

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

CASE NO. 18 /75/254

DATE: 16th AUGUST 1976

In the matter of :

THE STATE

vs

S. COOPER AND EIGHT OTHERS

VOLUME 135

PAGES 8286 - 8329

LUBBE RECORDINGS (PRETORIA)

/VMD.

COURT RESUMES ON 16th AUGUST 1976

MR. PITMAN ADDRESSES COURT: M'lord, I apologise for the delay, I went up to the prison this morning to see Accused No.1. M'lord, I am not a medical person, I cannot tell Your Lordship anything about his condition except to say that I am instructed that he saw a dermatologist on Thursday, who recommended that he should be hospitalised. I am instructed that the district surgeon was informed and the district surgeon said he would be there on Sunday to see the accused, to confirm or reject the suggestion that he should be hospitalised, but did not see him. M'lord, I was asked to find out several facts, one was whether the reason for the accused's operation was a necessary operation, I am instructed by the accused and his attorney instructing me as well that the district surgeon in fact inspected the accused prior to the operation and authorised the operation as being a necessary one. 10

M'lord, in regard to the length of time that the accused will be indisposed, I do not know, I have not been able to get a doctor to him this morning, as I say I have been told that the dermatologist said on Thursday that he required hospitalisation, I understand he has not been hospitalised, and so the duration of his illness I do not know, I understand he has infection. In so far as the third point is concerned the accused being present or absent when witnesses are giving evidence, M'lord, the accused's attitude is that he has no objection to witnesses in regard to Turfloop being led or giving evidence while he is absent; in regard to other matters his attitude is he would like to be present and he insists that he should be present. I understand that there is a witness from Turfloop in fact available to give evidence, 20

and / ... 3

and it seems to me, M'lord, that the trial can go on with this witness from Turfloop. In regard to other witnesses I would indicate to Your Lordship that the accused's attitude is that he would be prejudiced if other witnesses gave evidence, in view of the fact that he faces six counts which is a very substantial portion of the case, no other accused faces more than two counts. I do not know what the attitude of the State is, so I don't know whether I should address argument on the question of prejudice, but this does not seem to be the appropriate time, as there is a witness available, but I could address argument to Your Lordship ..(Court intervenes)

10

COURT: Anyway it is common cause that he is not in a physical state to attend the trial.

MR. PITMAN: I don't know if it is common cause, and as I say M'lord, I myself cannot myself say what his condition is, he appears to be in pain, he appears to be not well, that is all I can tell Your Lordship.

COURT: Mr. Rees produced a certificate from a district surgeon that he was not fit to attend Court.

20

MR. PITMAN: As the Court pleases. Since then he was seen by a dermatologist, it was hoped that a district surgeon would see him yesterday but as I understand it he has not seen him. I understand my learned friend has sent for a district surgeon. M'lord, I think one of the problems was that a district surgeon whose name was I understand Brandt, authorised the operation, and I think he was not available over the weekend, but apparently the chief district surgeon was coming to see him on Sunday, but for some reason or other he did not see him, I don't know whether he was unable to or what happened. So that is as much as I can tell Your Lordship.

30

Court / ...

COURT: Now what is your attitude, Mr. Soggot?

MR. SOGGOT: M'lord, I have a witness from Turfloop now, and if it pleases Your Lordship we can get a move on with the trial and Your Lordship may want to dispose of this matter here and now. In so far ..(Court intervenes)

COURT: But we can't adjourn every time for Counsel to go and see No.1 Accused before we take the next step, I mean I have given Counsel opportunities already to find out what the position is with Accused No.1 and what his attitude is, and we are getting nowhere, so I think now we must just get the matter settled. 10

MR. SOGGOT: With great respect I fully agree with Your Lordship. M'lord, obviously I do not appear for Accused No.1. The attitude of the accused for whom I appear is that they associate themselves with No.1's attitude. Their attitude is that they will suffer prejudice if he is not there, that is the first point, M'lord. The second point which I am instructed to convey to Your Lordship is that they are so agitated about his condition and the safety of his health, that I am instructed they do not wish the trial to proceed. 20
M'lord, those are the instructions which I have been asked to convey to Your Lordship; on the question of the law, my submission is Your Lordship has got a full discretion taking all relevant matters into consideration, and I can take the matter no further.

COURT: What is your attitude, Mr. Rees?

MR. REES: M'lord, in the first place it appears to me that the Defence have been dilly-dallying, they have had as they indicated, they have had various doctors or at least more than one private doctor to see the accused, and to come here this morning and say they don't know what is wrong with him or 30

Counsel / ...

Counsel cannot say is a little bit far-fetched. I submit if they were serious, they would have had the doctor here to lay the facts before Your Lordship, and I take it the Court can on all the facts we have had so far accept it that this man is not in a position to attend the trial, as to how long he will not be in a position to attend the trial that is for the Defence to come and tell Your Lordship, this is the length and this is the time we want. But I submit all these delays are causing certainly serious inconvenience to the Court and to the State, and I submit Your Lordship will apply the test laid down in Section 156, and order that the trial proceed in the accused's absence. If I may just read the section again, there is no question of the accused consenting or otherwise, he has got to satisfy the Court that he cannot be here, and if the Court is then satisfied that the physical condition of the accused is such that he is unable to attend or that it is undesirable that he should attend the trial, the Court may, if in its opinion the trial cannot be postponed without undue prejudice, embarrassment or inconvenience to the prosecution, or any co-accused or any witness in attendance or subpoenaed to attend, authorise the absence of the accused from trial for a period fixed by the Court, and subject to such conditions as it deems fit to impose.

M'lord, in the circumstances, I submit the Court will be perfectly justified in authorising the absence of this accused for this week, and that the trial proceed in the normal way.

MR. PITMAN: M'lord, may I just mention to Your Lordship in reply to my learned friend, that with great respect I did not raise the law with Your Lordship, as I said my attitude is that the trial can go in any event because we have this

witness / ...

witness to which the accused does not object. But my learned friend, with respect, is reading from the wrong section anyway. Section 156 bis relates to an application by the accused, section 156 ter is the section which would be of application if any section were to be applied, and that one has a different reading from what my learned friend has referred to. Section 156 ter refers to the powers of the Court, but 156 bis only gives power to the Court on application by the accused to proceed, and no such application is being made, it is by consent that the State may proceed with its case in regard to the witness from Turfloop. If there should be argument about it at a later stage as to whether the Court can proceed or not, then that will go under 156 ter with respect. I just want to make that point, I don't concede that my learned friend has read from the right section.

BY THE COURT: In this case it is common cause that No.1 Accused is not in a fit state to attend his trial, and I am now to decide whether the case should be postponed, or whether the case should proceed in his absence. Now it has been submitted to the Court by Mr. Rees on behalf of the State, that it will cause considerable inconvenience if the case is to be postponed, and to be postponed indefinitely as matters stand now because the Defence is not in a position to give the Court any information about the state of health of the accused, despite the fact that the case was adjourned to enable Counsel to inform the Court, in the first place why it was necessary for the accused to have the operation, and secondly for what period he would be indisposed. Well nothing is forthcoming as far as that is concerned.

Then, this case has been going on for a very long time and the Court was given to understand that the Defence had
practically / ...

practically called all its evidence, and even at the present stage the Court does not even know what witnesses the Defence proposes calling in this matter. The case is now just dragging on, there is no indication what witnesses will be called or whether there are witnesses to be called except for one witness from Turfloop, and one accused who has not yet given in this case.

