

L. Bawoian

IN THE SUPREME COURT OF SOUTH AFRICA (8)
(TRANVAAL PROVINCIAL DIVISION)

CASE NUMBER: 30/76.

PRETORIA.

T H E S T A T E

versus

JOSEPH MDLOKENG AND SIX OTHERS

VOLUME 8

(Pages 405 - 442)

LUBBE RECORDINGS (PRETORIA)

VOLUME 8

THE COURT RESUMES AT 10 A.M. ON 31st MARCH, 1976.

VUSI SITHOLE: sworn states:

FURTHER CROSS-EXAMINATION BY MR ALLAWAY: When we adjourned yesterday you had told His Lordship about a number of times that you had been detained, that was in September and October of last year. -- Yes.

You had also said, I just want to remind you, that when you were detained in October of last year, you knew that No. 2 was already in detention. -- Yes. (10)

According to my information he was in fact detained by the police from about the end of July, 1975. -- I do not remember which day.

Did the policeman, that is Detective Sergeant Smit who interrogated you, did he tell you that accused No. 2 was already in detention? -- No, he did not tell me, but I knew about it; I already knew about it.

Did any policeman at any stage tell you whether - sorry, did any policeman at any time after you were detained tell you what accused No. 2 had said? -- (20)
No.

You see because other witnesses have told us before we adjourned last Friday that Detective Sergeant Smit told them what another accused had said about them. Did he do that to you? That is Detective Sergeant Smit. Did he say anything about any of the other accused? -- No.

You will not know about this, but I must put it to you that since the State witnesses have been giving evidence from Monday, none of them have said that policemen told them what other accused said about them. (30)
The State witnesses who have given evidence from Monday

onwards/...

onwards have not said that Detective Sergeant Smit or some other policeman told them that another accused had incriminated them. Now the question I want to ask you is this: I am wondering because of that fact, whether you haven't possibly been told before you gave your evidence: look, if you are asked that question by the advocate for the Defence, the answer is no, no policeman ever said that to you? Did any policeman suggest that to you? -- No.

Now, I suggest to you that during 1974, you were in fact detained by the Security Branch. -- 1974? (10)

Yes, 1974. -- No. I was taken some other time to John Vorster, but they never arrested me.

Well, let us just be clear about this. I am suggesting that in 1974 you were taken to John Vorster. -- Yes, that is correct.

And that was after the Wilgerspruit meeting that you talked about. -- Yes, after a considerable time ... (speaking simultaneously)

According to my instructions and I would like you to be clear about this, you were in fact taken to John Vorster Square or you said you had been taken there some time during probably August, 1974. -- I do not remember the time. (20)

And does your mother know a man called Harry Schwarz a parliamentarian? -- I do not know.

Have you ever claimed to anyone that your mother knows such a person? -- No.

Have you ever heard of the name Harry Schwarz? -- Yes, in the newspapers.

In what context have you read about him in the newspapers? -- That he is a Member of Parliament. (30)

On/...

On the occasion in 1974 when you were taken to John Vorster Square, were you questioned there? -- Yes.

I am not suggesting it, I am asking it. Was that by a gentleman called Mr Struwig? I am not sure of his rank. Mr Struwig. -- No, three or four officials.

Did you know the names of any of those officials? -- At that time, no, but I have come to know that one of the gentlemen who interrogated me during that time is now Mr Struwig.

You see, because according to instructions that (10) I had been given by accused No. 2, after you were released from being detained at John Vorster Square on that occasion, he says you told him about the fact that you had been detained there. Is that true? -- I do not think he understood me. He misunderstood me. What I said to him, they took me there.

②, without
Well, that may be just a difference of expression, I might be at fault here. Accused No. 2 instructed me that you were taken to John Vorster Square and you told him about that. My question is did you tell (20) accused No. 2 that you were taken to John Vorster Square? -- Yes.

And did you tell accused No. 2 that you were questioned there? Because I suggest you did tell him that. -- Yes, I told him that I had been questioned.

Did you say to accused No. 2 that you had been assaulted there by being slapped in the face? -- No.

I suggest that you did tell him that. -- I suggest that you must not suggest that.

Allright, that is a fair answer if it never (30) happened in fact, but you see, for your information, it is my/...

my duty to put suggestions to you. I am not trying to suggest anything but carry out my instructions. Right? And I further suggest to you that you mentioned the name Struwig, but accused No. 2 is unable to say to me affirmatively that he remembers today that you said Mr Struwig assaulted you. But you mentioned the name Struwig as one of the people with whom you had contact. Now my question to you is this: did you ever say anything to accused No. 2 about a man called Struwig in connection with that visit? -- No. (10)

How long were you detained at John Vorster on that occasion? -- An hour, about an hour.

Did you ever say to accused No. 2 that you were able to get released because a man called Harry Schwarz had intervened? -- No.

Have you ever talked to accused No. 2 about Harry Schwarz? -- No, I do not remember it.

Did you tell accused No. 2 after your release from John Vorster Square what the police had questioned you about? -- Yes, I told him that they were questioning me about the meeting which was held at Wilgerspruit. (20)

Quite right. That is the meeting where you say you attended it late and that there was this discussion about exchange of Marxist literature. -- Yes.

Now, did you ever tell accused No. 2 that the police wanted to know from you on that occasion whether Mathe Diseko had been at that meeting? -- Yes.

And you knew, did you not, that Mathe Diseko was in fact banned under the Suppression of Communism Act. -- Yes.

I suggest to you that you also knew that he was the first president of NAYO. -- No, I did not know. (30)

Did/...

Did you also tell the accused No. 2 that the police had wanted to know what happened at the meeting at Wilgerspruit? -- Yes.

Did you make a written statement to the police on that occasion? -- No.

Did the police write down what your answers were? -- I do not remember them writing.

Did you sign anything on that occasion? -- No.

