basis for this? --- At school last year there were certain individuals who were regarded, students who were regarded as informers, and when these people arrived in Healdtown, they became best friends of these people.

Now which people arrived in Healdtown? --- Accused No.1 and Accused No.2 arrived in Healdtown.

And do I understand correctly that they were friendly with

/ people ...

people who were regarded with some suspicion already in Healdtown?

--- Yes.

And you say this attitude extended to SASM ? --- We then heard that Accused No.1 is the one who brought SASM into Healdtown.

Was there a strong feeling against SASM?

G.B. Mda

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said that accused no.1 is the one who brought SASM into Healdtown.

Was it a strong feeling against SASM? — Yes, it was very strong.

For whom were these people supposed to inform? — We thought that these people were informing the principal of the school.

Of what? — About us and our attitudes.

There has been some evidence that in general the feeling in regard to people alleged to be informers could get quite strong. — I don't understand the question.

People disliked informers.

(10

MR. MULLER: This is a very leading question, My Lord.

COURT: Legitimate objection, Mr. Kies.

MR. KIES: What was the feeling generally about informers?

COURT: Although Mr. Muller, I must say, did that not come from the State witnesses?

MR. KIES: Yes, My Lord.

MR. MULLER: That was also quite righteously put to them in cross-examination, but still it is rather a contentious subject or point.

COURT: That goes more to the evidential value of the answer, (20 doesn't it, rather than to the question whether or not Mr. Kies can put his question in that form.

MR. MULLER: That is actually so, My Lord.

COURT: Continue, Mr. Kies.

MR. KIES: My Lord, all I am asking him is just to comment on such evidence as there has been.

COURT: Yes, you are perfectly entitled to.

MR. KIES (Contd.): Could you tell us something about the feeling about people supposedly informers? — Since I arrived in Healdtown, anyone who was suspected of being an informer, used (30 to have a bad time in Healdtown.

What/..

G.F. Mda

What does that mean? -- He could be beaten up, sometimes to be sworn at.

Tuso Kuwana, do you know him? -- I know him well.

To which organisation did he belong? -- In September he was in SASM.

Before then? -- He was with us in the Sons of Africa, we were not an organisation; it was just a drama group.

Held together by the play you had done the previous year, and another play that you had? -- Yes.

Slade Nkabinde do you know if he belonged to any organisation? -- He was with us but late; he joined SASM. (10

When you say with "us", you mean the Sons of Africa? -- Yes.

Were either Tuso or Slade amongst your leading members of your group?

COURT: Either Tuso or Slade? -- Yes.

MR. KIES: You joined SASM you say in? -- In September.

Date? -- I think it was on the 6th.

And your first meeting was when? -- My meeting with SASM generally it was on the 19th of September.

Where was that? -- It was held in the cellar. (20

Is that the meeting where according to the evidence a candle was fetched? -- Yes.

By? -- By myself.

You speak of your first meeting, general meeting being on the 19th. -- Yes.

Was there some other meeting that you attended before then? -- A meeting with few members of SASM between executives.

When? -- The first one was a meeting with the executives and the second one was a few members of SASM.

Who was meeting.. SASM members and yourself? -- Yes.

What for? -- On the 6th they came to ask us to join SASM; they came to convince us that in SASM there were no informers as/..

as we believed to be.

That you are referring to as your first little meeting with them, is that right? -- Yes.

And your next meeting? -- The next meeting was on a Sunday on the 7th.

Where were these held? -- That was held in the kloof.

Those two meetings I gather you were not yet a member of SASM? -- I had already agreed to join SASM, but I had not yet united myself with the members of SASM.

Were any of the accused at either of these meetings? -- (10
Accused nos.3 and 4.

At both of them? -- Not at both of them.

Who was at which? -- On the second one the two of them were present, but at the first one both of them were not there.

Your first general meeting you say was in the cellar. -- Yes.

