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IN THE REGIONAL COURT DIVISION EASTERN CAPE  
HELD AT PORT ELIZABETH.

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CASE NO. RC4/11/81

DATE : \_\_\_\_\_

THE STATE versus:

1. G.J.E.G. BERGER
2. D. PILLAY.

BEFORE:

MR. J.B. ROBINSON

FOR THE STATE:

ADV. J. JURGENS

MR. P. CROUS

FOR THE DEFENCE:

ADV. D. KUNY

CHARGES:

AS PER ANNEXURE

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CONTRACTORS:

LUBBE RECORDINGS (PORT ELIZABETH)

(Evidence: Berger, Pillay & Viljoen)

Yes well I wasn't suggesting that you had (indistinct) all your books, at least Professor van der Merwe said that some of them were of good quality. But I was referring to the rather damaging photocopies, material, such as I showed yesterday to Professor Beard, the "Nelson Mandela Says" and the "A.N.C. speaks" and what not. You were satisfied that they were - that you were relatively safe them being at Lynie Harris? --- I wasn't completely satisfied but I did not think I was going to get into trouble for those.

NO FURTHER QUESTIONS BY THE PROSECUTOR.

(10

BY THE COURT: You say you bought some of the books where? --- At De Jongh's Bookshop in Johannesburg. Those were the Lenin books.

(Question indistinct)? --- Yes, I think I spent about R120.00 on books, which I had collected over the years.

RE-EXAMINATION BY MR. KUNY:

Mr. Berger, did you go to Accused No.2's place to see what books or documents were there? --- No.

Did you know whether any books or documents were there? --- No.

(20

And when Mike Kenyon arrived at your place with some documents, did you know whose documents they were? --- No, I did not know. I assumed that they were No.2 but I subsequently heard that they were not his but Kenyon's.

In any event nobody identified them to you as No.2's? --- No.

COURT: You say you subsequently ascertained that they were in fact Kenyon's own documents? --- Yes. This is subsequent to my whole arrest and everything. But I assumed that they were Accused No.2's because that was what Kenyon said he had been going through to check.

MR. KUNY: Well when Kenyon arrived back at your house, did he tell / ...

tell you whether these were No.2's? --- No.

Who told you that - sorry, who told the police that your books were at Lyndie Harris's house? --- I told the police because the police said to me they knew about books at Lyndie Harris's house.

COURT: They told you ...? -- That they knew that books were kept at Lyndie Harris's house and I thought that they were referring to mine because I did not know that Accused No.2 had also put some there.

And you then went with the police to Lyndie Harris's house and identified all your books there? --- Yes. (10

Now you were asked by my Learned Friend about your decision to break your contact with the Richers and it was put to you that this was after Reese's detention. You said that at that stage the feeling had already been growing within you? --- Yes.

As a result of what had that feeling developed? --- Well in the April 1979 visit when I had seen Richer was very friendly with Schoon, I became worried.

After that stage you were there again once more in June-July 1979, did you supply any information to him? --- No. That June-July visit was actually arranged earlier in the year because Wat(?) who was a friend of Richer, wanted to visit him and I had agreed with Wat(?) to go and visit. So I had pre-arranged this visit.

So that was a purely social visit? --- Yes.

COURT: Who was it that was going do you say? --- Graham Watt.

Was he a friend of Richer's? --- Yes.

MR. KUNY: Now you have told His Worship that you didn't disclose to Sauls and Lean(?) and the Aschine the purpose or the true purpose for which you wanted the information. Can you say whether any of that information which you acquired and passed on to Richer

was of a secret or confidential nature? --- Well first of all I would just like to say that I was not using my treatise as a simple guise, I did actually want to do my long essay on the trade unions. However that did not materialise because I could not actually analyse that information. I nevertheless gave the information to Richer. But the information that I gave, I believe is fairly open. The tape recording which Duncan Ellis did, he told me was for a research project at a British University which was open ..(interrupted)

COURT: You use the words "fairly open". Do you mean it was not secret information? --- Yes, it was not secret. And that this interview which I copied from Innes, this was freely available from him in Britain. And then also as regards the structure of the trade unions, the various newspaper reports and academic publications, one produced by SALDRU, which gives all that information anyway. (10)

In the newspaper you say and ..? --- And in an academic publication produced by a Cape Town Research Organisation attached to U.C.T. called SALDRU.