In the circumstances the case will proceed in the absence of No.1 Accused until the end of the week, and if necessary Defence will be allowed to address further argument or place further evidence before the Court in respect of the state of health of the accused, as far as his health is concerned. 10

In the circumstances, the case will proceed in the absence of No.1 Accused.

COURT ADJOURNS

COURT RESUMES:

MR. SOGGOT CALLS:

FRANK CHIKANE, declares under oath:

EXAMINATION BY MR. SOGGOT: Mr. Chikane, where do you reside at the moment? --- I am staying in Tladi, 869 Tladi. 20

And where are you employed? --- I am employed with the University of the Witwatersrand.

As a laboratory technician I understand - would you speak up please, because I think no one can hear you. You matriculated at Orlando High School in 1971? --- Yes.

And then you went to Turfloop? --- Yes.

When did you go to Turfloop? --- I went to Turfloop at the beginning of 1972.

And you were there till when? --- Until 1974. 30

You did your B.Sc. is that correct? --- Yes.

And / ...

And were you doing your third year B.Sc. in 1974?

--- Correct.

Did you pass your examination then or what? --- I didn't complete my examinations.

What was the reason for that? --- Well the reason is that towards the examinations, I had a nervous problem and as a result I couldn't write all the papers.

COURT: You had what? --- A nervous problem.

MR. SOGGOT: Now, just to close this off, did you re-apply to go back to Turfloop? --- I actually applied for an agrotat test in February, and the university regretted. 10

Did they decline? --- They declined to give me an agrotat test.

And did you make an attempt to do that year over again? --- No, I did not repeat it, I had all the medical evidence that I was actually not able to write exams, and they didn't give reasons for it, so I didn't have the finances to go back again.

You didn't have the finances - I am just asking these questions so that we can understand the termination of your studies and the reasons for it. Mr. Chikane, you arrived in Turfloop in 1972, did you become a member of SASO? --- Yes, I became a member of SASO and anyway all the students were members of SASO by that time. 20

Do you mean they were automatically members. ---PAUSE

And were you there at the stage when Tiro was expelled?

--- Yes I was present.

Did you hear his speech as well? --- I heard his speech.

And we know that after that the SRC was expelled, is that correct? --- Yes. 30

And when was an SRC reinstated after the Tiro incident?

It / ...

--- It was reinstated round about 1973.

And I think this is common cause, the chairman was a person called Nkwe? --- Yes.

Now what happened to that SRC? --- Apparently the students attempted to get rid of the SRC by that time because it didn't come to terms with the student body, and unfortunately it didn't dissolve officially, it claimed to be in office until the next year.

Now let us get on to the next year, did you know a student called - let me put it differently, when was the Nkwe SRC finally unseated? --- It was round about the middle of the year 1974. 10

And how did that come about? --- Well, M'lord, as far as I can remember, there was a motion from the student body, a petition signed by the students, and they called a meeting to come and get the SRC out of office.

Whose initiative lay behind the moving of that petition? --- I don't remember quite well but I remember that Gallens was one of them.

Did SASO play a role in that as far as you know? --- As far as I am concerned it was a student matter. 20

When you first made contact with SASO, did you read what their aims and objects were? --- Well I had an opportunity during 1974 to go through the Constitution.

And when you became acquainted with the Constitution and ideals for SASO, how did you feel about it? --- Well my feeling was that actually it represented the ideas of the students and it was purposed for the students, and the aims and objectives thereof if fulfilled, my feeling was that they would be of good to the people. 30

COURT: Now when did you feel that, you said that you only read the / ...

the Constitution in 1974? --- Yes, in detail, though I knew the aims and objectives since I arrived there.

Well you say you went to this university in 1972? --- Yes.

Well what was the position of SASO then at the university?

--- There was a SASO branch on campus.

Yes, active? --- It was active.

And in what sense was it active? --- Well they had a committee on campus running the SASO local com. and then it had certain activities that students were involved in.

And who were the persons engaged at that time actively with SASO? --- I don't remember exactly the Executive Committee but most of the projects were carried out by the student body.

10

And when did it go off campus? --- Off campus, after the expulsion it was suspended, after the expulsion of the SRC.

When was that?

MR. SOGGOT: That was after the Tiro incident? --- After the Tiro incident in 1972.

COURT: And what happened to it then, when it went off campus, what happened to it then? --- I don't remember ..(Court intervenes)

Was it still active off campus? --- As far as I can remember there was no SASO branch on campus.

20

Yes but what about off campus? --- It came in off campus I don't know when, but it was the time when it was again reinstated on campus.

Yes, well that I know, I want to know what happened off campus? --- I don't remember.

Did you abandon SASO as a body when it went off campus - I thought you were a member of SASO? --- Yes, when it was off campus I don't remember whether I have attended the meetings during that time.

30

Did they have meetings? --- Yes.

They / ...

They did have meetings? --- When it was reinstated, that time when it was ..(Court intervenes)

No, I am talking about the period when it was off campus? --- It was off campus, I don't remember what happened during that time.

You don't know whether there were meetings or anything like that? --- No, I only remember when it was actually established.

MR. SOGGOT: Were you present when a meeting was held creating an off-campus branch? --- I was not present. 10

You were not present, so you cannot speak correctly to that. And eventually we know that two things happened, a new SRC was voted in, is that correct? --- PAUSE

Who was the president? --- Of the SRC?

That is correct? --- It should have been Nef.

Have a look round in Court today, is he here? --- Yes he is present.

Accused No.6. And after that was SASO also reinstated on the campus? --- Yes, I remember that there were negotiations that went on, and it was at one stage I think in August that year reinstated officially. 20

Now, after the reinstatement of SASO, can you tell us what functions if any or meetings of any kind of SASO's which you attended? --- I remember that there were meetings in connection with some activities of SASO, formation schools and some other normal activities, but I don't remember attending some of them, I was busy during the weekends.

Can you remember attending any one of the them? --- I don't remember well.

And during the whole period that you were at Turfloop did you read SASO literature? --- Yes I used to read newsletters. 30

Anything / ...

Anything else? --- Well I don't remember.

You don't remember anything else. Now, you yourself are you connected at all with the Students Christian Movement? --- Yes I am.

Did you play a role in that movement at Turfloop? --- In actual fact I was chairman during 1973 and 1974.

You were the chairman in those years.

COURT: You know you must raise your voice a bit, because I have difficulty in hearing you, I don't know whether it is coming through the machine either. Now you say you were a chairman of the South African Students' Movement? --- I was the chairman ..(Court intervenes)

I mean Students Christian Movement? --- Yes.

What years? --- I was chairman during 1973 - 1974.

For one year? --- Yes.

MR. SOGGOT: And after the reinstatement of SASO, did you apply for membership of SASO? --- As far as I can remember I did.

I think it is common cause that it was not automatic membership, you had to apply? --- Yes.

And as far as you remember you did apply? --- I did, yes.

So you considered yourself a member and a supporter of SASO? --- Yes.

Did you play an active role at all in SASO? --- Well I didn't play an active role in the sense that it was short-lived.

It was short-lived? --- Yes.

But even during that very short life did you do anything actively for it?

MR. REES OBJECTS: M'lord, the witness has just said: I did not play an active role, now my learned friend is cross-examining him, and he is not entitled to do so.

MR. SOGGOT: I am asking him, M'lord, whether he did anything.

Mr. / ...