I am not suggesting this, I am merely enquiring here. Did Detective Sergeant Smit or Captain Cronwright (10) question you on that occasion in 1974? -- No, I do not remember whether they were present or not.

And I put it to you that you know that Mathe Diseko was elected as the first president of NAYO in May, 1973, at King William's Town. -- That I do not know.

What else did the police ask you about with reference to the Wilgerspruit meeting when you were detained by them in August, 1974? -- They asked me what was the discussion there.

Did you tell them about the discussion on (20) communism? -- I believe I did tell them.

Did you tell them about the exchange of Marxist literature? -- I believe I did tell them.

When you say 'I believe' are you saying yes, I did? -- I told them what had happened there at Wilgerspruit.

I understand that you in fact had been to several meetings of the organisation TRAYO. -- That is the truth.

And you were no knew boy as it were, you were no stranger to the fact that the Security Branch kept the activities of organisations like TRAYO under surveillance. (30) -- No, I would not say that I knew about it.

Did/...

Did it never occur to you that the Security Branch might use informers to attend meetings of organisations? -- I am aware, yes, that informers are in use.

And do you say that - let me put this to you: I suggest to you that any of the people that you were associating with in 1974 in connection with these political movements would have also been aware that the police quite correctly use informers to attend meetings. -- I believe that.

And do you nevertheless persist in your evidence (10) that accused No. 1 at this public meeting in Wilgerspruit talked quite openly about exchanging books on communism or Marxism? -- That is so.

And do you still persist in your evidence that accused No. 1 explained quite publicly and openly at that meeting what the advantages of communism were? -- I still say so.

Was he, namely accused No. 1, the only person who explained those advantages at that meeting whilst you were present? -- I believe I said the other day that people were talking, he was the person who was leading the speech (20) at all times.

Can you identify by name any other person who participated in that discussion on that occasion? -- I cannot remember; there were many people.

When you were taken in for questioning by the Security Branch in August, 1974, did you mention anything to them about the cell system that accused No. 2 had disclosed to you? -- Yes.

Did you in effect tell your questioners everything that accused No. 2 had told you by that time about (30) that system? -- I said that they asked me to write all about/...

about my political life. This implies that I did tell them everything about my political life.

I am asking you questions about 1974. Did you write anything about your political life .. (intervenes)

BY THE COURT: Just a minute, Mr Allaway. We are talking about the first time you were taken to John Vorster in August, 1974, not the time last year. -- I believe not. I did not tell them because they had asked me to tell them about what had happened at Wilgerspruit.

MR ALLAWAY: Alright, let's face it. Accused No. 2 (10) had told you what had happened at Wilgerspruit. He said before you arrived there was this discussion about forming cells. -- Yes.

Well, my question is did you tell the police on that occasion that in 1974 what accused No. 2 had told you about cells? -- No, I told the police what I saw happened in my presence at Wilgerspruit.

Now, when you were released on that occasion in 1974, was that the first time you had been detained by the Security Branch? -- No. (20)

When prior to that had you been detained by the Security Branch? -- Several times.

Well, could you help His Lordship? Were you detained in 1973? -- No.

In 1974. About how many times at the most? -- Three or four times.

I take it always for the purpose of questioning? -- Yes.

And did your questioning on these occasions last about the same length of time as it lasted in August, (30) 1974, when you were then questioned? -- A short time.

A/...

A short time. But I take it the questioning was always about the activities of the political organisations with which you were associated. -- Yes.

In December, 1974, you went to Lesotho, didn't you?
-- Yes.

And you had a travel document? -- Yes.

So are you telling His Lordship that although the police had questioned you, that is the Security Police, three to four times in 1974, by the end of that year you were still in possession of a travel document? -- Yes. (10)

Now, after you had been questioned at John Vorster in August, 1974, about the Wilgerspruit meeting, what did you tell accused No. 3 about that questioning?

BY THE COURT: No. 3?

MR ALLAWAY: I am sorry, M'Lord, I have just had a note delivered to me by accused No. 3 and my attention was distracted. I beg Your Lordship's pardon. What did you .. (intervenes)

BY THE COURT: We have heard very little about accused No. 3 up to now so please keep her out of it. (20)

MR ALLAWAY: Well, I wish I would not be constantly passed notes, it is distracting in cross-examination. My question is this, after you had been questioned by the police in August, 1974, did you tell accused No. 2 anything about the questions that you had been asked? -- Yes, I told him what I was asked about.

And when you spoke to accused No. 2 did you speak to him in the English language? -- We speak English sometimes, sometimes Zulu.

And I suggest that at any of the meetings that you went to, that is the meetings connected with TRAYO, (30)

NAYO/...

HAYO, any of these organisations, the medium was English.

-- Yes, English.

Now what did you say to accused No. 2 about the questions that you had been asked by the Security Branch and the answers that you had given? -- I told him that they asked me what was happening there. I then told him what was happening.

Now will you please tell His Lordship with a little bit more clarity what you told accused No. 2 you had told the Security Branch? That is what we are after. -- (10) I told him that they wanted to know about a person Mathe Diseko, whether he was there. I told the Security Branch that I do not remember seeing him there. I again told them what the discussion was about.

In other words, did you tell accused No. 2: look, I told the Security Branch that at Wilgerspruit we talked about exchanging books by Marx and Lenin and No. 1 gave us a chat on communism? In other words, did you say to accused No. 2: look, I told the S.B. (that is the Security Branch) that there had been this talk about exchanging (20) books by Marx and Lenin? Did you tell accused No. 2 that? -- Yes.

And did you also tell accused No. 2 that you told the Security Branch that No. 1 had addressed the meeting on the, as I understand it, somewhat considerable advantages of communism? -- I believe I told him.

And are you suggesting to His Lordship that notwithstanding this information, accused No. 2 still wanted you to be a member of a secret cell? -- I said that No. 2 accused told me when we were from Wilgerspruit, (30) not at the time when I came back from John Vorster

Square/...