MR. KUNY: How do you spell SALDRU ? --- It stands for South African Labour and Development Research Unit, SALDRU. (20)

COURT: Is that attached to U.C.T. you say? --- Yes. I'm not trying to exculpate myself in giving him the information by saying this.

MR. KUNY: No, I merely asked you about the nature of the information that you (indistinct)? --- Yes.

You mentioned also in answer to my Learned Friend, that a document which you referred to in your statement as the Minutes of a Communist Party was not in fact Minutes? ---No.

Why did you term them "Minutes", can you remember? --- I think it was because it was said on the title, a statement by the Central Committee or something like that. And I thought the statement

BERGER.

- I thought it was a committee statement and I think I translated that to "Minutes".

COURT: Because the title said what? --- It was a statement by the Central Committee of the Communist Party. And I think it was that which lead me to "Minutes".

MR. KUNY: Can you remember what that statement was about? --- I have not read that statement yet.

Oh you never in fact read it? --- No. Along with a lot of material I got, I was keeping it hoping to read it but I did not manage to get the chance to read all of it. (10)

Now you were asked about the discussion groups, the second one being termed a seminar? ---Yes.

COURT: Is that the second set of groups?

MR. KUNY: The second set, yes. The resistance seminar? ---Yes.

I'd like you to just tell His Worship when you met in that group did it take the form of a lecture or did it take the form of discussion? --- Well it was a seminar format where individuals would read particular articles and take turns and present what was in the particular article. So it was a very democratic structure in the group. (20)

COURT: You say individuals read it and present the article? --- Yes, different individuals would present different parts.

You say very democratic? --- Yes, because showed what they wanted to to read and present.

MR. KUNY: Did you present any paper or were you merely a part of the discussion? --- I think I presented the part concerning the 1950s.

COURT: The what? --- The timespan of the 1950s. We broke it up cronologically to an extent. I'm afraid I'm not completely sure on that but I think I did present the 1950s.

MR. KUNY: And the fact that you were a lecturer and the other people / ...

people in the group were by and large students and some of them, quite a lot, junior to you, did that make any difference to the discussion or the manner of presentation in the group? --- I certainly don't think it did because I was very friendly with these people in my social life and I treated them with respect as equals. And I don't believe that they regarded me as better or superior to them.

Or as an influant over them? --- I think they may have regarded some of my opinions as significant, yes. But I certainly don't think that I was indoctrinating them. I certainly don't (10 think that they would say that.

I'd just like to get back to one other point. In your earlier evidence under cross-examination my Learned Friend questioned you about the - about your Marxist views and you spoke about the fact that although you might be ad idem as to the eventual state of society, you didn't agree necessarily with all the political prescriptions of - of what? --- He said of the A.N.C.

Of the A.N.C. And you mentioned specifically the means. Now can you just tell His Worship what you mean by the means? --- Well I have doubts about the A.N.C.'s policy of armed violent (20 struggle. It is whether this is going to achieve the results and whether it justifies the end.

COURT: Whether they will achieve it by means of an armed struggle --- Yes.

Or if it is successful whether it will justify the end? --- Yes, that is my second point.

MR. KUNY: You said that there were certain areas in which you did agree. What were those areas? --- Well I do agree with the basic recommendations of the Freedom Charter, as I said particularly the stress on the right to work and the right to housing.

COURT: I'm sorry, I missed that? --- I said I do agree with the / ...

the recommendations of the Freedom Charter and as I said in my evidence-in-chief, particularly with the stress on the right to work and the right to housing.

NO FURTHER QUESTIONS BY MR. KUNY.

NO FURTHER QUESTIONS.

DAYANITHEE PILLAY, sworn states:

EXAMINATION BY MR. KUNY:

Mrs. Pillay is Accused No.2, Devan Pillay, your son? ---

That is right. (10)

How many children do you have? --- Four.