MR. REES: The witness said he did not ..(Court intervenes)

COURT: He may not have played an active role, but he may have done something. Did you do anything in connection with SASO? --- Well it had not actually functioned properly in the sense that they only established a committee, and then thereafter, I think after a year it was already dissolved. So it had not time, if ever they did something, they only planned to do something, but it never had a chance to fulfil its aims and objectives, it was shortlived as I said.

MR. SOGGOT: Now during the time that you were on the campus - I am now taking the whole period, what activities did SASO get up to on the campus or out of the campus - I am not talking about the period when it in fact existed as an organisation on campus? --- There I can say something very little in the sense that it only existed for three months when I was on campus and it was suspended, and then it was resumed again officially for about two months and suspended, but otherwise the general activities were formation schools, helping the society outside and so on.

Formation schools and helping the society outside? --- Yes. 20

Did you ever attend a formation school? --- Well during 1972 I remember that I did, though I can't remember well.

I wonder, Mr. Chikane, whether we can't then get onto the rally, do you remember that a rally was held on the 25th September 1974? --- Yes.

Who held the rally, who organised it? --- The SRC on campus organised a rally.

When did you first get to hear about this rally? --- I heard it as late as Tuesday I remember, on the 24th.

Yes, who told you? --- There was an announcement by a member of the SRC during lunch as far as I can remember.

And / ...

And what was that announcement, can you remember the details of that announcement? --- Well the announcement was in connection with a rally which would be held the following day in celebration of the liberation of Mozambique, and he only gave instructions that in any way it wouldn't have to disrupt classes or the machinery of the university, and if ever we have classes in the afternoon we should continue as if nothing has happened.

Now, did you on that day also listen to a news broadcast? --- Yes I listened to the news broadcast at 6 o'clock after supper. 10

And was there anything there about the rally? --- There was something about the rally, the Minister of Justice had some declaration that the SASO and BPC rallies were banned.

In whose room were you when you heard that news service? --- I was in Cyril's room.

And subsequently was there any discussion with the vice-chairman of the SRC? --- Yes, there was a discussion, actually there was a discussion with Cyril, and then the vice-chairman of the SRC and some members of the student body got into the room and we discussed the banning order. 20

COURT: In whose room were you? --- Cyril's.

Who is he? --- He was a member of the student body at that time.

Well what is his surname? --- Ramaphosa.

He was the chairman wasn't he? --- Yes, he was.

MR. SOGGOT: And you then discussed with the SRC men what you had heard on the radio, is that right? --- Yes, that is right.

Now, as far as you yourself were concerned, what did you think the effect of the banning was? --- As far as I was concerned ..(Mr. Rees objects) 30

Mr. / ...

MR. REES: M'lord, I object to opinion evidence here, he can tell the Court what he heard and what he saw, but as to what his opinion was as to what the effect was, it is irrelevant, he is not being prosecuted.

MR. SOGGOT: M'lord, I am not leading it as opinion evidence but as the sequence of events. What did you think was the effect of the banning? --- My interpretation of the banning was that it never affected the rally on campus.

And did you express that view? --- Yes, actually we discussed with some of the members of the SRC and we tried to interpret it and we found that it was actually not affecting the rally on campus at Turfloop. 10

All right, then on Wednesday morning I take it you woke up and you went to your lectures? --- Yes.

Did you notice anything different on that morning? --- Yes, that morning when I went in to classes of course there were placards which was not a normal thing when we go to classes to come across.

And during the course of the day did you look at the various placards? --- I did, actually it was a jocular thing to go around the buildings to read them. 20

COURT: You know I miss a lot of what you say if you don't speak up, and I think the lady with the machine has the same difficulty, unless you don't want us to hear you will probably speak up.

MR. SOGGOT: M'lord, I think he said something about it being jocular, perhaps we can get that again - try not to drop your voice, Mr. Chikane, you said something about it being jocular, would you perhaps repeat it in case it is not on the record? --- Yes, actually inbetween classes we went around the buildings and it was quite jocular to go around reading some of the placards. 30

And / ...

And what were the placards about? --- Most of the placards of course were in connection with the rally, the celebration of the rally, and most of them were just picking up some morale amongst the students.

Picking up some morale amongst the students? --- Yes.

And others? --- Of course there were just a few which were irresponsible you know, the work of some few students.

And what was your response to them? --- My response to them was that actually it caused more laughter than anything else, and when we went across such placards it made the students laugh rather than anything else.

10

Well I don't propose to take you through more than two or three placards - may the witness please be handed RALLY B.10, M'lord? Did you see that? --- I remember that I saw something of this nature.

And what was your response to that? -- Well my response is really a reference to some idea which probably may not even materialise, at times you do find some ideas of this nature.

Did you take it seriously? --- I didn't take it seriously.

COURT: Which exhibit is that?

20

MR. SOGGOT: Oh, I thought Your Lordship had it, I am sorry, "White man it is time to proceed to India as you promised - get going". Have a look at B.13, RALLY B.13, that is the one which starts off: "Frelimo made them run", have you got that? --- I have got it.

You must please, Mr. Chikane, try and remember to speak up. Did you see this one? --- I remember I saw it.

And what did you understand by the word Frelisa? --- To me it had, though I couldn't interpret it, I didn't know the interpretation thereof, but I think it referred to South Africa.

30

And what did you think this meant here? --- Well, M'lord, it was / ...

was referring actually to what happened in Mozambique as a simile, but actually it was written in the sense just you know to irritate some people rather than something which would actually materialise on the point.

What sort of people would it irritate? --- Well I believe that some of the extreme placards of some few students on campus were really meant for the White lecturers because it was on campus and there wouldn't be any other persons rather than those on campus.

And just one last one - M'lord, I don't propose to take him through all these, I think my learned friend can test him if he wishes, but I am doing so because I think that this is a manner of cutting down the quantity of evidence and not because I want to avoid any particular placard. Have a look please at RALLY B.20: "Azania is bored, and from this boredom a revolution shall erupt - down with Vorster and his dogs (Boers)", what did you feel about that? --- Well, M'lord, I read it as much as I read some of the placards around there, and it didn't express any ideas.

And the phrase "dogs (Boers)", what did you think that was written for? --- Well amongst the students, it is the language of the students that normally the term "dogs" is referred to police.

Yes, but I am talking now about it being written in public, did that affect you at all? --- No, it didn't affect me.

Do you think as far as you could observe, did it affect anybody, was anybody cross that day? --- As far as I can remember there was nobody cross that day amongst the students, and they were quite happy.

Amongst the lecturers? --- Amongst the lecturers of course in class there were just a few - I didn't have a lot of classes so / ...

so it is only one or two probably.

And what about them? --- Well they had a negative attitude, M'lord, when they got into class.

COURT: What do you mean by that? --- Well in the sense that I could make an example of one lecturer who got into class and told us that everything which is reflected on the walls would be reflected in the exam room.

MR. SOGGOT: Sorry, I didn't hear that, anything which is reflected in the walls - PAUSE --- Will be reflected in the exam room.

10

In the exam room? --- Yes.

COURT: On the walls he said?

MR. SOGGOT: Yes, will be reflected in the exam room.

COURT: What did you understand from that? --- I just understood that - actually I took it as a normal reaction, because that was not abnormal that they do say it.

Yes, but what did you understand from what he said?

--- Excuse me?

What did you understand, what did he mean by that? --- Well he meant that in actual fact he would victimise us in the exam room with probable marking or ..(Court intervenes)

20

All of you, all of you in the class? --- He never made an exception.