How many SASM meetings did you attend at Healdtown? -- I think about 4 or 5, I am not sure but there were a few - sorry, I want to make some explanation. On the 6th after the general meeting there was a small meeting at night.

COURT: I understood you to say that the 6th was not a general (20
meeting; the 19th was the first general meeting. This is how I understand your evidence, and you can correct me if I have got it wrong. An initial approach was made on the 6th, the Saturday.
-- Yes.

Then on Sunday the 7th you were approached by the executives of SASM? -- Yes.

Then on the 19th you had your first full meeting. Is that right or is it wrong? -- That is right, but I forgot to mention the meeting with the executives at night.

On the 6th? -- On the same day.

(30

So you had your meeting with one or two members on the 6th,
then/..

then you had a meeting with the executive on the 6th. — Yes.

Then you had another meeting with the executive on the 7th?
— Just a ^{very} few members of SASM.

Then you had a full meeting on the 19th? — On the 19th.

MR. KISS: And you were saying that altogether at Healdtown you attended how many meetings of SASM? — About 4 or 5. Excluding the meetings held on the 6th.

Yes, from the 19th onwards. — Three, starting from the 19th.

Would you have a look at exhibit B please? Do you know this document? — Yes, I know this document. (10

What is it? — These are the names of people who were prepared to join SASM whom I approached - who were approached by me.

Who made out that list, do you know? — I wrote out this list.

What did you do with it? — I handed it over to Vuyo Baleni.

As potential members? — Yes.

The cellar meeting you say was your first general meeting? — Yes.

Do you remember who spoke there? — I think I remember.

Yes, who? — Pumelele Sizani. He opened the meeting. Members stood up one after another, saying this and the other one saying (20 that and the other one saying this.

Was there any speech or speaker that stands out in your memory? — Boy Gayisa.

What did he say? — He recited something like "Gusepaya".

And you found that interesting? — Very interesting.

Can you remember the names of any other speakers? — Tata, Sinxo and I also spoke there.

What did you say? — There were these persons who were talking about and we were calling them oppressors. I said there are people who are oppressors and who own shops and when a customer (30 comes, the customer would go round and buy through a hole. If

a person is Black, I advised that at all such shops we shouldn't buy from them, because we are not wanted.

Was there any reaction to your speech? Anybody comment on it? -- I don't remember if there was people who commented.

At this ^{first} meeting of yours, did anybody say anything at all about military training or armed struggle, or people going out, anything like that? -- There was somebody who spoke about armed struggle.

Who was that? -- It was Zimeni Gqajela.

There has been talk here of a Stanley Gqajela. Is this the(10 same person? -- Yes, same person.

Do you remember what he said? -- After Tata had given his report about Tembaza, he stood up and said things like those which are taking place in Tembaza that is what makes people resort to armed struggle.

Was there any reaction to this speech of his? -- Stone stopped him from what he was saying.

Who is Stone? -- Accused no.3.

You say he stopped him. What did he do actually? -- He stopped him saying he must stop talking in that manner. (20

Did he stop? -- Yes, he stopped.

Sinxo speaks of this meeting too and (at page 632, My Lord) he says in connection with your first speech, he thought you had not yet heard about the armed struggle or armed solution because you had your own solution there. And this is what he says was your speech on that occasion. You said "We can hit these Boers if we do not buy from them, or rather cripple them, if we do not buy from them and buy from Blacks." -- No, he didn't repeat what I said.

You referred earlier to what you had said. -- I have al- (30 ready stated what I said.

On what point really is he wrong? — He is talking about Boers and he is talking about Blacks from whom we are going to buy, whom we must go and buy from them. Such a thing I never said. I never used the word Boers. I said these people, referring to the oppressors.

Sinxo also says (page 633, My Lord) that Zulake, a person called Zulake was at the cellar meeting. — He is making a mistake.

You knew Zulake? — Very well.