What are their ages? --- I have - my eldest son is 24 years of age. My daughter, 22 years. Devan turned 21 in prison.

When? --- On the 22nd November.

Yes? --- And my youngest son is 18 years of age.

Now your husband I understand died some years ago? ---

That is right.

Now long ago was that? --- 9 years ago.

And at the time of his death did he have a business? ---

That is right. (20)

He ran a business. What sort of business? --- A General Dealer and Workshop, bus repairs.

Since his death have you run that business? --- That is right

And are you still doing so? --- Yes.

Have your children helped at all in the business? --- Yes, they did. When they came out of school and during holidays, they took turns.

And your son Devan, did he participate? --- Yes, he helped me a lot in the shop. He kept my books for me. He took an extra turn concerning the shop because he used to put things right for me. When the goods were sold he used to replace it and he was a

little / ...

little bit more conscientious than the others. They were careless.

COURT: What did he put right in the shop? -- He helped me in the shop. He put things right in the shop for me, like the goods and when things were sold he used to replace it and kept my books for me and all that.

MR. KUNY: So he took an active role when he could in your business? --- That is right.

And after he left school in East London, did he go to University? --- Yes, he went to Cape Town University. (10

At what school did he matriculate? --- Oh at John Bissiker High School. He was the head boy there at that time.

COURT: What is the name of the school? --- The John Bissiker High School.

And you said something about he was ...? --- He was the headboy.

He was the headboy? --- When he was in matric, yes.

MR. KUNY: What were his interests at school? --- I think he like soccer because I remember when he was still a little boy then he was very interested in soccer and his room was all painted up (20 with soccer pictures, you know, he is that type of person, when he is interested in something ...(interrupted)

Any other interests at that stage that you are aware of?

--- Yes. Music, he was very fond of music and as he was growing up when he was (indistinct) the soccer thing had died out, then he used to play this loud and raucous music which used to get on my nerves.

COURT: I think that is price we have to pay towards these young people today. --- Yes, Your Worship.

WITNESS: Then suddenly one day everything just changed and then I just heard sweet, melodius music of (indistinct) I was surprised.

He / ...



He was going through another phase again.

Now Mrs. Pillay he went to Cape Town University to study what? --- Architecture.

Who bore the costs of his going to Cape Town University? --- I did.

And he remained there for a year? --- That is right.

And did he continue with architecture or did he give that up? --- No, he decided that that wasn't his line, that wasn't for him. And he changed.

Well did he come back to East London for a year? --- Yes(10 and he studied through UNISA.

That is by correspondence? --- That is right.

COURT: What was he studying through UNISA then? --- Political Science I think, yes, and Social Science. Everything science subjects but I can't tell you exactly. It was science subjects.

MR. KUNY: During that year did he also take a job? --- Yes, he helped part-time at the Institute of Race Relations.

In Masasani, their youth organisation? ---Yes.

Was that a paid job that he took? --- Yes, I think he got about R100 a month. (20

And that was in 1979? --- That is right.

In 1980 did he then go to Rhodes University? --- Yes.

And he was a student at Rhodes at the time of his detention? --- Yes.

As a result of his detention he was unable to write, obviously, his final examination at the end of last year? --- Yes.

Do you know whether any dispensation was granted to him by Rhodes University in that regard? --- Yes they did, they told me that they will make a special concession for Devan should he come out of detention, you know, and that they would help him to write his exams. That he would be able to write his exams.

Now / ...

Now did you know a person by the name of Singerham? ---

You mean Kartigesom?

Well Kartigesom Singerham? --- Yes. I knew him.

Who was he? --- He was a son of a friend of mine or a friend of ours I should say. We knew them as friends in East London.

Do they still live in East London? --- No, they have moved away to London.

London, England? --- Yes.

COURT: Is that the whole family? --- The whole family, yes. (10)

MR. KUNY: When? --- I can't tell you the exact date.

Well was it recent or some time ago? --- No, no years ago.

Now is Singerham a boy, a man, a person of Devan's age or older? --- No, he is a young man, he must be about 26 years of age.

COURT: What is his first name do you say? --- Kartigesom. (?)