Square.

I understand that. I am further than that. Are you suggesting that although you told No. 2 accused: look, I have told the Security Police about Marx and Lenin and communism, that he still regarded you as a good security risk to stay in his cell? -- Well, he did not show it to me that he does not trust me any more.

Well, let us investigate that. I take it that you knew through your political activities that one of the matters which the Security Police are very concerned (10) with is the spreading of the gospel of communism in South Africa? -- At that time I did not know.

Are you suggesting to His Lordship that you had never heard by that time of something called the Suppression of Communism Act? -- All I can say is at that time I was a bit ill-informed.

You see, I am going to trace your political history and activities for His Lordship presently. I gather from your evidence that you know, for example, that Mr Harry Schwarz is a member of a political party. -- Yes. (20)

And I gather from instructions given to me that you certainly could read and write - let me break that one up. You were capable on the evidence before us, of writing poetry. -- Yes.

Poetry which is concerned with advancing the concepts of Black consciousness. -- Yes.

BY THE COURT: If you look at that one poem, you will see not concerned with advancing Women's Liberation Movements.

MR ALLAWAY: M'Lord, which one is that, with respect?

BY THE COURT: One of them there is a reference to (30)
... (intervenes)

MR/...

MR ALLAWAY: Women's Lib. Well, M'Lord, I suppose even that comes under the banner... (intervenes)

BY THE COURT: I think his remark there was liberation, but not women's liberation which is irrelevant.

MR ALLAWAY: And I understand, for example, just to get some idea of your background you see, that you were the director of Khindlimuka Theatre Body. -- Yes.

You wrote, produced, I suggest and directed, plays and ..(inaudible) .. about Black consciousness. --
Khindlimuka was not in fact Black consciousness. (10)

I am sorry, you are quite .. (intervenes)

BY THE COURT: It was for what? -- It was traditional singing folk songs and acting.

MR ALLAWAY: And poetry. -- As well, yes.

And didn't you contribute to performances of that kind at the University of the North, at Turfloop? -- Yes.

And you were concerned, weren't you, with trying to get an anthology of poetry published. -- That was my wish or our wish - in plural - our wish.

And as a member of TRAYO, I think you have said (20)
this already, it is quite clear that TRAYO was an organisation that was concerned with propagating the concept of Black consciousness. -- Yes.

In one of your poems, EXHIBIT 61, you say in the last two lines:

"I see you practising communalism,
Go, my son, go."

-- Yes.

And you know, don't you, that communalism involves an economic concept of reversing to the traditional (30)
Black economy before the White man came to South Africa.

--/...

-- .. (intervenes)

BY THE COURT: Which Black economy and which part of South Africa before the Whites came to South Africa?

MR ALLAWAY: I understand it would certainly have been to the east and north-east of the Kei River. Possibly even the Fish. There is dispute as to exactly where the twain met. -- I just mentioned South Africa as a whole.

Look, I do not want to get side-tracked into economic philosophy with you, but what do you understand by communalism? -- People helping each other. (10)

And I take it you know that somebody called Mr Julius Nyerere has published a book which I gather is not banned in South Africa, on the basic concepts of Black communalism. -- I do not know this.

What I am putting to you in a nutshell is this: is that certainly by 1974 you were well aware that people had been prosecuted and convicted in South Africa for preaching communism. -- I do not agree.

Do you say - have you ever heard until today that people preach communism in South Africa that is a crime? -- I never heard that, not up to today. (?) (20)

When did you first hear that the preaching of communism was a crime? -- I believe I came to know this the beginning or towards the end of 1975.

Whilst you were in detention? -- No, no, correction. What I mean towards the end of 1974 or the beginning of 1975.

You told His Lordship that you knew that Mather Diseko was banned. -- Yes.

What did you think he was banned for? -- I thought well for his activities in partaking in political matters/... (30)

matters.

And I suggest to you that you know very well that people are banned under the provisions of the Suppression of Communism Act. -- I do not deny now that I know.

I suggest you knew when you spoke to accused No. 2 and you knew before you were taken into John Vorster Square in 1974. -- I say I did not know.

Well, to get back to there we were. When you told accused No. 2 that you told the Security Branch that at Wilgerspruit we spoke about communism and what a good (10) thing it was, did you get any reaction from accused No. 2? -- There was nothing which was important which he did. I do not remember.

And I take it on that occasion then when he spoke to you about your questioning at John Vorster Square, the matter of the cell was never discussed by you two. -- What?

What was said on that occasion? -- I said that each time he met me he will tell me to wait and wait upon him, he will tell me when.

I understand. On the occasion when you told (20) accused No. 2 about your questioning at John Vorster Square he said well, we are still going on with the cell, just wait, I will let you know. -- He told me to wait, he will tell me.

Let us deal with Wilgerspruit. We know that the meeting started on a Friday. There will be evidence that it was the 31st May, M'Lord. -- Yes?

And we know that the meeting finished on a Sunday. -- I do not remember when it started.

There will be evidence it finished on a Sunday, (30) which was the 2nd June. Can you comment on that evidence?

--/...

-- I remember it ended on a Sunday.

Did you see Mathe Diseko at any time at Wilgerspruit on that occasion, that is between the time period we are talking about? -- I believe I said that I did not see him.

You also said that you told the Security Branch that you did not see him. -- Yes.

At that time, as I understand it, you were a member of TRAYO. -- Yes.

Had you ever been to any gathering of this nature at Wilgerspruit before? -- Yes. (10)

Was that in connection with TRAYO's affairs? -- I do not remember whether it was TRAYO or what organisation, but it was in 1972.

I suggest to you that the meeting at Wilgerspruit in 1974 was an important meeting because it was a national meeting. -- I believe all meetings are important.