Why are you so sure that he wasn't there? — I think a day or two days after I had been to that cellar meeting, he said (10 he heard, but he did not tell me from whom did he— (interrupted)

COURT: Is this admissible, Mr. Kies?

MR. KIES: No, no, please. Just tell me why you from your own knowledge are sure that Zulake wasn't there. What makes you so sure? I don't want to hear what other people told you. — I don't think he was already approached at that time.

Did you ever see him in the meeting? — I once saw him at a meeting, but not at this one.

He says in this meeting, I am asking you either in this meeting or any other meeting, he said he asked those who were (20 willing to skip the borders to raise their hands. Do you remember Zulake asking such a question at any meeting that you were at? — I don't remember at all.

He says that when he asked the people to raise their hands, you were one of them. — I deny that; there was no such a thing.

Do you remember Ngola gave evidence here, he says (at page 992, My Lord) that on two occasions accused no.3 in your presence spoke of the second phase of the struggle as being to cross the border and undergo military training.— I never heard accused no.3 talking about phases and saying that is for military training. (30 I never heard accused no.3 talking about phases and talking about skipping/..

skipping the borders to undergo military training.

Yako gave evidence and he says (page 773) that in the Form II classroom where he was with Stanley Gqajela, Stanley Gqajela said to you that you had thought that accused nos. 1 and 2 were spies, but they had left the country to undergo military training. -- At that meeting they were not mentioned at all.

By Stanley Gqajela? -- Yes. By any other person.

Were accused nos. 1 and 2 mentioned at any other meeting? -- Not at a meeting I know of, never.

He says also (page 775) that ⁱⁿ someone classroom there was (10 a report that meeting on the outcome of the discussions with the Sons of Africa, and he says that you said (775) "you are glad to know that SASM had the means to leave the country"? -- I did not say a thing like that.

And then he was asked:

"Did he say for what purpose or not".

And then he said, referring to you: "For military training". What do you say to that? -- I deny that.

Yako also says (page 741) that between the 4th of November (20 1975, and the 21st of November 1975, somewhere between those dates, you arrived at the school from Port Elizabeth together with accused no. 3. You said you were going on to East London. Is that correct? -- Yes, that is correct.

He says that on your return you met him, Yako, and told him that you had met a man in East London and that this gentleman has a route for leaving the country for military training abroad. -- I deny that.

Did you tell him that you had met? -- Yes, I did tell him that I met a man.

Did you tell him anything about the man at all? -- I told (30 him that this man has sound knowledge about things which are happening/..

happening and history. And this man is concerned about our education.

He says - that is Yako - that he gave you his name to put on the list of those wishing to go out the country.-- No, I deny that.

Was there a list of any sort whether for educational, or for military training or any other purpose on which he asked for his name..(interrupted) -- No, there was no list.

At all? -- No.

Who was this man you met in East London? His name? -- Mr. Abraham Marawu. (10

Yako came from which town? -- He is from East London.

Apart from what you have told us about your discussion in connection with this man with Yako, did you have any other discussion about this man with him, any time? -- Yes, I did have a discussion, but I don't remember when it was.

On what? -- About going out, go and look for education outside.

Anything else that came up? Tell us how this came up or when it came up? Before or after the expulsion? -- It was after we had been expelled.

When did you actually meet Marawu for the first time? Which (20 month? -- Early November.

So you say sometime you had this discussion with Yako, and what was the point of this discussion? -- Yako asked me "You are now expelled. What do you intend to do?" about completing my matric. I told him that I have decided to go now to go and look for a place where I could further my education.

Was he interested in this idea that you put to him? -- He was very much interested.

What makes you say that? -- He told me that he wanted to go and study things like chemistry. (30

He said you told him that this man could help with military training/..

training. Did this matter come up in this discussion you are talking about now? --No, we didn't come near to that point.

In any discussion with him? -- At any discussion.

Was he interested in this man? -- He appeared to be interested, very much that.