How do you spell that?

MR. KUNY: It is mentioned in the indictment, Your Worship, Paragraph D(ii). Karthigesam.

COURT: Thank you. (20)

MR. KUNY: You say about 26? --- Yes.

Did you see him during 1979? --- He visited me once in my shop, yes. Always whenever he used to be in South African or East London rather he comes and says hello to me.

Now do you know why he comes to East London? --- He has got his family there.

Which family? --- His auntie. His father's sister is living there, living in East London.

So in 1979 he visited you at the shop? --- Once yes.

Did you see much of him during that period or only on this one occasion? --- No, just that one occasion.

Do you know what he was doing in East London then? ---  
I think he was on a visit.

And do you know whether he then left? --- No.

Did you see him again on a subsequent occasion or subsequent occasions? --- During the time of the school boycott, he came to visit me in the shop again once. It was in 1980.

On how many occasions? --- Just that once.

Did you have any discussion with him? --- Well he comes to me like a child and says "Hello Auntie" and things like that, you know. (10

COURT: So there was no discussion? No specific discussion?  
--- No. I invited him - actually I invited him home for dinner and he promised he would come but he didn't make that date.

MR. KUNY: Now Mrs. Pillay there is one other thing I wanted to ask you. What was Devan's relationship with his father, his late father? --- (Indistinct) was very fond of his children. He married late in life and he was very, very fond of all his children. But I think (indistinct) ... because he was always in the shop and after school he used to come to the shop, when he was in Primary School. And I noticed that when my husband died, that (20 Devan became more remote. We lived as a family circle, he was all to himself, he was more serious, very quiet, he was all by himself. I don't know - we tried to draw him into our family circle, you know, when we used to have a joke and a laugh and things like that but he always used to read most of the time, he was always reading papers and magazines and books and he was always in his room playing his music. He was always by himself.

Now was there a time when you had to move out of the home that you were occupying and where your husband had himself grown up --- Yes, we were forced to sell under the Group Areas Act and then we stayed there for a little while, the Community Development you know, and then we shifted to another home. We are still staying

in / ...

in North End.

Where you live now? --- Yes. It still belongs to the Community Development.

Now one other thing, Mrs. Pillay. Do you know whether Devan was an enthusiastic writer of letters to newspapers? --- Yes. He was always writing something or another to the papers.

Did you ever see any of those letters published in the papers? --- Yes, sometimes I read the article.

Would you have a look at this? This is a photocopy of a ...(interrupted)? --- I haven't got my glasses on. I won't (10 be able to read this. Yes.

Do you recognise that letter and the name and address at the bottom of it? --- Yes.

Is that, as far as you are aware, a letter written to the paper by your son? --- Yes.

Your Worship I'd like to hand this in through the witness.

COURT: EXHIBIT D.

PROSECUTOR: D was the notes.

COURT: This will be EXHIBIT P then.

MR. KUNY: Did Devan ever use to discuss politics with you? (20 --- No Sir.

Do you know what sort of views he held? --- No. Except what I read in the papers.

I'd like to just read you the last portion and you can perhaps comment on it in relation to Devan. The last portion of this letter reads "Radicalism is not equal to communism, neither is it equal to racism in reverse, violence, dogmatism, obstinance or any of the name tags people give to those they see as being a threat to their sole and paradise. Radicalism simply means commitment and commitment is what is required to facilitate meaningful change in our country. To be committed to help remove the apartheid monster is to be a true patriot. Signed: Devan Pillay"

Would / ...

D. PILLAY.

Would you be able to comment on that in relation to your son at all? --- Well sorry to disappoint you but I am not well versed on this politics.

Do you know whether the move from the house that you used to occupy to a new house, had any particular affect on Devan? --- I'm not sure. As I said, he was rather quiet since his father died, you know, he was very serious and he read a lot.

In addition to putting Devan through university, do you have any other children who had studies and whom you have to support? --- Yes, I sent my eldest son to Wits for university. (10 He is a B.A. Honours student. And I have got a daughter, well she hasn't been to university, she is running a nursery school.

Your youngest son? --- My youngest son is doing second year S.Sc. Micro Biology.