I am just suggesting this one was particularly important because it was a national meeting, but let us leave it at that. I am reading from a document that has already been put in in evidence, EXHIBIT J. M'Lord, (20) my Learned Junior tells me it is 10(j). M'Lord will recall the exhibits were put in as 10(a) through the alphabet, so this is 10(j) I am reading from. I have the original here. There is only the one copy at this stage.

BY THE COURT: Well, I want to put on record that the police have taken liability for the exhibits. If they vanish, they must not blame my clerk for it.

MR ALLAWAY: We did ask for them before cross-examination started and they were good enough to get them from your clerk. Now this document that I am reading from, (30)
talks/...

talks about a poetry booklet. It is item B(ii). Then it says this:

"A contribution of poems from TRAYO members and other interested individuals has been compiled into a booklet. This booklet will set at the price of 5 cents, especially to high school students. This project could not be fully implemented because the system removed some of the material."

Now, did you have anything to do with the contribution (10) of poems from TRAYO? -- Yes, I do remember.

And when the "system" is talked about in this document, which is EXHIBIT 10(j) what do you understand it is referring to? -- The government.

And I take it in this particular context where it says the system removed the material, you are talking about the police? -- Yes.

Do you remember that at the Wilgerspruit meeting a report about the activities of TRAYO was read out? -- I remember although I do not remember so well, but there (20) was such a thing that happened.

Why I have asked you about that particular passage in the report is because I thought it might stimulate your memory because you are a man who is interested in poetry. And does that in fact stimulate your memory? -- I would not say exactly that it does stimulate my mind.

Anyway, you have said you remember a report from TRAYO being read out. I take it what you cannot talk about is what the whole content of that report was. -- Yes, because I cannot remember. (30)

What was the first thing that you remember hearing at/...

at the Wilgerspruit meeting? When you began attending there. -- A discussion about a literacy campaign.

That discussion takes place on the first day of the proposed meeting there or did it take place on the second or third day? -- I arrived at the time when it was being discussed.

Was that before lunch or after lunch? -- I do not remember.

You cannot say on what day of the conference it was, as I understand your evidence. -- I do not remember (10) the day.

Who was then addressing on the subject of literacy when you heard what was being said? -- I said it that it was accused No. 1 who was the chairman.

How did you get to Wilgerspruit? -- By foot.

I suggest you went to Wilgerspruit with Mathe Diseko in a Combi. -- I remember I walked on foot.

I put it to you that accused No. 4 and Mathe Diseko's sister were in that Combi. -- I do not agree.

And I put it to you that that Combi arrived there (20) at Wilgerspruit on Thursday night, the 30th May. -- I arrived there on Saturday morning.

Is that when you heard the talk about literacy? -- Certainly.

I suggest to you that that Combi in which you travelled to Wilgerspruit left from something called the D.O.C.C. in Orlando. -- I have already said I know nothing about a Combi.

If you remember the TRAYO report of its activities being dealt with at the meeting there, as you said a (30) little while ago that you did remember, the report from

the/...

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the report from the branches is one of the early things dealt with at these sort of meetings. -- I see.

am. version

And I suggest to you that those reports from the various branches were in fact read out on Friday. -- I would not say on the Friday, but I heard it being read after my arrival, after I had arrived.

Do you remember that the Secretary-General of the organisation delivered a report .. (both Mr Allaway and the Interpreter speaking simultaneously) -- I do not remember who delivered that report. (10)

But do you remember such a report being delivered? -- Yes, I do remember, although I do not remember exactly.

am. version

And I put it to you that if you remember the Secretary-General's report being delivered, that again puts you there on the Friday. -- I never said that the report I had heard being read was delivered by the Secretary-General.

You see, I suggest to you that you heard the opening address by Mthe Diseko on a subject called Youth Activism. -- I believe I never heard that. I have (20) already said it, I never saw Mthe.

I suggest to you and I suggest you know this very well, that the reason why the Security Branch got interested in the Wilgerspruit conference, because it came to their notice that a banned person had addressed a meeting. You know that, don't you? -- No, they did not tell me and I do not work together with the Special Branch.

Tell me, on each of the occasions in 1974 before August when you were taken in for questioning, did you ever mention to any of the accused that you had been (30) taken in for questioning? -- I believe I told accused No.2

each/...

each time when the police had taken me.

According to my instructions you never did; the only time you told him you had been taken in for questioning was in August, 1974, because it was public knowledge that you had been taken in. -- I say I told him each time.

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I am merely asking this because I have got no basis to make it as a suggestion. Have you ever done work for the Security Branch? -- No, I never did it, I never worked.

When you told your questioner at John Vorster Square in August, 1974, that you had been - I am saying (10) lectured to - spoken to by accused No. 1 on the advantages of communism, and that you had been invited to participate in the exchange of books by Marx and Lenin, what, if anything, did your questioner say to you when you gave him that information? -- (inaudible)

BY THE COURT: That is no answer. You were asked what did your questioner say when you gave him this information about what had happened at Wilgerspruit meeting. -- He asked me to tell him everything that happened.

MR ALLAWAY: Yes, that I understand. Then what did (20) he say when you told him everything? -- I got no reaction from him.

Answer delivered in English, N'Lord. He did not say to you: look, lay off this stuff, it is bad business, stay out of communism, you will get into trouble? -- No.

THE COURT ADJOURNS FOR TEA. THE COURT RESUMES.

VUSI SITHOLE: still under oath:

FURTHER CROSS-EXAMINATION BY MR ALLAWAY: Do you know someone by the name of Zeph Mthopeng? -- I may know him by sight, I do not remember. (30)

A man who is interested in literature. Do you remember/...

remember the phrase: "Serve, Suffer and Sacrifice"? -- Yes, I do remember.

Because accused No. 2 tells me that that is a phrase which seemed to impress you. -- I see.

Did you ever hear that phrase in the course of an address at Wilgerspruit? -- Yes, all of us, we all liked it at Wilgerspruit.

I suggest it was a phrase that was used by a speaker called Mr Zeph Mthopeng when he addressed a meeting on a particular subject. -- I do not agree, nor do I (10) dispute it.