Why do you say very much? -- He also considered going there and find things himself and things like lectures.

What did you say to that? -- I told him to wait a bit.

Would you have a look at exhibit J? Do you know this document at all? -- Yes. (10

What is it? -- This is a letter which was written by me to Yako.

There is no date on the letter, is it, except on the envelope. -- Yes, that is so; there is no date.

What date do you make it out to be? -- I wrote this letter in about December.

Can you make out the date on the date stamp on the envelope? -- Is that exhibit H? 15.12.75, was the date on exhibit H.

DISCUSSION ABOUT ENVELOPE.

COURT: What is the witness looking at? What are you showing (20 the witness?

MR. KIES: The letters are propped in the envelope, below.

COURT: The undated letter which is exhibit?

MR. KIES: J.

COURT: J. And the envelope addressed to Yako, which is part of exhibit J?

MR. KIES: Yes, My Lord. Are you looking at the envelope? -- Yes.

And you can make out the date? -- 15.12.75.

Yako was asked here to explain what the letter was about, and he said that the letter concerns arrangement about a journey (30 to undergo training, military training. What do you say to that?

-- No/..

-- No, I deny that.

In the letter there is a reference to M.F.? -- That is Mfundisi.

Yako was asked, page 750 still My Lord, "What interpretation did you make of the sentence translated 'as I want to keep a close contact with M.F.', what did that mean?" And his answer was I could not understand it. He was then asked, then the next sentence: "Everything is still going as planned". What does that relate to? And his answer was "that means that arrangements are as planned to undergo military training." What do you say to that? -- He had a wrong impression about it. (10

Would you tell us what you say the letter is about? -- I was telling him that arrangements are going on as planned for going out to go and get education and that he should not be in a hurry, he should wait for me.

And he says.. "East London by next week or later this week for holiday". Would you have a look at the letter and explain it line for line? -- (The witness is reading the letter).

What are you saying to him? -- I was apologizing because he came to my home in my absence, I was away.

Go on. -- Now I am going to be there in East London by (20 next week or later this week for holiday.

Go on. -- I may need your help somewhere, somehow; I am going to stay at ^{N.U.3} ~~Newnes~~. I want to keep a close contact with Mfundisi; everything is still going as planned, just wait for the word. So I'll be there very soon, that is Koko.

Did you after this go to East London? -- That is so.

For what purpose? -- I went there for a holiday.

Where did you stay? -- At N.U.3.

With who? -- With my father's elder brother.

What does this line mean, sentence mean: "I may need your (30 help somewhere, somehow?" -- As I was going to be In East London, I/..

I want Noyi to show me the town, East London.

"I want to keep a close contact with Mfundisi". What does that mean? -- I meant that I wanted to be close to Mfundisi and receive his influence. That is lectures and conversations and things like that.

"Everything is still going as planned"? He says it refers to arrangements or a plan to undergo military training. -- No, it was not like that; I do not know why he said a thing like that.

What does it mean? -- We decided that I would approach Mfundisi and asked Mfundisi to arrange a thing for us to enable (10 us to go out to go and further our education. And that he shouldn't be too close, he should be some distance. I am going to approach Mfundisi as we are related.

"Just wait for the word". What word is that? -- He must expect everything from me.

Now, Qupe gave evidence of a journey that you once undertook with him and Gqajela and Majoba. Do you remember the trip? -- Yes, I remember the trip.

Who first raised the question of the trip with you? -- we were conversing with Gqajela at Tyatyora where he was staying. (20

Who are "we"? -- It was Gqajela and I.

And then what happened? -- Gqajela and I came to a decision that we should go out and he told me about a sister of his who was either a teacher or a social worker abroad, and that she would arrange things for us, so that we would receive education of the type we wanted.

Where abroad? -- I think he said his sister was in Botswana.

Was Gqajela still at Healdtown at this time? -- He was in Healdtown, but he was already expelled. He was still in the vicinity.