Where? --- At Rhodes University.

NO FURTHER QUESTIONS BY MR. KUNY.

CROSS-EXAMINATION BY THE PROSECUTOR:

Perhaps if I can jolt your memory, Mrs. Pillay, if I can assist you, according to my information Karthigesam Singheram and his family emigrated from South Africa to the United Kingdom (20 in 1971 when Karthigesam was then doing Std. 9 at John Bissiker High School. Would that perhaps be correct? --- Who was doing Std. 9 ?

Karthe gesam? --- When he was doing Std. 9?

Yes? --- Then they left?

In 1971? --- Well maybe but I won't be able to ...

COURT: Is it possible that they left in 1971, some years back?

--- But I can't tell you exactly Sir because I mean we are not that concerned with the family, you see, they are not my family. So I wasn't particularly interested when they left.

Are you prepared to say it was some years ago? --- Yes.

But / ...

But you can't be more specific? --- No.

PROSECUTOR: You said that Karthegesam addressed you as "Auntie". Was he in fact related to you or this just a form of address?

--- Karthegesam, do you want to know if he is related to me?

Yes? --- No. I said that we were friends.

Did you ever know him by the name of Raj? --- No.

NO FURTHER QUESTIONS.

NO FURTHER QUESTIONS.

VALERIE VILJOEN, sworn states:

(10

EXAMINATION BY MR. KUNY:

Mrs. Viljoen you come from England originally? --- Yes.

You came to South Africa about 11 or 12 years ago? --- I did.

To East London. And you have lived there ever since? --- I have.

And you married a South African? --- That is correct.

And you live with your husband in East London? --- That is correct.

Now for some time now you have worked for the South African Institute of Race Relations in East London? --- I have, yes. (20

Firstly as the Administrative Secretary and now as the Regional Secretary? --- Yes.

Which post you have occupied for approximately 4 years? --- Yes.

Now the Institute, I understand, runs a youth program? --- Yes, that is correct.

How long has it run this program? --- Approximately 6 or 7 years in East London, although longer in other parts of the country.

Yes, well we'll deal with East London. And in this program have / ...

have you always played an active role? --- Reasonably active, yes.

And was it in connection with this program that you first came into contact with the Pillay family? --- Yes.

Who in particular in that family? --- Well first of all it was Krevan Pillay who is the oldest son and he ran a drama workshop for the youth program in East London, during one of his university vacations.

Yes? --- And then through Krevan's involvement with this workshop, Devan then began coming to meetings of the program. (10

At that stage was Devan still at school? --- He was, yes.

And was he a regular attendant at this program? --- Yes, he was.

An active participant? --- Very much so.

Could you very briefly indicate the area of activity that this program covers? --- There are two main functions to the program. Firstly, to bring young people of all races and all sections of the community together in a social atmosphere so that they can come to know one another better, so that they will understand one another better. And secondly, the second function is to provide cultural and educational facilities that are not otherwise available in our immediate region. (20

And are there committees that are set up to run the program? --- There are. There are two committees. The main youth program committee consists of adults, mainly educationalists, teachers from the local high schools and they set down the general policy of the program. Then working under them, is a scholars committee, an action committee, and here we have representatives from the various high schools participating. And they look after what one would say the day to day running of the programs.

COURT: You say the second committee are in actual fact manned by the / ...

the scholars themselves? --- The scholars, that is right.

WITNESS: And they would be responsible for such things as serving of refreshments, you know, the day to day running of the program.

MR. KUNY: Did Devan play any role in any of these committees?

--- He was on the scholars committee.

I'm dealing now with when he first joined? --- That is right when he was still a pupil.

Was he an active and interested member? --- Very much so, yes. (10

Of the program and committee? --- That is right.

And in what sort of activities did he participate? --- As I remember it - this is some time ago of course - mainly the workshop, the workshop facilities. I remember him playing an active role in the drama workshop, the arts workshop.

And on Saturday mornings did he play any sort of part in the Institute's activities? --- Only later. Only later when he had left school. And at the beginning of 1979 we opened an African Art Centre in East London, where we sell arts and crafts made mainly by Church Home Industries, and then Devan worked for (20 me to look after the Centre to sell the goods on a Saturday morning

Did he get paid for this? --- He got R3 a morning.