He spoke at that Wilgerspruit meeting on the Friday night, on the subject of Black consciousness versus oppression, and I put it to you that you heard him use that phrase when he spoke on that subject on the Friday night. -- I arrived at Wilgerspruit on Saturday morning.

And you have also said you walked to Wilgerspruit. -- Yes.

The whole way? -- Yes, I am used to it.

On your own? -- Yes. (20)

About how far is it from where you live to Wilgerspruit? -- My home is at Orlando West. I do not know how many kilometres would that be.

I understand it is about 20 miles, 30 kilometres. -- I do not know, it may be so.

I suggest to you that when people are going to meetings of this kind, arrangements are made for transporting people. You know that, don't you? -- I believe so.

And you knew that accused No. 2 was going there. (30)

--/...

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Sithole*

-- True.

And he was your big friend at the time. -- Yes.

Did you ever think of trying to get some transport or a lift or something of that sort? -- No.

Walked 20 miles to Wilgerspruit.

BY THE COURT: That was a case of serve, save and sacrifice.

MR ALLAWAY: N'Lord, it seems to be an exemplary example of that. But of course he had not heard it by then. -- I am used to it. (10)

You see, I just want to outline, with respect, to assist His Lordship and the State, this meeting had a programme. You know that, don't you? -- I believe so, it had a programme.

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And we will be leading evidence, if it is necessary, about that programme. But I must put it to you, I think I have suggested it already that if you heard things like a report on TRAYO's activities .. (inaudible - speaking simultaneously) .. report, you must have been there when the meeting first started. -- I do not dispute this. (20) I say that I arrived there on Saturday morning.

Yes, I suggest to you if you had arrived on the Saturday morning, the reports were not going on then, the people had broken up into commissions. Firstly, did the meeting break up into commissions at any stage? -- It does happen so, yes.

Did it happen there? -- Any time it does happen in a meeting.

No, I am talking about the Wilgerspruit meeting; did it happen there? -- I am referring to that meeting. (30)

And do you know that what happened at the meeting was/...

was the person who was in charge of the meeting would say we are going to break up into commissions? -- Yes, he said so.

And then I suggest to you that from the audience people are just picked as they are sitting, you, you and you will go into that commission, you, you, and you and they take it numerically as they sit, people break up into commissions like that. -- Yes.

What commission did you go into? -- I do not know, but I was in where we discussed as to how we were (10) going to proceed or move on Black, spread the word or the gospel of Black consciousness.

What was your commission called? -- It had no name, no names, we were just counted or picked.

Who was the chairman of your commission? -- There was no chairman, we were all talking.

I suggest to you that every commission has a chairman, it also has a scribe, the man who keeps the notes. -- I do not dispute that.

When do you say that this meeting broke into (20) commissions? Did it happen on the Saturday or the Sunday? -- I believe on Saturday.

Did that happen before or after you heard people speaking about literacy? -- We had just completed discussing about literacy.

How big was your commission? About how many people were in it? -- Six or five.

Did your commission discuss anything about communism? -- I have already said in our commission we were discussing as to how we were going to discuss the word or the (30) gospel of communism.

No/...

No, no, of consciousness. -- I am sorry, Black consciousness.

When do you think you had finished your commission?

-- I think it took us an hour and 30 minutes.

Then these commissions report back, don't they? -- Yes.

In what is called a plenary session. -- I do not know what it is called, but we come back.

When you came back, you were then sitting in general meeting. -- Yes.

Then you started to sit in general meeting. (10)

Was anything then said about literacy? -- .. (inaudible) that the commissions would come back, then they say what they heard in their discussions.

Well, I want to know when the commissions had come back and said what they had had in their discussion, was anything then said about literacy? -- I think I said we discussed or spoke about literacy before breaking out in commissions.

Was anything then said about exchanging of books written by Marx and Lenin? -- After the commissions (20) had been completed.

Is that when you were addressed on the subject of communism? -- After we had completed the literacy and the commissions complete(?).

Look, you gave His Lordship an indication as to what No. 1 did say about communisa. Then No. 1 spoke on the subject, about how long did he address you approximately? -- He started the topic and we all joined up.

And about how long did this discussion take please? An hour, half an hour? -- A long time. (30)

Please try and be more helpful without being precise.

--/...

-- As far as I can remember that Saturday we did not complete discussing this topic.

That started on the Saturday? . That started some time that Saturday afternoon. -- Yes, I would say so.

It continued, you say, the next day, which was the Sunday. -- We did not complete it on Saturday, we still continued with it on Sunday.

What happened on the Saturday night? -- I have said that we spoke about this.

On the Saturday night as well? -- I have said (10) it, this was a long topic.

Discovered

Well, I suggest to you that on the Saturday night accused No. 1 addressed on the subject of sport. And I suggest to you .. (intervenes)

BY THE COURT: What is his answer? -- I do not remember.

MR ALLAWAY: By way of indication what accused No. 1 spoke about, there is in fact amongst the exhibits. -- I see then.

It is entitled "Free Sport v. Multi-racial Sport." EXHIBIT 10(k). Did you ever hear accused No. 1 (20) speak at the Wilgerspruit meeting on the subject of Free Sport v. Multi-racial Sport? -- I do not remember me hearing him.

Do you remember accused No. 1 speaking about anything except the subject of communism? -- Well, I would not say that because a person does not remain at the meeting for a long time, or all the time.

No, but do you remember him speaking about anything other than communism? -- I remember that he was the chairman, leading what was discussed. (30)

I suggest to you that accused No. 1 did not speak about/...

Discovered

about communism at any stage. -- I say he did.

Neither was there reference to the works of Marx or Lenin. -- I say it was touched.

I suggest to you it would have been a form of political suicide to do that at a public meeting, because it would attract the attention of the Security Branch. -- We do not all think like that. I think this is what you think.