What was his attitude to further schooling or any connection with/..

with Healdtown? -- he had enough of Healdtown and Bantu education.

Is he older than you are? -- Yes, he was older than I.

In which class was he last year? Standard? -- He was doing STD.10, matric.

What was your attitude to what he said? -- I liked it very much what he said, then I ^{saw} thought that it was a good chance for me to go to Glen in London.

You at Healdtown, were you doing reasonably well with your studies? -- I was moderate.

So why did you want to leave at that time? -- I was tired (10 of what was taking place in Healdtown and of Bantu education.

Had you been tired of it for some while, or was this a recent development? -- I have been fed up with Bantu education for some time.

In general or was there a particular reason as well? -- There was a reason in connection with the standard which is very inferior.

And so you thought it was a good idea to go? -- Since I had somebody I can go to.

Without too many details, what was the next step after this conversation? -- Gqajela told me that I should leave every- (20 thing to him and he would let me know when time was ripe for us to go.

What happened next in connection with this trip? -- I think it was on the 7th when Don Qupe came to me; he found me at dormitory no.2 in the top verandah in the junior block.

And? -- He called me and told me that Gqajela was calling me, he was outside, downstairs. When I arrived at the place where Gqajela was, it was myself, Qupe, Gqajela. Gqajela told me that the next day he would be crossing, he was going to the place where we had a discussion about. That is to his sister. He (30) asked me if I was still interested in going; I told him that I

was still interested.

And the next step after that? --- We decided that we should pack our clothes and leave the next day. He asked me how much did I have;; I told him that I had no money. He then said that I should leave that matter to him.

And then the next morning? --- The next morning Qupe woke me up, we washed, we waited for Gqajela I think near the senior block at the bathroom.

What was Qupe's interest in this? --- I was of the view that Qupe was also interested in going out for education. (10

Together with you and Gqajela. --- Yes.

Right, the two of you got up and dressed and what happened after that? --- I noticed that Majova was also in this thing. I went to stand near the senior block at the bathroom and Gqajela appeared. He was in the company of accused nos.3 and 4.

And then what did the whole company of you do? --- Gqajela then told us that now we can go away.

Where were you heading for? --- We were now going out. I then asked Gqajela as we were going through Qejovu Location ^(?) whether accused nos.3 and 4 were also going. And Majova. He ^{then} told.. (20 GQajela told us that Majova was leaving with us. And he told me that 3 and 4, more especially accused no.3, was talking about policies which he does not understand. And he thought that they did not want us to leave.

At that stage how many SASM meetings had you attended? I am not talking about those preliminary meetings between your group and SASM. From the cellar meeting onwards. --- Two.

What was your first stop on this journey? --- At King Williams-town.

What did you do there? --- Accused no.3 sent accused no.4 (30' to go to Temba Labantu.

Did you know what that was about? -- I was not clear much, I didn't even ask about it.

Eventually what happened? -- We then went to wait at a restaurant.

Who are "we"? -- It was myself, accused no.3, Gqajela, Qupe, Majova.

And then what happened? -- We waited there near the restaurant. After a very long time two youngsters came. They told us that Ngcola, accused no.4, has gone to the Post Office; that they were sent by him to come there. (10

And then? -- We waited there, waited until the two youngsters went away. After a while Ngcola arrived; he came to fetch accused no.3 and Gqajela left with them.

I take it after a while ^{did} they come back to you again, or did you never see them again? -- They came back at about 3 or 4, it was late.

And then what did you do? -- Gqajela told us to go.

Who are "us"? -- It was myself, Majova, Qupe.

Did you go? -- Yes.

With him? -- Yes, we went. Yes, with Gqajela; accused no.3 (20 he asked us to explain and tell Gqajela about what he was doing and we must try and convince him as his friend. We told him that we are going with him. With Gqajela.

You told this to whom? -- I was telling accused no.3.

And then? -- We then proceeded to the station.