MR. SOGGOT: When he said that what was his manner, did he sound joking, or did he sound serious or what do you say?

--- Well he looked serious.

COURT: Well then was he offended? --- I wouldn't like to say that - I wouldn't like to interpret it as offended, but I think he was attempting to offend the students rather.

MR. SOGGOT: Now perhaps I could just close this off by asking you, about how many posters do you think you saw? --- About 100.

3

Did / ...

Did you see a calico banner "Frelimo killed and won - South African Blacks?", or words to that effect? --- I don't remember whether it appears I saw it.

Does that mean you think you saw it? --- I think I saw it.

And how did you respond to that sort of thing? --- Well to me it was really expressing some of the expressions of the other few placards.

By midday that day what was the mood of the students - I am not talking about the lecturers now - on the campus? --- By midday that day, I don't know what you mean, towards lunch? 10

Well shortly before the rally? --- Yes, well shortly before the rally the students were moving towards the hall for the rally and some were going towards the lecture halls.

But generally speaking, what was the mood of the students that day? --- Well it was a happy mood as much as it was a celebration.

All right, well the meeting started off at 2 o'clock, is that right? --- Yes.

Can you remember - can you just tell us briefly what happened, how did it start? --- Towards about 2 o'clock we moved towards the hall, and when we got into the hall, some students were getting to lectures, though few, because normally on Wednesday we didn't have a lot of classes, and all the students filed into the hall. 20

And then, what happened? --- And there was general singing of some songs.

Yes, do you know what songs? --- Well I won't remember them, we had some Azanian anthems and the national anthem sung in the hall.

Yes, and then what happened, I want you just to tell His Lordship briefly the unfolding of events? --- Yes, whilst we were / ... 30

were singing, M'lord, there were police which came in, actually towards the hall, and they started peeping through the windows, and otherwise the student body was singing and relaxed and there was an address just to open the meeting, and we were told what type of a meeting it was that we were going to celebrate the liberation of Mozambique, and then thereafter we were told that it was an informal meeting and we would just continue informally, and have speakers from the floor one after the other. And whilst we were proceeding, there were police who came into - came towards the hall, and opened the windows, and I remember some students tried to close the windows, probably because they feared the police, and the police forced the windows open, and at one stage or another there was some officer at the door who tried to speak to the student body.

10

Now, can I just interrupt you, before that happened, you told us - who started speaking? --- As far as I can remember the chairman of the SRC.

Who was that? --- It is Mr. Kaunda.

That is Accused No.7, Sedibe. Now after he spoke, who spoke? --- I can't remember the order and the students who spoke by that time.

20

Well tell us what you do remember at this stage, it is a long time ago but tell us? --- I remember that there were speakers inbetween, and Nef also spoke and some other lady.

Nef is Accused No.6, Nefolovhodwe? --- Yes.

What did he say? --- Well, the general - the speeches which were delivered by that time were in connection with the celebration, that we celebrate the liberation of Mozambique and we were all happy, and they were trying to just, you know, build up the morale of the student body.

30

And / ...

And after Nef spoke, who spoke? --- PAUSE

Or who else spoke? --- There were some number of people who spoke, I can't remember well.

And then you say a police officer wanted to address you people? --- Yes.

Now tell us briefly what all that was about? --- The police officer entered in the other door, the front door of the hall there and then he attempted speaking through a mike, and unfortunately we couldn't hear what he was saying, because the mike was squeaking, probably there was something wrong with this mike. And the SRC members tried to get the students quiet so that we could hear the message from that officer and unfortunately still we couldn't hear it. And as far as I can remember, M'lord, some of the members of the SRC attempted to go to the officer to go and negotiate with him, I don't know what the results were, and one of the students at the ultimate end, who was next to the officer got on top of a chair and addressed the student body to say exactly what the officer was trying to say. 10

Can you remember who that was? --- I can't remember well. 20

Yes, so he told the students what the officer said? --- Yes.

And what did he say? --- Well he said that the officer says we should leave the hall.

Was any time limit given, did they say in how many minutes? --- That student didn't specify the time, and it appeared to me it was an immediate instruction.

I see. And then what happened? --- Thereafter some students stood up and said we should leave the hall, and the students started filing out of the hall.

Who were those who stood up and said you should leave the hall? --- Members of the SRC. 30

And / ...

And then the students left, is that right? --- Yes.

And they went to the sportsground? --- Yes.

When they went to the sportsground what was their mood, and were they doing or saying anything? --- Well when they left the hall they were singing, and moved towards the sportsground and the intention there of course was after singing they should just disperse, and the ladies would go to the ladies' hostels and the males to the male hostels.

So you got onto the sportsground and then what happened? --- When I was on the sportsground I remember when we left the hall that the police were following us from behind, and when we got onto the sportsground, I don't remember what the police were doing but I remember that I was discussing the action of the police and the instruction for us to leave the hall with some of the students. 10

Yes and then? --- And suddenly I got a message that we are instructed to leave the grounds and the students were already moving away.

Who said that? --- I can't remember well, but it should be a member of the SRC. 20

Yes, so the students were moving away and then what happened? --- M'lord, as much as I was at the back towards the other extremes of the ladies and I followed the gentlemen towards the male hostels, I was intercepted by police and I had to change direction in the direction of the tennis courts.

So did you run away? --- Yes.

Is that what you are saying? --- Yes.

Now, just let us get this clear, you know that on the southern side there is an embankment with terraces? --- Yes.

How far were you from the lowest terrace at the stage when you noticed that the police were coming at you? --- I was moving / ... 3

moving towards the poles of the grounds and then I noticed the police intercepting so I had to change direction.

Well about how far were you from the poles? --- Well some 10 yards or so.

COURT: When you say poles do you mean the goal posts? --- Yes the goal poles.

MR. SOGGOT: You were about 10 yards? --- Yes, though I can't remember exactly.

And then you ran away? --- Yes.

Now prior to that did you see any stones thrown? --- I didn't see any stone-throwing. 10

On what side of the field, or you might have been in the middle, from what side of the field were you from an east - west point of view? --- Though I won't remember the directions it should be the west, towards the tennis court.

About how far from the edge would you say? --- From the edge of the grounds?

Yes? --- I was moving towards the poles and then I changed direction.

At the stage you were moving towards the poles about how far were you from the tennis court side of the field? --- I can't estimate the distance there but it could be about 15 yards. 20

And you say you saw no stones thrown? --- Yes, I didn't see any. h

Then when you ran away tell us what happened next? --- Well as I was running away I was looking at the back to see what the police were doing, and I was running away and I saw another student struck down, and then I felt I had to go and help him, so I went back again towards that student to go and help him.

Who was that student? --- It was Ishmail Mkabele. 30

So did you go and help him? --- Yes.

And / ...

And then what happened? --- Whilst I was helping him some other students came, I think we were about three, and the police came back again and instructed us to leave because we were contravening the banning order of the Minister of Justice.

So what did you do? --- And we advised some of the students to leave and then I helped Mr. Mkabele to some other place where he was attended to by other students.

What place was that? --- It was beyond the hall, the great hall, the other side of the great hall.

10

Are you saying it was at the great hall you handed him over to other students? --- Yes.

Then what did you do? --- And then I went back again, when I went back I found the students were negotiating with the police by that time.

Did you hear what the negotiations were about? --- Well I was a bit far from that place so I wouldn't say I heard everything.