You see because, if necessary, we will call evidence to dispute what you have said. Do you know a Mr (10) Harold Pongola, a Rand Daily Mail reporter? -- I do not know him.

Do you know a man called Nkomo, Nkwenkwe Nkomo? -- No.

Because I suggest to you that on the Saturday night they had the main attraction as it were. -- I see.

Well, you are saying on the Saturday night they were busy talking communica. -- I said so.

I am putting it to you that on the Saturday night they were busy talking about sport. -- I believe I was there, I was present, I heard what was discussed. (20)

and witness
And I suggest to you that if you tell the truth and you did hear what was discussed, you would be able to say that the stage was shared by Harold Pongola, accused No. 1 and Nkwenkwe Nkomo on the subject of sports. -- I do not remember seeing them.

Are you interested in sport at all? -- I am not interested in sport.

BY THE COURT: He is a poet, Mr Allaway.

MR ALLAWAY: That I understand, M'Lord, of many parts apparently. And were you interested in excluding (30) racialism from sport as part of your Black consciousness? --

What/...

What do you say?

What were your views on sport? Are you saying multi-racial sport .. (both speaking simultaneously) .. -- I am not just concerned about sport.

But you were concerned about Black consciousness. -- Exactly.

And Black consciousness, if you had any concern for it, also extends into excluding racialism in sport, doesn't it? -- The department of Black consciousness was something that I did not have an interest in - of the sport, (10) concerning sport.

I see. I suggest to you there will be evidence that on the Sunday morning in fact the commissions reported back. Not the Saturday, the Sunday morning. -- I thank you for reminding me.

Well, is that right? -- I said I do not remember exactly the sequence of events in regard to dates.

What you were telling His Lordship is that communism as a subject of discussion started on the Saturday, went on on the Saturday night and was continued on the Sunday? -- Yes, I said so. (20)

In this public meeting? -- Yes.

What I am asking you is this, would you agree or disagree with evidence that on the Sunday in the morning the commissions reported back? -- I dispute it nor do I dispute it, nor do I agree with it.

And neither confess it nor deny it. Is that right? -- Yes.

Look, were you interested in communism? -- No, I do not like it. (30)

You said you were not interested in communism? -- Yes.

Did/...

Did you take any part in the discussion on communism?

-- I sit and listen.

As I understand it, you sat and listened on the Saturday. -- I believe so.

You sat and listened to communism on the Sunday.

-- Yes, I believe so.

So you heard all that was said at Wilgerspruit on the subject of communism. -- I would not say all.

A man who had so little interest in communism, why did you sit and listen to these ... (both speaking (10) simultaneously) ... -- There is nothing wrong in sitting and listening .. (inaudible) .. what they are discussing.

Did you ever express to accused No. 2 whether you were in favour of communism or not? -- No.

That was not put as a suggestion, it was made as an enquiry. Did you ever read any books on communism by Karl Marx and Lenin? -- No.

So if I ask you any questions about communism, you do not know what it means. -- What I know is that things will be divided into equal shares among all the people. (20)

We have been through that before. His Lordship asked you to clarify that and I just want to make sure that there is no confusion about this. You said that No. 1 said something about the distribution of money. -- I said the way I understand communism that the dividing of money will be in equal shares. Not only of money but of everything.

Did No. 1, when he spoke on the subject of communism, speak in English? -- Yes.

Now with His Lordship's permission, I would like you to tell His Lordship in English just a summary of (30) what accused No. 1 said in English about communism. -- I would/...

would not say his exact words, but I can only say the summary.

I would like a summary please. But you are not speaking English now. I would like the English. -- No, but there is an interpreter.

But I am asking His Lordship's permission to enable you to say this in English because then I can .. (both speaking simultaneously). That is how you heard it. I would like you to summarise for me. -- The way I summarised it was, that is the way I summarised the whole thing (10) was that there will be complete equal shares of everything, that is of everything, money and what not and what not and the people will rule. That is it will be the government of the people, that is, I understand that is the government of the workers, how I understood it.

How different was that from what Black consciousness aimed at? -- I said the other day that we understood Black consciousness is that we, the Black people, should love ourselves, should love the colour of our skin. We should not look up to the White man as our only (20) saviour.

And I suggest to you - N'Lord, if the witness wants to continue in his own language now, it is probably fair to ask him to. I suggest to you that even looking at your poetry, you knew that Black consciousness was seen as the vehicle for the political liberation of the Black people in South Africa. -- Black consciousness prepares them.

Yes, and the way in which it prepares them is to get them to recognise their own strength by uniting as Black people. -- Yes. (30)

And as the phrases go in the Black conscious literature/...

literature, to unshackle themselves from their psychological and physical oppression. I mean you heard those phrases: psychological and physical oppression. -- Yes.

You have heard the phrases establish an egalitarian society. -- No, I do not know, I do not even know what that means.

That may be so. Establish a free society. -- I believe so.

In which all people are equal. -- Yes.

Regardless of the colour of their skin. -- Yes. (10)

And where they will share equally in the wealth of the country regardless of the colour of their skin. -- Where people will never be judged according to the colour of their skin.

Yes, and where they will be able to improve their economic condition. -- I believe so.

You see, what I am putting to you is this, your summary of what accused No. 1 said fits all the asperations of Black consciousness as a political solution for Black people. -- I thought I had already explained that I (20) did not read much about communism. I think what I am saying I do not believe that really means anything in communism, that is to confirm exactly communism.

Anyway, in all these many hours of discussion about communism would you say your summary of what accused No. 1 said, is a fair summary of what he said? -- I believe it is not fair, but to me I am satisfied with it.

Can you remember anything else of significance said by him on that subject? -- The most important thing was people will share things in equal shares. (30)

Now, let us move away from Wilgerspruit. Let us get to December/...

December, 1974. As I understand it, you were waiting with bated breath to go away and come back and fight. He was waiting in 1974 to be told to go away and fight.