And where did you go? -- We enquired at what time would a train, going to Jo'burg, leave. The person told us that there would be a train going towards Blamey at about 10 o'clock.

Did you eventually start on your journey? Out of King Williams-town? -- Yes, we started our journey.

Where were you heading for? -- We walked; we thought that we/..

we were going to Blamey on foot and we were getting lost; this road was leading us to Stutterheim.

Where did you eventually land up? -- We got to Stutterheim.

Yes, and after that? I don't want the details, just the route of your journey? -- We caught a train there and night and we got to Queenstown.

And after that? -- From Queenstown to Bloemfontein. Bloemfontein to Kimberley.

It is common cause that somewhere along this journey you and Qupe turned back. -- Yes. (10

As far as you are concerned, tell us how this came about? -- Along the way I noticed that Gqajela was no longer talking about what we decided upon, education; he was now talking about military training.

What did he say about it? -- And refugee camps where we are going to stay when we arrive there; he was no longer talking about his sister. I then decided no, I cannot go out for training.

Where about was this that you made this decision? -- We were at Bloemfontein.

You told us earlier that you didn't have any money, you told Gqajela this and he said you should leave this to him. -- Yes, that is correct. (20

Did that work out quite well? -- Yes, I noticed that it was working, but he was in difficulty.

What sort of difficulty? -- For instance we had to touch a farmer's place and get money from his friend there. It became clear that the money he had already got would not take us up to Botswana.

You say the money we had already got. Did you get any money? -- I heard that there was some money which we were getting in Queenstown from Saambou.

Did you get any money? -- I didn't receive any money.

Did you see Gqajela getting any money from anyone? Or did you know of his having got money from someone? -- I heard that he had received some money.

You say you reached Bloemfontein and you had your doubt?
-- Yes.

Did you say anything to anybody? -- Qupe came to me, he told me that he was no longer interested in this.

Did he give any reason? -- He told me that he was thinking about his parents, that he left without telling them.

What did you say to this? -- I told him that I was also no longer interested in this, because now I am hearing about other purposes for our going out which I knew nothing about, and now the difficulties about money.

Did he react to this in any way? -- We decided, both of us, that we should turn.

This was at? -- It was in Bloemfontein.

What did you do after that? -- We told Gqajela that we are not going any further.

Where did you tell him this? Where were you when you told him this? -- We were sitting at the station in Bloemfontein. (20

After you told him, did he say anything? -- He agreed and said he was not going to stop us.

So what did you do next? -- Because we had tickets to take us as far as Kimberley; ^{in Kimberley we knew Tami;} we decided to go as far as Kimberley where we would go to Tami and try and get money to take us back.

Who is Tami? -- Tami Nyati.

Who are the "we" who decided? -- It was Qupe and I.

You went to Kimberley? -- Yes, we got to Kimberley.

Qupe says that eventually from Kimberley you worked your way back to Healdtown. -- Yes, that is correct.

Did you continue your studies at Healdtown? -- Yes, I went back/..

back and I went on with my studies.

That was already the month of? -- That was in October.

You didn't study there for very long because the school was closed down. -- Yes.

You have already told us that you met Mr. Marawa. When was that? -- It was in November.

At that stage you were no longer at Healdtown? -- Yes, that is correct.

Have you already applied for re-admission, as you told us earlier? -- Yes. (10

Had you already been turned down? -- Yes.

How did you come to meet Mr. Marawa? Why? -- I heard about him from accused no. 3.

And so you went along on your own, or with somebody? -- I went with accused no. 3 to him.

What happened on that occasion? -- We discussed a lot ^{with} about Mr. Marawa about the struggles of various countries.

Who are "we"? -- It was myself, Sizani and Mr. Marawa.

Just the three of you? -- Yes.

Was he pleased to see you? -- He was very much pleased. (20

How did he express it? -- More especially the way he received me when he heard that we are related; he said now you have come to your home, this is your home.