Now, did you see any stoning that afternoon by the students on the police, any stones thrown? --- I saw it only when I came back, when I had to go back to help Mr. Mkabele, the police were already beyond the main road and there were stonings and so on by that time.

20

There were stonings then? --- Yes.

Now, just to change to a later period then, you say you didn't hear what the negotiations were, is that right? --- Yes.

Now, did you see Mr. Nkondo there? --- Whilst they were negotiating of course Mr. Nkondo was amongst them.

And did he speak to the students at any stage? --- He did speak to the students, when the students attempted to come nearer to hear what was happening, he requested them to go a

3

bit / ...

bit further so that they could negotiate properly.

Well I think the rest of this is common cause, later some students were released from the van, is that right?

--- Yes.

And the police then left? --- Yes.

Did you see any stoning of the lecturers which took place later that afternoon? --- I didn't see it, because I was off campus, I was in the post office.

Now after that I think the term came to an end and you went away on holiday, is that right? --- Yes. 10

Now I just want to ask you, I want to revert back to the question of SASO literature, did you notice any use of words like "enemy" or "fascist" or "Nazi" in SASO writings? --- Well I wouldn't remember that I noted it in particular, but that is a general terminology of the student language.

Do they use the word fascist for example? --- They do.

In what sort of context? --- Well in the context that it is more of a simile, a comparison of the Hitler government and the one we are having here. M'lord, the Hitler government was called fascist in the sense that it was based on some racial attitude, and the Jews by that time were killed and some other people on racial basis, and that word is used in comparison with the set-up we are having in South Africa. 20

And the word enemy? --- The word enemy is used as well by the students, but anyway to me the word enemy only means any person who is against you, and even on the football ground we have enemies opposing us.

Have you ever attended a compassion day meeting of SASO? --- I did attend one, though I can't remember when.

Can you remember anything about it, who spoke? --- I don't remember well but I think in August there was a meeting of that nature / ... 30

nature and there were some speeches from the students and I can't remember whether Mr. Nkondo was present, but apparently he attended some of it.

And what was the mood of that meeting? --- Well the mood of the meeting was actually referring to what is happening and the students were actually in a mourning type of mood.

I have no further questions.

MR. PITMAN: No cross-examination.

BY THE COURT: Well now you say a mourning attitude, mourning because of what? --- Well, M'lord, at times when there is a funeral you do mourn, and if you remember somebody else who suffered at one stage or another you do mourn.

10

CROSS-EXAMINATION BY MR. REES: I don't quite understand what you mean by mourning, how were they mourning? --- It is difficult for me to interpret a person who is mourning, but in a funeral I could interpret it better when I am there, and .. (Mr. Rees intervenes)

Just tell the Court nicely now so that we understand, what do you mean by these people were mourning? --- If I am in Court or I am in a funeral, I can interpret the mourning though I don't have words to explain exactly what a person does when he mourns.

20

How do I know if you are perhaps mourning now, are you mourning now? --- No, I am not.

Well then tell the Court, how do you see if a person is mourning, does Mr. Soggot appear to be mourning? --- He does not.

Well then, how do I know if I see a person that is mourning? --- He might be in a state of melancholy, if I could use that word to express what I am trying to say, or probably, not necessarily, crying.

3

He / ...

He is feeling sad about it, is that right? --- That is the general feeling.

He is unhappy, he is not happy? --- Not quite that he is not happy, but he is feeling un - not happy.

He is not happy but he is not unhappy. I see on this 25th September, the day of the rally, were you supposed to write a test on that day? --- Myself?

You yourself? --- I was not supposed to write a test.

Were you supposed to write a test any time round about that time? --- I don't remember, M'lord, that I had a test. 10

When was the first time that you couldn't either write a test or write an exam because of your nerves? --- There is a time it should be probable somewhere in August when I had a problem.

What was the problem you had? --- Well this is what happened even when I was about to complete matric, that I slept in the hospital for two weeks having a nervous problem.

Well, tell the Court, what was the nature of your nervous problem? --- Even the doctor by that time couldn't tell in Baragwanath what nature it was. 20

You tell the Court, you know what the nature was, a doctor doesn't know what is going on in your mind?

COURT: Why do you call it nerve trouble if they don't know what it is? --- Excuse me?

Why do you call it nerve trouble if the doctor didn't know what it was? --- Well to me it happened only when I was reading under pressure faster, and I would have to have some nervous problem.

Well what happened when you read under pressure? --- Normally my temperature goes very high, and I happen to be trembling at times. 30

Mr. / ...

MR. REES: You tremble and you can't think? --- Not necessarily.

Not necessarily, your temperature goes up and you tremble but you think - I don't understand what you mean by ..(witness intervenes) --- Merely because I can remember what was happening at that time, though I couldn't be able to read efficiently.

And you couldn't take in what you were reading, you could not absorb what you were reading, is that what you are trying to say? --- Well I would rather say that I would get - it means I would get tired faster, I wouldn't read for a long time, and my nerves couldn't cope with it. 10

COURT: Did you feel unwell? --- Yes, actually by the time we were writing exams the university had to take me to hospital.

MR. REES: Were you so exhausted or was it just that your mind could not take in everything that you read? --- I don't know how to explain it, but by that time when I was taken to hospital I was asleep and I couldn't do anything, so they had to take me to hospital.

Do you mean the excitement was so tense that you fell asleep? --- The excitement? 20

The excitement or the pressure or whatever it was, was so tense that you fell asleep, you went into a coma? --- No, I didn't go into a coma.

Well then, were you just sleeping naturally? --- It is difficult, probably if I was a doctor I would have diagnosed myself and told myself what it was.

I don't want you to diagnose, I want you to tell the Court what the symptoms were? --- As I say I would have a high temperature and I would be in a shaking, you know, trembling type of situation. 30

Then you say you fell asleep and then they took you to hospital / ...

hospital? --- No, I was just sleeping in my bed as much as I was not well, so the university had to take me to hospital.

When you say sleeping, do you mean you were lying on your bed? --- I was lying on my bed, it was during the day.

During the day? --- Yes, on the bed.

Now were you in fact sleeping? --- I was on bed.

Were you in fact sleeping on the bed or just lying on the bed? --- Well, if you are on bed and you are asleep during the day you wouldn't say when you are asleep and when you are not asleep.

10

When they took you to the hospital, were you then asleep or were you awake? --- I was quite awake, of course, I saw them taking me out into hospital.

How long did they keep you in hospital? --- By that time when I was at university I only spent one day there and they gave me some medicine and I came back again.

This was in August? --- No, it is during the exams.

When were the exams? --- Somewhere in November.

And have you got over this nervous complaint yet? --- Yes I had medical treatment thereafter and after a month or two I was back to ..(Mr. Rees intervenes)

20

What treatment did you get? --- They gave me some medicines and some other things.

Who was your doctor? --- The doctor was - it was a doctor in Noordgezicht, I cannot remember the name.

Was it a medical doctor or a psychologist or a psychiatrist? --- It was a medical doctor. Of course I couldn't afford to get a psychiatrist by that time or anything like that.

Do you think you should have got a psychiatrist?

--- Somebody else would give me a treatment and analyse my nervous state but unfortunately we don't have means to do that.

30

When / ...

When were you first approached to come and give evidence in this case? --- I don't remember well but it should be somewhere in July.

Who approached you? --- Mr. Chetty.

Mr. Chetty personally? --- Yes, he phoned me first and then he met me.

Where did he meet you? --- PAUSE

Well? --- I think it could have been in Diaconia House in Braamfontein, Johannesburg.