BY THE COURT: To go away to learn to fight.

MR ALLAWAY: Learn to fight. Go away, come back and fight. -- Yes.

BY THE COURT: Wasn't that when you went to Lesotho? When did you go to Lesotho?

MR ALLAWAY: No, he was waiting to go and fight. May I just deal with that? You said you resigned your (10) job at that time. -- Yes.

You said: "On the 20th December, 1974, I stopped working because of the preparations I was making." -- Because I was already prepared to go.

At that time were you working at Bakers? -- No.

That is what you said. -- Guardian Liberty Life Insurance.

Quite right. -- I beg your pardon. Guardian Liberty Life Insurance.

And you said that you resigned from that job (20) because of your preparations. -- Yes.

Let us just look at the facts as I understand them. I suggest to you that you went to Lesotho by train on the 23rd December, 1974. -- Yes.

You had not resigned your work by the time you left. -- I had already resigned. I told them that I was resigning, I am going away.

And you took with you a lady called Johanna. -- Yes.

You were going to a wedding of somebody called Phulo Rantj(z)ies - R-a-n-j (or z) - i-e-s-. No. (30) I was going to stay at his place. I did not find the wedding/...

wedding, the wedding was over.

I see. Well, you probably got there too late. -- Too late.

You came back from Lesotho, I suggest, on the 6th January, 1975. -- I cannot remember well.

You borrowed some money from accused No. 2 to go there. -- Yes.

R20,00. -- Yes.

I suggest you lost your job because you did not come back in time to start work properly. -- I left the (10) job.

Getting ready for training, that is military training? -- I believe I had already said so.

Did you have a pass at that time? By a pass a I mean it is called in Natal a "dompass", I do not know what it is referred to up here. A book of identification. -- Yes.

What happened to that document? -- In my possession.

Still? -- Yes.

In detention? -- Yes. (20)

And you have got it, not the police? -- The police have my travel documents.

No, not the travel document, the document that says what your name is, your number and where you work. -- It is in my possession, my reference book is in my possession.

The Security Branch do not have it? -- No.

You must be one of the few people in detention who has been allowed to keep his reference book. That reference book ought to have a record of all the places where you have worked, shouldn't it? -- Yes. (30)

Because I understand from accused No. 2 that you chopped/...

chopped and changed your jobs. -- I know that I was changing my jobs, but I would be discharged, sacked from these jobs.

He says, I do not know whether it is significant, but he said that you barely kept a job for more than 90 days, according to his memory. -- Yes, I had a clash with Whites.

Didn't you like Whites? -- I did not like them bullying me around.

Because according to accused No. 2's (10) instructions, you were in fact a man who did not like Whites and you were in fact a man who got this question of going for training on your brain. He got it on his brain, he was a hot-head. -- I liked it.

As he sees things now, he thinks you were a Security Branch man, because it is all fitting into place, all this hot-headed talk of yours about not liking Whites and military training. -- Do you get this from No. 2 accused?

Yes, you see, your friend, that you are giving (20) evidence against, put in jail for 5 years. Your friend. -- I do not believe what you said.

You do not believe that he will get 5 years if he is convicted for terrorism, at least? I am dealing with the minimum. -- I said yesterday my heart is sore, but at the same time I pity the people which I had to come back and spray with bullets.

Are you saying you pity the accused or you pity the White people? -- Both.

Are you still so keen then on this idea of (30) going for military training? -- No. I think this explains it/...

it that I pity the people whom I had to come back and spray with bullets.

BY THE COURT: You realise the spraying of bullets can be a two-sided thing? -- That is a platitude.

It is not a platitude if you are at the wrong end of the spray, is it?

MR ALLAWAY: Let us get your ideas in the right perspective. I shall be suggesting to His Lordship when I argue the case, I do not want to say something in argument that I haven't given you a chance to deal with. Would you (10) agree with me if I were to suggest to His Lordship in argument that you appear to be a well educated young Black man? -- I do not know what you mean by educated.

Well, you have got your matric. -- No.

I thought you said you had. -- No.

What standard did you leave school in? -- J.C.

J.C. You certainly appear to have quite a good command of the English language as is shown in these four exhibits which comprise your poetry. -- I am happy to learn that. (20)

You see, and I am going to suggest to His Lordship that you are the sort of young man who was keeping yourself abreast of what was happening in South Africa by reading newspapers and things of that sort. Correct? -- I did not get it from the newspapers, although I read newspapers.

Yes, and you on your own evidence, was very interested in politics before you became ... (inaudible - both speaking simultaneously) .. the Security Branch. -- I still am.

And on your own evidence before you were taken (30) into custody in October, you say you did not like White people/...

people. -- No, I never said Whites, Europeans ...
(both speaking simultaneously) .. oppression.

What was your attitude towards Whites? -- My
attitude towards Whites was the attitude towards people.

Well, I take it by that you mean you did not
discriminate. -- Exactly.

And you were quite prepared, in fact you were keen
to go out and learn the art of war to come back and kill
here. -- Yes.

And you knew it was wrong. -- How did I know? (10)

Well, did you think it was right to do that, to go
away and train and come back and kill people? -- I did
not think of right or wrong.

Had you ever heard of the Terrorism Act? -- Yes.

Do you today still want to go away and train and
come back and kill people? -- No.

What was produced to have changed your outlook? I
am glad you have got it, but what produced it? -- I
thought of it and realised that I do not like this way
of fighting. (20)

This is not the right solution. -- Yes, for me
personally.

You say yes, you mean for you personally it is not
the right solution now? -- Yes.

Tell me, apart from taking your two statements from
you, that is the three-page one that you made on the
24th or 26th September and the one with the few paragraphs
that you made on the 26th October, were you interrogated
by the police at all other than for the purpose of getting
those statements? -- They told me to write about (30)
my political life.

And/...

And you did that? -- Yes.