Did he on that occasion speak quite freely on these subjects which you have mentioned? -- Yes, that is so.

Did you tell him anything about your personal situation at all? -- I told him about our expulsion from school.

Did he comment on that at all? -- He expressed his sympathy when he heard that we are expelled from school.

Anything else in connection with schooling or further schooling? -- When we asked him if he could arrange for us to go and study abroad/..

abroad, he said he would try.

Did you ask him this? -- Yes in the course of the conversation.

Did you ever ask him anything about going overseas to undergo military training? -- Not at all.

After this first occasion when you were there with accused no.3, how many visits did you pay him altogether? -- I think four times.

He says three and you say you think four. When was the last one? -- On Boxing Day.

On your second visit can you recall whether you went on (10 your own or with anybody else and what happened? -- On the second occasion I went along there with my brother.

What happened? -- We were just discussing, conversing about family affairs; we didn't stay long there, we left again.

Any politics on that occasion? -- I don't remember talking about politics.

The third occasion? -- On the third occasion it was on the 22nd of December.

Did you go on your own? -- Yes.

Did you find him alone? -- He was with accused no.4 when I (20 arrived and Zukile.

Was he always pleased to see you? -- That is so.

Any political discussions on that occasion? -- I related to him how I met Gqajela.

When was that that you had met Gqajela? -- I met Gqajela on the 19th of December.

Where had you met him? -- I met him in N.U.2, I was on my way to the Post Office.

You say you were telling Mr. Marawu about this? -- Yes.

What did you tell him about Stanley Gqajela? -- I told him (30 that I met Stanley Gqajela in the train, I was going to Cathcart

to a friend of mine.

Was that the first time you had met Stanley? Since you had seen him last in Kimberley? -- Yes.

On this train? -- Yes.

Yes? -- I told him that I got off the train, I went to my friend before we got to Queenstown because by mistake the train passed Cathcart while I was asleep. When I woke up we had already passed Cathcart, we were at another place. I quickly got off the train.

What about Stanley? -- I last saw him there in the train, he⁽¹⁰⁾ was asleep when I got off the train.

Did you bother to wake him up at all? -- No, I didn't bother myself about waking him up.

Mr. Marawu says that you told him that you had met Stanley and you were on your way out with him, but changed your mind at Queenstown. -- No, that was not so.

Did you say anything to Mr. Marawu of that sort? -- No, I didn't tell him a thing of that nature; I told him that I was going to my friend.

Marawu also says that you had gone about East London with Stanley Gqajela. Is that correct? -- Yes, that is correct.

And King Williamstown? -- Yes, I once went to King Williamstown.

When was this? Was this after your Kimberley trip? -- Yes.

When and where did you actually meet Gqajela? Tell me of all the places. After you had last left him in Kimberley. -- I met Gqajela in East London; I was going to send a telegramme to my father.

When was this? -- It was on the 19th, if I am not mistaken.

COURT: 19th of? -- Of December.

MR. KIES: Would you look at exhibit M? "Arrived safely"? -- (30)
Yes.

Do you know that document? -- Yes.

It is? -- A telegramme.

Which telegramme? -- That is a telegramme I was sending to my father.

Yes, for what purpose? -- In that I was telling him that I arrived safely in East London.

Why did you think it necessary to send him this telegramme? -- I thought it would be a sign of respect to tell him that I have arrived there.

What were you going to do in East London? -- I was on holiday. (10)

On holiday there. That you had written to Yako about? --

So you say that you had gone to the Post Office and you met Stanley. -- Yes.

What happened? -- Stanley told me that he was arriving, coming from outside.

Did he say from where? -- I think he said he was from Botswana.

MR. MULLER: I submit that it is inadmissible.

COURT: Mr. Muller, was there not evidence from Marawu as to the terms of the conversation? Related to that witness by this witness? (20)

MR. MULLER: I don't think in this respect, My Lord.

MR. KIES: That is so.