COURT: Goods made by the art section of the ..(interrupted)? --- No. By local home industries.

Oh, by local home industries? --- Home industries, mainly church or home industries.

MR. KUNY: Now we are in to 1979. This is after he had returned from the University of Cape Town? --- That is right, yes.

And he was staying in East London? --- Yes.

Did he participate in discussion groups? --- Yes, he did. There is a small group of mainly young people in their first years



of employment, which we called the new group, and this group at that time was meeting on a Wednesday evening. It was social and educational and Devan was an active member of this group.

And did he during - well when you say an active member...

(Court intervenes)

COURT: You say it was social and ? --- Social and educational.

The group was formed by young people that had left school?

--- Yes, it was a group formed by the Institute but it was mainly aimed at young people who had left school, in their first jobs.

MR. KUNY: Did he assume any organisational function in regard (10 to this group? --- He was active in helping with it, yes. But then in the middle of 1979 he was actually employed by the Institute as an assistant youth program organiser and at that time he became far more involved with that particular group in actually planning the program.

COURT: He was employed in what capacity? --- He was employed as an assistant youth program organiser.

And you say he became more involved in that section of it?

--- Yes, he was actually employed to deal with the administrative, mainly the bookkeeping function of the program and to help with (20 all the work. But this particular new group was his main interest.

MR. KUNY: Did he organise discussions? --- Discussions, debates, film shows, slide shows, all manner of things, a variety.

How did you find that he handled this task? --- Oh extremely well. He had a very inventive mind and was always coming up with new ideas.

You say that he did the books? --- Yes.

Did he have some knowledge of bookkeeping? --- They were very simple books. I assume he had done accountancy at school but they were very simple books and he kept them well.

Now in organising the discussion groups, did he invite

speakers / ...

speakers to attend? --- On occasion, yes. It was a variety, so on occasions he had speakers, on occasions he had films.

On what sort of topics would these people speak on? --- Again a variety. Devan tended to follow one particular theme so for example we would have a theme on religion, where there would be a speaker from the Catholic Church and from the other Churches as well. Other speakers that I remember, on one occasion he was looking at a wider sphere of politics ... (interrupted)

COURT: He was looking at ? --- A wider, outside South Africa, and he invited the American Consul General to speak on the (10 American election (indistinct). But wherever possible, if it were a contravertial subject, he would try to get both sides of the subject presented in other that the people there could then make up their own minds.

MR. KUNY: Did he ever take an active part in the debates and discussions? --- In the discussions that followed the debates, yes. But I don't ever recall him being the principal speaker.

Did you get any sort of impression as to his own views and attitudes? --- I knew Devan pretty well and during the time that I knew him, he had a variety of views. So it is difficult to say. (20

Well can you just explain on that a little, on the variety of views? --- Well I suppose that you could say that he is still a young person who is still experimenting. He reads a lot. And his political views, to my mind, seem to fluctuate as he became involved with one particular aspect, with perhaps influence by one particular book, one particular person.

Can you remember any particular influences on him that you were aware of? --- Well right at the very beginning of course, he was very influenced by the American writer Ann Rand and her views on capitalism and the free enterprise system. I also remember his being very influenced by ... (interrupted)

COURT: Who did you say first? --- An American writer, Ann Rand.

She is a great believer in the capitalist free enterprise system. And I remember his being influenced by the theories(?) of non-violent confrontation. As put forward by Mahatma Gandhi. It was a very wide range.

MR. KUNY: What? Passive resistance? --- Yes.

So you say a wide range? --- Yes.

And was he always there to discuss, air his views and debate them? --- Very much so. He was always interested in using people as a sounding board. He was fascinated by any new people, particularly from overseas, that came to the Institute, to try and find out more about their own political systems. (10)

His mother has spoken about an involvement that he had with soccer and subsequently with music. Were you familiar with any of those interests of his? --- Not really, no.