And then you were taken in on the 1st, I think, of October, you said? -- Yes.

And you wrote a few paragraphs. -- Yes.

You couldn't remember, I think, whether you signed that - I may be wrong about that. -- Yes, I signed it.

And then were the police satisfied with what you had written? -- Yes.

They then left you alone. -- Yes.

Never interrogated you or questioned you again? (10)

-- Well, they would ask me whether I knew such and such a person and I would confirm it.

They would ask you the odd question. -- Yes.

They never tried to get you to change your political beliefs. -- No.

Or to get you to change your attitude about military training? -- No.

Do you know why? -- No.

I do not believe they had to. I believe that you were just a facade, just playing along. -- I am (20) taking this as an insult, you are insulting me.

It is not intended as an insult, it is intended to give you an opportunity of commenting. I take it you reject what I say. -- Obviously I do not agree.

It is either that or you are trying to save your own skin. -- I would not like to answer that question.

Are you trying to save your own skin from prosecution? -- I am not going to answer that question.

Why not? -- Because you are asking me as to how I am regarding this and I have told you that I am taking (30) it very seriously.

BY/...

BY THE COURT: Just a minute before you go any further, for your own sake you had better think about this. It has been put to you that you are lying or prevaricating at the very least in order to save your own skin. In other words, to save your own skin from prosecution as the accused are being prosecuted now. Any refusal by you to answer that question may be construed or could possibly be construed as an admission of that fact. So what is your answer? Are you still going to refuse to answer or what is your answer? -- It is because I have changed (10) my way of thinking that freedom we will get it in another way, but not by violence.

What do you say about the suggestion that you are distorting your evidence to save your own skin? What do you say about that? -- It is not true.

MR ALLAWAY: Let us examine that. Do you remember telling His Lordship that accused No. 2 said something to you about the Security Branch following you if you went to train?

BY THE COURT: If he what?

MR ALLAWAY: If he went to train. (20)

BY THE COURT: No, if he did not go to train.

MR ALLAWAY: I am sorry, if he did not go to train. -- Yes.

When did that discussion take place? -- It was long after I had agreed. I was already a member of the cell.

Was it before you went to Lesotho in December, 1974?
-- I believe so.

Was it after you told him about your questioning by the Security Branch as regards to what had happened at Wilgerspruit? -- I believe so.

Could you just explain to His Lordship what (30) accused No. 2 said and the context in which he said it?

--/...

-- We were discussing in general. .. (inaudible) .. sure, sure, if you remain, but he said this in general, that any one of us who remain here, the Security Branch will be after him.

Did that make sense to you? -- Yes.

In what way, if at all, did you connect that statement with military training? -- I have already explained that if one of us or anyone remained then the Security Branch will be after him, will take him.

But how will the Security Branch know about it? (10)

-- Well, I do not know.

You see, because long before you gave evidence in this case, accused No. 2 gave us some instructions. And I suggest to you that accused No. 2 tried to discourage you from going to train for military purposes. -- I do not remember him trying.

BY THE COURT: Is it possible that he tried? -- I do not believe so that he could have tried, because he started this.

MR ALLAWAY: Well, did he or didn't he? Because it (20) is a curious way to answer a question. -- No.

Do you remember talking to him about some newspaper reports concerning what had happened in Mozambique? -- I do not remember. We discussed quite a lot of things about things in the newspaper.

You see, what I am suggesting to you is this, that it was in the context of discussing a newspaper report about Mozambique and military bases in Tanzania that he talked to you about military training. -- I think I have already said that we discussed about this when we were (30) coming from Wilgerspruit.

Well/...

② *Sumner*
↓

Well, that he disputes, but he does say there was a discussion much later on these matters I am putting to you now. Was there a discussion much later than that about bases in Tanzania? -- He told me on the way from Wilgerspruit.

And I suggest to you that you gave him the impression that you were quite well acquainted with bases in places outside of South Africa for military training. -- I do not remember giving him that impression.

Had you ever heard of an organisation called (10)
the ANC or the PAC? -- Yes.

Did you ever discuss those organisations with accused No. 2? -- He told me that the ANC and the PAC were once South African movements, they were banned from South Africa.

Banned for what? -- Well, he did not tell me for what.

Did you ask him what for? -- No.

Did you know what they were banned for? -- I did not know.

Did you ever mention to him a place called Freedom Square? Not John Vorster Square, but Freedom (20)
Square. -- No.

*clear 2's,
version*
I suggest to you that you told him that you and some other young men were planning to leave the country for military training; he said do not do it. -- That is not the truth.

I suggest that he told you and this is where you have twisted a little piece of information, I suggest he told you and I am stressing this is where you twisted a little piece of information as an accomplice can do, and I am going to tell you what .. -- I said it is not the (30)
truth.

He/...

He told you that the Security Branch had got connections in places outside of South Africa and that if you went away to train, they could follow it up. -- He never said so.

And what you have done is to twist that conversation to say that accused No. 2 said if you do not go away and train, you will get into trouble here with the Security Branch. -- I believe when I came in here into the witness-box I took an oath to tell the truth and the whole truth.

Well, let us deal with the whole truth then. (10)

It is a very important part of the oath to tell the whole truth. When accused No. 2 said to you in effect if you do not go and train you will get into trouble with the Security Branch, did you understand this to be a threat from him? Understand this to be a threat that you had to go and train? -- No, he did not threaten me because I was already a member of the cell.

But didn't you ask - how did you think that you could get into trouble with the Security Branch if you did not go, if this was a secret cell and no one would speak (20) about it? -- Sometimes you do not think about these things every time.

Well, did you want to get into trouble with the Security Branch at that stage? -- Nobody likes getting into trouble with them.

I would have thought so. And I am surprised that you never asked accused No. 2 to explain what he meant. -- I am not that curious.

Even though you might get into trouble. -- Yes.

THE COURT ADJOURNS FOR LUNCH.

(30)

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