COURT: My recollection is that Marawu gave evidence to say that this witness had mentioned Gqajela, and his relationship with Gqajela at that stage. Can you refer me to the passage, Mr. Kies?

MR. KIES: Yes, My Lord, at 942 I think it begins, My Lord. And then 949 essentially, My Lord, dealing with the section where he relates what was said about one Oliver Tambo. Beginning at 948, he couldn't remember the name: "I do not know his name" (30 (at the bottom)"Stanley Gqajela, do you remember now? -- I cannot remember/..

remember it because I was hearing it for the first time.

Accused no.5 says that this young man, Stanley Gqajela, told him that outside the country, that is in Botswana (949) there were many clashes" - it goes right up onto the Cathcart trip and the question of whether it was Queenstown or Cathcart.

COURT: Yes, the passage is on 951 that I am concerned with, in regard to the intention. Yes, carry on, Mr. Kies.

MR. KIES: As Your Lordship pleases. And of course at 897 in chief, if you were leading this evidence to rebut on the probabilities, the fact that this witness would have said to (10 Marawu what it is alleged, what Marawu alleges he did say, then it is admissible. It is purely on that basis.

COURT: Yes, carry on.

MR. KIES: There is no other purpose. So you were telling Mr. Marawu about your meeting with Gqajela? -- Yes.

You say that you had met Gqajela and Marawu says that you said that you had been around East London with him? -- Yes.

You told him what Gqajela had reported to you about what happened to him since you last saw him? -- Yes.

He had told you, Gqajela, that he had been in? -- He said to (20 me he was coming from Botswana.

And you told Mr. Marawu certain things that he told you about, the politics that were going on in Botswana. -- Yes.

What did you tell Marawu? -- I told Mr. Marawu that Gqajela told me that Mr. Oliver Tambo is a sell-out; and that Oliver Tambo has got a block of flats in London and people are paying rent to him.

And various other things about Tambo? -- Yes.

Did Mr. Marawu react in any way? -- Mr. Marawu told me that Gqajela has come to spread bad spirit inside; he told me that such a thing we should not believe.

Mr. Maravu says that on this occasion you told him also that you had met Gqajela in a train. -- Yes, that is correct.

And you have already told us your version of what happened?
-- Yes.

Let's get back to this day you say you were going to the Post Office to send off Exhibit M, and you met Gqajela. -- Yes.

As a result of your meeting with him, did you do anything?
-- He asked me how he could see accused no.3 and 4.

I don't want to know about the conversation between you and Gqajela, I withdraw that. Have a look at exhibit L? What is (10 this document, do you know it? -- This is a telegramme.

Yes, do you know anything about it? -- Yes, I know this telegramme.

What do you know about it? -- On request by Gqajela I sent off that telegramme.

To whom did you send it to? -- To Vuyo Balemi.

Did any of these people come to you personally in response to this telegramme? -- I don't think they came in response to this letter, but I did see Ngcola, I don't think he came because of this telegramme. (20

Do you know if any of them - did anyone of them come to you and say what is this telegramme all about? -- No, no one I saw and asked me about this telegramme.

After you had sent the telegramme, did you see anyone of the people who are mentioned in it? -- I saw Ngcola, accused no.4.

Where was that? -- At Mr. Mfundisi Maravu's place.

On which occasion? Which date? -- It was on the 22nd of December.

That was the occasion you told us when you spoke to Maravu and told him that you had met Stanley Gqajela? -- Yes, that is (30) correct.

G.F. Mda

After you had left the train and left Stanley Gqajela sleeping there, did you ever see him again? -- I didn't see Gqajela again.

Ever heard from him? -- No.

Collection Number: AD1901

**SOUTH AFRICAN INSTITUTE OF RACE RELATIONS, Security trials Court
Records 1958-1978**

PUBLISHER:

Publisher:- Historical Papers, University of the Witwatersrand

Location:- Johannesburg

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