Did he, in his capacity as an organiser, have anything to do with the Masasani bulletins that were issued from time to time? --- Yes. He was mainly responsible for writing those.

COURT: What was it called?

MR. KUNY: Masasani Youth Centre Bulletins. --- Masasani means "Let us get to know one another". (20)

I'd like to just show you three examples of this. You don't need to read through them but just to put them in. Are those examples of the sort of bulletins that were issued for which he was responsible or with which he had something to do? --- That is right, yes.

COURT: How many are there?

MR. KUNY: There are three, Your Worship. Perhaps we could make them Q.1, 2 and 3.

COURT: (Indistinct) EXHIBIT R.1, 2, and 3.

MR. KUNY: These bulletins give some idea of the scope of some of the activities of the Centre? --- Yes.

And / ...

And his role as a youth organiser there continued until January 1980 when he left East London to go to Rhodes University?

--- Yes.

Did you see him again thereafter? --- Occasionally when he came to East London at weekends and in the Easter holiday but just for a very, very brief period.

Do you have any knowledge of Devan as a scholar and a pupil at all? --- Not really, no.

Do you have any knowledge of him as a son in relation to his family, his mother, the business? --- Well I know that he was very responsible and he helped enormously in the shop, as of course all the sons have to do. (10)

And finally, do you have any knowledge of his involvement in any other sort of organisation, welfare organisation? --- He helped on occasion when the Institute had appealed and when the Institute went out into the field. I'm thinking particularly of an occasion when there were a number of squatters in an area close to East London and the squatter camp, the homes, were demolished by fire, they were set alight, and we had an appeal at that stage to raise money to replace the belongings that had been burnt, and also to pay the fines of particularly mothers of small children who had been put in jail and Devan helped with this. (20)

NO FURTHER QUESTIONS BY MR. KUNY.

CROSS-EXAMINATION BY THE PROSECUTOR:

Mrs. Viljoen I'm not quite clear on this aspect of the Masasani Youth Club. Is there actually a clubhouse or a building, premises where ... (interrupted)? --- Yes.

Where is that situated? --- It has recently moved. At the time when Devan was involved with it, it would have - when he was working for us, it would have been in the Oxford Shopping Centre which is a big shopping centre outside East London and immediately

above / ...

above the Institute premises.

COURT: What shopping centre? --- A shopping centre on the outskirts of East London.

What is the name? --- Oxford Shopping Centre.

PROSECUTOR: And during 1979 when he was employed there, I suppose he had an office there? --- He shared an office there, yes.

Your office was situated where? --- Underneath. They were on the floor above us.

Would you say that you - you said that you had a fairly (10 active, I think were the words used by you, involvement in Masasani? --- Yes.

You had, I suppose, other duties and activities to attend to being the Regional Secretary? --- Yes. When I say fairly active, I obviously sat on their Regional committee and I always knew what was going on but I felt that perhaps the presence, you know, of the Regional Secretary, would inhibit them sometimes.

Yes, so you left the nitty-gritty work to the youth themselves and to their ...(interrupted)? --- There were two organisers the main organiser and Devan as assistant organiser. (20

I'm just wondering Mrs. Viljoen, if you can perhaps comment on the following names as they are also members at Masasani. We have a man called Bulgani? --- Yes I know him.

He is also a member of Masasani? --- He was, yes.

And then also Pobana? --- Penrose, yes.

Penrose Pobana, that is right? --- Hm.

And then Greg Fredericks? --- No, I've never met Greg Fredericks.

COURT: Pardon? --- I've never met him.

Do you know of him? --- I've seen his name in the newspaper, yes, but I've never met him.

PROSECUTOR: He was not a member of Masasani? --- As far as I know, no.

And William Garth Van Heerden? --- Not that I know of. But I must add that the membership was very, very - one would say floating. Some people were more interested in one particular activity. We may have (indistinct) an art workshop. They may have come for that one particular activity and never returned. There was never actually a membership roll.

And Mandla Nxanyana? --- I know Mandla. I don't think he went to Masasani functions but I know him. (10

COURT: You say you did know him? --- I knew him because he used to do art work which we sold for him in the African Art Centre. He used to carve, do carvings.