Now you gave evidence at the Snyman Commission didn't you? 10
--- Yes, I did.

And then you stood down to be cross-examined? --- As far as I can remember evidence was led one day and they didn't call me in again for cross-examination.

Could they find you again? --- I was available in Court.

Where were you available? --- I was in Court the day when they adjourned and said that I couldn't give evidence. I had to give evidence and I was in Court and they didn't leave evidence.

Yes, they then said you were to stand down so that the people who want to cross-examine you can cross-examine you? 20
--- Yes.

Then you stayed in Court that day? --- Yes.

And then what happened thereafter? --- I was never cross-examined, there was only a discussion with the Judge ..(Mr. Rees intervenes)

What happened to you thereafter, where did you go? --- I was around campus.

All the time? --- Yes, actually I was almost the last to leave the campus. 30

When did you leave the campus? --- I don't remember well,
it / ...

it should be just after the middle of November.

What year? --- 1974.

And when did this Commission sit? --- It started the beginning of November, I think.

And you left the end of November, where did you go?
--- I went home.

Where is your home? --- I said I am staying at 869 Tladi.

Where is that? --- It is in Soweto.

Are you still staying there? --- Yes, I am still staying there.

Are you staying with your parents? --- I am staying with my parents.

Did the Commission give you leave of absence, or did you just stay away? --- They actually adjourned the Court and Mr. Ayob told me that I wouldn't be cross-examined, so there was no necessity, although I attended other sessions after that.

Who did Mr. Ayob appear for? --- He appeared for the students.

And did he call you to give evidence? --- Well the students actually were responsible for giving evidence, so I was one of the students who was asked by the student body to give evidence.

And what was your purpose, what did you have to go and persuade the Commission on? --- The purpose was actually to give the Commission what the students think about the university and what was happening during the 25th September.

And what did you have to say, what was your purpose, what did you have to tell the Commission about the events of the 25th? --- I told him almost exactly what I said here.

I want to know, what did the students decide, what did you have to go and speak about? --- The students didn't actually

have / ...

have to give me something to say, but as I was present I had to give evidence of exactly what I saw during that day.

You were not a member of the SRC? --- I wasn't a member of the SRC.

You were not a member of the SASO Executive either? --- No, I wasn't.

The first time you heard of the rally was on the 24th September, is that correct? --- Yes.

About 1 o'clock wasn't it? --- Somewhere around there.

You had taken no part in the organisation of the rally as such? --- I didn't take any part in the organisation though I was in constant contact with the SRC, by that time it was the first time they got to me, and we discussed the banning order.

You were in constant contact with the SRC? --- Yes, by that time..(Mr. Rees intervenes)

Just explain yourself? --- By that time, it means thereafter when they met me, some of the members of the SRC met me whilst we had listened, after we had listened to the news..(Mr. Rees intervenes)

That is on the evening of the 24th? --- Yes, and I remembered that we used to discuss, I knew that they discussed with the Rector the implication of the banning ..(Mr. Rees intervenes)

Were you present? --- I was not present, I am just indicating that I was in constant contact with them thereafter.

Oh I see, you say thereafter, you mean after the afternoon of the 24th September? --- Yes.

Why were you in such constant contact with them? --- Well, because I was one of the students, probably they felt they could contact me when it comes to some of the matters.

Well / ...

Well, why were you consulted, there were many students there, why should they single you out? --- At times the activities on campuses are not the same, so they wouldn't just go to any other student.

Why would they go to you? --- Probably if they were here they could explain it better, but I was one of the students who was active on campus, so we had to advise each other.

What do you mean you were active on campus? Playing football or playing politics or what? --- On the part of leadership, M'lord.

10

What do you mean you were active on the part of leadership? What were you leading? --- Well by that time I was of course chairman of the SCM.

What is the SCM? --- Student Christian Movement.

This Student Christian Movement, with what other Christian movement was it involved? --- I don't remember that it is involved with any organisation, it is just a Christian movement, it is only SCM.

And you say you were the chairman, who did you have contact with outside the university? --- We used to have contact with outside, of course all the Black universities were members so we were acting on the Executive National Committee.

20

Yes, and who did the National Executive Committee consist of? --- It consisted of representatives from the different universities' branches of the SCM.

Yes? --- And the ministerial colleges and post-matric schools.

Since when had you been interested in this UCM? --- SCM.

SCM? --- I became a member of the SCM I think whilst I was doing my secondary education.

30

Where did you sleep last night? --- I am coming from Krugersdorp / ...

Krugersdorp now in Kagiso.

In what? --- Kagiso.

What place is that? --- It is the location next to the town of Krugersdorp.

I thought you lived in Soweto? --- Yes I live in Soweto but I am on a mission in Krugersdorp and I am actually ministering for a congregation there.

You are at a mission? --- Yes.

What mission is this? --- I am staying in the church mission.

Which church? --- Apostolic Faith Mission. 10

Apostolic Faith Mission? --- Yes.

And are you a member of the Apostolic Faith Church? --- Yes, I am a member, in actual fact I am acting in that church.

You are acting as what? --- As an evangelist should I put it more clearly.

As a preacher? --- I am doing evangelistic work until they call a minister to come and take over.

Just explain to the Court what do you mean by you are doing evangelistic work? --- Well evangelistic work is in connection with preaching the Gospel to the people, and you only go to a place, preach there, and when the congregation is established then they call a full-time pastor to come and take over. In actual fact when I went to Wits I was working full time with the church. 20

COURT: You are a lay preacher then? --- Yes, I was working full time and since I took up employment with Wits I am helping them part time.

MR. REES: Did you ever take part in SASO's conscientisation programme? --- I don't know what probably you mean by conscientisation programme, but as far as I am concerned there is a necessity that we make other people be aware that there 30

are / ...

Krugersdorp now in Kagiso.

In what? --- Kagiso.

What place is that? --- It is the location next to the town of Krugersdorp.

I thought you lived in Soweto? --- Yes I live in Soweto but I am on a mission in Krugersdorp and I am actually ministering for a congregation there.

You are at a mission? --- Yes.

What mission is this? --- I am staying in the church mission.

Which church? --- Apostolic Faith Mission. 10

Apostolic Faith Mission? --- Yes.

And are you a member of the Apostolic Faith Church? --- Yes, I am a member, in actual fact I am acting in that church.

You are acting as what? --- As an evangelist should I put it more clearly.

As a preacher? --- I am doing evangelistic work until they call a minister to come and take over.

Just explain to the Court what do you mean by you are doing evangelistic work? --- Well evangelistic work is in connection with preaching the Gospel to the people, and you only go to a place, preach there, and when the congregation is established then they call a full-time pastor to come and take over. In actual fact when I went to Wits I was working full time with the church. 20

COURT: You are a lay preacher then? --- Yes, I was working full time and since I took up employment with Wits I am helping them part time.

MR. REES: Did you ever take part in SASO's conscientisation programme? --- I don't know what probably you mean by conscientisation programme, but as far as I am concerned there is a necessity that we make other people be aware that there are / ... 30

are documents and probably that is what you meant.

No, I want to know from you, do you know what SASO's conscientisation programme is? --- I don't think there was a specific programme I remember, except that I know that as a member of the Black society I am part and parcel of the part of conscientisation.

Well tell us? --- We do make the people have some hope and feel what the argument is and take themselves as human beings.

Well, tell us about it? --- A programme?

10

Tell us about your involvement in conscientisation? --- I wouldn't specify it directly as if there was a programme of conscientisation, but I think it is a matter of just making the people aware that they are human beings, that is all that it is.

How do you make a person aware that he is a human being, you look in the mirror don't you? ..LAUGHTER .. --- Not necessarily, if you have been psychologically made aware that you are not a human being, you have to be psychologically made aware that you are a human being.

20

Did somebody make you psychologically aware that you are not a human being? --- The circumstances under which I grew up made me to grow up as somebody who is below the standard.

I see? --- And when I wake up every day, when I walk along the street I am made aware that I am not a human being.

Now how do you set about remedying that, what did you do? --- Excuse me?

How did you now set about telling people or conscientising people? --- It is not really a programme of conscientising the people ..(Mr. Rees intervenes)

30

I didn't ask you if it was a programme, I asked you how
you / ...

you set about doing it? --- Of conscientising the people?

Yes? --- It is actually an everyday discussion amongst us.

Well what do you do, I want to know what you do, it is no good telling me..(witness intervenes) --- With me personally what I do personally, is actually to - you see it is in our society, the Black society, Christianity is something that is taken as a negative force you know, in the sense that it is associated with the oppressive forces.

Who were the oppressive forces? --- Well it is obvious that the Black people are oppressed. 10

Who are the oppressive forces? --- The Government which is in power actually is oppressing the people.

How is it oppressing you? --- I actually felt today that it is oppressing me because I looked for a toilet and I couldn't find it and I saw a White toilet, then I started feeling that I am actually oppressed.

You felt oppressed? --- Yes.

And I want to know from you how you set about your conscientisation? --- It was not a conscientisation programme, because if I set it up then it must be a programme, but what I do in the society is actually to make the people aware that they are an image of God as well as that God loves them, and they have to live to the standards that God wants them. 20

Oh, is that now conscientising a person? --- Sorry?

Is that conscientising a person? --- Probably if you take it in that way but the people have to realise that they are images of God and they have to live up to the standards where God wants them.

Another one is to tell the people you couldn't find a lavatory? --- That is not necessary they know that they don't find / ... 30

find it and if you are in a public place you have to check first, at times there are no boards and you suffer consequences, you don't have to tell the Black society, it knows.

Well then is there no purpose in conscientisation?

--- Well I think that is what you think.

I am asking you? --- You say it has no purpose.

I am asking you, is there no purpose in conscientisation then, if the people know everything? --- Well now I wouldn't like to differentiate between conscientisation and they are knowing what they are. They know what they are, and they know that they are actually oppressed.

10

Yes? --- And at times it is only to make the person, you know, live up to the standard of a human being. At times he understands it but he doesn't feel it.

I don't understand? --- I mean he understands it but he doesn't know that he has to live up to the standards of his human dignity.

Well how do you make him aware that he has got to live up to the standards of his human dignity, what do you personally do? --- Well as I say I haven't got a programme of making the people around here aware of that, but when I am with the people preaching the Gospel, then I make them aware.

20

How do you make them aware? --- No, it is only to make them aware that God accepts them as human beings, because they feel God is not interested in them, so I have to prove that they are images of God and that He accepts them as human beings and they have to live within the standards that God laid down.

Did you tell them that God was the first freedom fighter?

--- God himself?

30

Do you tell the people that God was the first freedom
fighter / ...

fighter? --- That would be theologically very wrong to say that God Himself was a freedom fighter, though I could say that the principles of God Himself laid on justice, righteousness and love, are actually for the freedom of the people.

Do you tell the people that Christ was a freedom fighter? --- Using that term?

Yes? --- Well I wouldn't like to say that I use that term that He was a freedom fighter, but I know that He is a person who advocates freedom.

10

COURT: Do you know anything about Black Theology? --- Yes I know.

Well how does Black Theology tally with your religion that you minister? --- Black Theology, as I explained, you see Christianity was presented in a wrong way in South Africa, it actually made sure that the Black man is dehumanised and kept as a sub-human being, and it was not expressed exactly as it is written in the Scriptures, and to me Black Theology is a theology which makes me aware that I am a human being and I am made in the image of God, and that I have to accept God as my God, and He is concerned about my life.

20

Now, why do you call it Black Theology? --- Black Theology?

Yes? --- Well, I usually interpret it in this way that probably there has been a preaching of a gospel which was negative to the Black people by the White missionaries, and as a result we have to preach a Gospel relevant to the people which they can understand and they have got bases of accepting Christ, because they understand that He is concerned about them. The other one which was preached to them He was not concerned ..(Court intervenes)

30

Well how would you distinguish between Black Theology and ordinary / ...

ordinary theology? --- And ordinary theology? Well, I wouldn't like to say that I could distinguish it totally, to me the ordinary theology goes hand in hand, that is how I interpret Black Theology, it goes hand in hand with the ordinary theology, and I believe that theology goes down to the people and it comes to their situation and works within their situation, and it is not something else which is just subjected to the people. So God identifies Himself with the people, and He doesn't just take them off and becomes a Christ who is not concerned about them.

10

MR. REES: Now let us speak about this nervous problem of yours. You did give evidence before the Snyman Commission, did you? --- Yes, I did.

Now I have a piece here which you can perhaps explain. Tell the Court did you have any nervous problems that particular week? --- I was not very healthy that particular week that is why I didn't get information about the rally up to when it was announced.

Did you have any tests at that time? --- I didn't have any tests.

20

You see, I suggest that you didn't quite know what was going on at the rally, you were suffering from your nervous tension? --- I wouldn't like to say that by that time my condition was such that I couldn't see what was happening, because I was quite normal except that I didn't feel healthy, and that I am not feeling healthy may not necessarily mean that I don't know what is happening.

You see here on page 258, I have got the following recorded, or it appears to be recorded, you were asked one last question by Mr. Ayob:

30

"Why did you not hear about the rally until Tuesday evening / ...

evening or Tuesday afternoon?

And your reply was:

"Well on Monday evening, on the whole of Monday, I was preparing for a test, and on Monday evening I wrote a test and I did not finish it because I had some nervous problem, and I had to go and sleep, and in the morning I was not quite active around the campus, except that I was in class, and then I went back to my room again until I heard about the rally later"

Now would that be correct, is that what you told the Commission? 10

--- That is what I told the Commission, and anyway ..(Mr. Rees intervenes)

Was that true? --- It is true, what I am saying now is trying to remember what happened and that I think is more of an accurate record.

Had you forgotten about this ..(witness intervenes) --- I had forgotten, I can't make out when I wrote tests during 1974, but by that time I should have remembered because it was immediately after.

You first heard of the rally during lunch on the 24th? 20

--- As far as I can remember.

By that time had you got over your nervous problem?

--- Well as far as I am concerned I was - I remember that if it was on Monday that I wrote an examination and I couldn't finish it and I was advised to be on bed so that I could recover and by Tuesday I was getting up, so ..(INAUDIBLE)

COURT: You stand away from the microphone and then you drop your voice, so she does not hear you.

MR. REES: Are you still suffering from this nervous complaint?

--- I said that I am not at present. 30

What do you mean at present, this nervous complaint catches you / ...

you from time to time? --- It does happen at times when I am working, you know, under pressure or I am involved in a certain thing and I do have some nervous problem.

How many times were you interviewed in connection with giving evidence here? --- About twice I think.

Who interviewed you? --- Mr. Soggot.

Where? --- It was in his Chambers.

Where is that? --- In Johannesburg.