PROSECUTOR: Other connections with Masasani? --- How do you mean? With the carvings?

Well involvement in any program or attending of any of the films or discussions? --- I'm sorry; Mandla?

Yes, Mandla? --- When he first started doing the art work, he used to do it in the premises of a church in Mdansani, which then became rather small. So I know for a short period he used (20 our premises upstairs to paint.

Do you know Mike Kenyon? --- Yes.

Is he also a member of Masasani? --- Yes.

And Chris Watters? --- Yes, I know Chris but he was at university most of the time so in the holidays he would come to functions, but not otherwise.

And Gail Kaiser? --- No.

BELT 127.

PROSECUTOR: And the accused No.1? --- I had met him a couple of times in my office, not through Masasani.

What was his relation to Masasani? --- I didn't know that he had / ...

had any connection. I remember that he was a speaker at one of their meetings once, but that is the only connection I can think of.

Well was he there on the invitation of Accused No.1 when he was a speaker? --- Yes, he was.

Sir this is also referred to in the further particulars. That was the discussion about Capitalism versus Socialism? --- That is right, and we had the managing director of the local newspaper to speak on capitalism.

And what would you say, Madam, if it were to be proved (10) that the Accused No.2 brought prohibited subversive literature to the premises of Masasani and showed it to other persons there? You would not approve of it? --- No, of course not.

In fact you would surely disapprove of it? --- Of course.

And if the Accused No.2 did so, then you would have been shocked? --- Yes.

In him doing that.

CASE POSTPONED.

ON 18.3.81.

VALERIE VILJOEN, sworn states:

(20)

CROSS-EXAMINATION BY THE PROSECUTOR - PROCEEDS:

Just one aspect further Mrs. Viljoen. You told His Worship yesterday how you see the Accused No.2 as conscientious, dilligent young man. I suppose you are also shocked to hear of the admission he has made in this Court, namely introducing a man he suspected to be an A.N.C. operative, to introduce that man to other persons and members of Masasani Youth Club to be told more about the A.N.C. --- I suppose yes, I would be shocked but I would also be very worried because knowing Devan as I did, I would think that he wasn't fully aware of the seriousness of what he was doing. He is very young.

And / ...

And he is also very intelligent? --- Intelligent but still immature. M-

Did he confide with you on occasions? --- No really, no.

In any case never in relation to the matters that he has admitted to this Court? --- No, not at all.

NO FURTHER QUESTIONS BY THE PROSECUTOR.

RE-EXAMINATION BY MR. KUNY:

You say, Mrs. Viljoen, that he was immature. Perhaps you can just tell His Worship in what respects you saw him as being immature? --- Well I find him, I should say, politically immature in that he was obviously still experimenting, still looking. He hadn't - one might say found what he really believed in. He was experimenting with every idea that came his way. (10)

Was this ever expressed to you or did you see evidence of this type of experimentation? --- Only by things he said, by the various books he was reading, the various people he spoke to.

When it came to the people that he invited to speak at the Masasani Youth Club evenings, does that reflect this type of experimentation at all? --- Yes, because I mean he invited such a wide spectrum of political opinion. There was one particular incident I remember where there was a very, very contravertial subject to do with the local hospital and he even invited ... (Court intervenes) (20)

COURT: To do with ...? --- The local hospital. The closing down of the black children's out-patients. And he invited the then Nationalist Mayor of East London, Mr. Robbie De Lange, to put his point of view across.

MR. KUNY: It has been put to you by my Learned Friend that - he asked you whether you would be shocked if he was - if he had been - I think he said distributing or handing out any of his literature, A.N.C literature as I understand my Learned Friend, at the Masasani Youth / ...



Youth Club. Were you ever aware of this kind of activity on his part there? --- Not at all. Not at all.

Were you ever aware that he attempted to influence or indoctrinate people in any particular direction at the Youth Centre? --- No, I don't. I was thinking back to one particular discussion that we had where I am convinced that Devan actually spoke against his own convictions in order to arouse a better debate. He seemed to want to make people think for themselves.

NO FURTHER QUESTIONS

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EVIDENCE IN MITIGATION.

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