When was that? --- Well I don't remember when it was probably last week.

Did he show you anything? --- Yes, he showed me the placards.

Which placards did he show you? --- Almost all the placards, almost a range, a cross-section of the placards of the rally.

What did he want from you about the placards? --- Well he just wanted to hear what my feelings are about it, what was my reaction about it, that is all that he was trying to find out.

And, what did he tell you about his reaction? --- I don't remember him telling me about his reaction, he only asked me about my reaction.

And when else did you have an interview with him? --- PAUSE

When else did you have an interview about giving evidence? --- As I say it should have been during last week.

When? --- I don't remember when, the other time it was on a Saturday, and the other time it was during the week.

What did he want from you on the second occasion? --- Well it was just to find out what - certain things he said he wanted to find out about me, about the rally.

What were the certain things he wanted to find out about? --- I mean asking me questions about what actually happened.

What / ...

What were the things that he was interested in? --- The proceedings of the rally.

What else? -- And the attitude - what he asked me today, the questions he asked me.

Didn't he ask you that on the first occasion? --- Excuse me?

Didn't he ask you that on the first occasion? --- Well, we didn't finish, because it was late and I had to go home.

That morning of the 25th, you say some of these placards were intended to annoy or make the White lecturers angry, is that correct? --- That could be the interpretation, the few, you know, placards of some few irresponsible students. 10

Why do you call them a few irresponsible students? --- In the sense that I feel a normal student, a business-minded student who is up for something else positive, couldn't write some of the types of placards which were written.

What were the placards that you say normal students couldn't have written? --- I mean a normal student who is actually having some leadership qualities could not go and waste his time writings such placards like "rapists" and so on, it would be irrelevant. 20

It would be irrelevant? --- Yes, it would be done by a student who is irresponsible, as much as in a school you find that the students write in their toilets certain words about, you know, the principal, such things do happen.

I want to know from you why do you say these are irresponsible students who wrote these things? --- As I say to me a responsible student wouldn't go out to go and waste his time writing such things like "rapists" and some other irresponsible, you know, placards.

What other placards did you find there that you thought on that day were irresponsible? --- I was quoting that as one of / ... 30

of them, probably if I had them I would - PAUSE -

But you saw them that day, and you saw them in Mr. Soggot's possession, now tell the Court what placards or what type of placards do you say were irresponsible? --- Yes, like the one I have indicated and some such thing like "kill them" or some such things like, you know, some extreme ideas.

I want you to see this banner, that wasn't an extreme idea, the banner, EXHIBIT B.32: "Frelimo" - and then in red - "killed and won. South African Blacks?" First of all what does that mean, how do you interpret that? --- PAUSE

10

Does that mean what it says? --- Well I can't say that it means what it says, actually it is something I could write, something I cannot do just to threaten somebody else rather, just "killed and won. South African Blacks?" any student could write that and present it as just a threat to the few people who were on campus.

I don't understand you, just explain yourself, what does that mean? --- I am saying that this type of thing would rather be written by a student probably indicating, probably trying just to frighten, frighten to the people who were local ..(Mr. Rees intervenes)

20

To frighten which local people? --- Well, I wouldn't like to say the White people in general because it was not in Eloff Street probably where all the Whites would pass there, but it was directed to the few White lecturers on campus.

Lecturers, do you think this "Frelimo killed and won. South African Blacks?" was directed at the few White lecturers at Turfloop? --- This is my interpretation.

Now why, was this intended to frighten them? --- Yes, well actually as far as I am concerned only a lecturer who has not matured enough that he could be reacting negatively to some

30

of / ...

of them, probably if I had them I would - PAUSE -

But you saw them that day, and you saw them in Mr. Soggot's possession, now tell the Court what placards or what type of placards do you say were irresponsible? --- Yes, like the one I have indicated and some such thing like "kill them" or some such things like, you know, some extreme ideas.

I want you to see this banner, that wasn't an extreme idea, the banner, EXHIBIT B.32: "Frelimo" - and then in red - "killed and won. South African Blacks?" First of all what does that mean, how do you interpret that? --- PAUSE

10

Does that mean what it says? --- Well I can't say that it means what it says, actually it is something I could write, something I cannot do just to threaten somebody else rather, just "killed and won. South African Blacks?" any student could write that and present it as just a threat to the few people who were on campus.

I don't understand you, just explain yourself, what does that mean? --- I am saying that this type of thing would rather be written by a student probably indicating, probably trying just to frighten, frighten to the people who were local ..(Mr. Rees intervenes)

20

To frighten which local people? --- Well, I wouldn't like to say the White people in general because it was not in Eloff Street probably where all the Whites would pass there, but it was directed to the few White lecturers on campus.

Lecturers, do you think this "Frelimo killed and won. South African Blacks?" was directed at the few White lecturers at Turfloop? --- This is my interpretation.

Now why, was this intended to frighten them? --- Yes, well actually as far as I am concerned only a lecturer who has not matured enough that he could be reacting negatively to some of / ...

30

of these placards like that.

Well how did you expect a person to react when it is said: Frelimo killed and won. South African Blacks - how did you expect the lecturers to react? --- As I say some few lecturers who are not mature enough could react totally negatively as much as one of the lecturers who got into class and ..(Mr. Rees intervenes)

I am interested about the reaction to this, how did you expect the lecturers to react to this, to be told that the Whites had been killed in Mozambique, isn't that what this thing says? --- This is what it indicates.

10

That Whites had been killed in Mozambique and South African Blacks should do the same, isn't that what this thing indicates? --- Yes, as I say I am saying that it is a thing which is written by a student, and it is really a threat rather than something which will be done, and any other mature person should have realised that this is a threat.

This thing was carried by your group of students on that soccer field that day, wasn't it? --- I don't remember seeing it.

You don't remember? --- Yes, because there were some placards around ..(Mr. Rees intervenes)

20

But this is a big thing, anybody can see this thing, you can see this thing from 50 - 100 yards away can't you? --- If probably I was paying, you know, attention to a particular thing and I was interested in a particular placard probably certain words being a surprise to me, I would have tried to look at them and read everything I saw around there, but to me everything that was handled there was just a piece of paper or a placard or this type of thing, I didn't even take, you know, the trouble of reading it out. Also when I knew that the police were coming from behind, and they were discussing actually the action / ...

30

action of the police, so I was not reading the placards by that time.

Oh, you didn't see any placards? --- I don't remember even if I saw them on the sports field, but I didn't take - I had no time to read them and analyse them, but I was talking with the leadership of ..(Mr. Rees intervenes)

Who were you talking to, who was the leadership? --- Some members of the SRC.

Who? --- There were mainly in a group.

Who were you talking to specifically?--- Well I can't remember all the names of the people.

10

Who, I want to know who you were talking to? --- I was talking with the students who were around there.

I want to know the names of some of the people you spoke to? --- It is long ago, I can't remember the names, 1974.

So you can't tell us who you were speaking to? --- No, because I spoke to them and some came and some left because there was ..(Mr. Rees intervenes)

So you can't remember the name of anybody you spoke to? --- I don't remember.

COURT ADJOURNS

/VMD.

Collection Number: AD1719

State v S Cooper and 8 others.

PUBLISHER:

Publisher:- Historical Papers, University of the Witwatersrand

Location:- Johannesburg

©2012

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

DOCUMENT DETAILS:

Document ID:- AD1719-Vol135

Document Title:- Volume 135, Pages 8286 - 8329.