

the steps? On the embankment or the steps? -- I was/^{busy}going up on the steps.

Why did you go up the steps? -- I was getting away from the sports ground with intent to go and stand on top of the .. (intervenes)

Why? You thought there was a meeting on the sports ground. -- Because I saw the students going there.

Yes, but you were going to the meeting and you had word that you must go to the sports field. -- I was finished with the meeting, I wanted to go and stand there, as (10) I have indicated.

Why? Why were you finished with the meeting? -- Just to stand there and look.

But something was happening on the sports field. -- That is why I say I intended to go there to stand and to see what was happening at the time.

Well, couldn't you see what was happening on the sports field while you were yourself on the sports field? -- I was not the only one that was on the sports field and that is what caused me to go there and stand, after (20) going up the steps, to see myself what was happening.

MR ALLAWAY: Would you look at the photograph, Exhibit Rally B.41. Do you see the exhibit? -- Yes, I do.

Now that shows the bank that you have been talking about, doesn't it? -- Yes, it does.

And there is a tree which one can see to the left of the photograph above the bank, the extreme left. -- That is correct.

Now, you can see some students standing in the vicinity of the bank immediately in front of the tree. Do you (30) see that? -- Yes.

And/...

And then a whole lot of other students straggled out along the top of the bank. You can see them quite clearly in the photograph. -- Yes.

From there can you get a good view of the sports field? -- Where I was standing, yes.

Now, where were you standing? Can you show us on that photo by putting a red cross on the exhibit? Where you were standing or sitting, whatever you were doing. Just show His Lordship. -- I was somewhere there where I made a cross. I am not sure. (10)

Would you mind putting a cross on this one too?

BY THE COURT: That is to the right where the main column of students on the bank starts.

THE COURT ADJOURNS FOR LUNCH.

COURT RESUMES:

SIMON KEKANE, STILL UNDER OATH:

CROSS-EXAMINATION BY MR. ALLAWAY CONTINUED: Mr. Kekane, just before the adjournment for lunch, you had been shown a photograph which is RALLY B.41, and you had placed a red cross, the position where you say you were when you were on the bank, do you remember that. Now I just want to deal with your evidence from there, were you sitting or standing on the bank when you were in that position? ---- No answer audible

10

You were standing. And obviously you told the Court you had moved, that is you had gone from the soccer field itself up the bank to that position, is that right?

---- Pardon, I do not understand.

In order to get to this place which is X on this photograph RALLY B.41, you must have walked off the soccer field and climbed up the bank? --- Correct.

Right. Now, if you look at the photograph RALLY B.38, do you have that one there? --- Yes I have.

And compare it with RALLY B.41, it seems to me that many of the students seem to have walked from the field towards that bank and gone up the bank, is that what in fact happened, did a lot of the students do that?

20

COURT: It cannot be 48.

MR. ALLAWAY: 38, M'lord, if I said 48, I beg the witness' pardon, have you got the photograph RALLY B.38? ---- Yes, I have got it.

You can see on that photograph that there is a large number of students on the soccer field, is that right? ---- Yes.

And the photograph shows that they seem to be spread out over most of the soccer field? --- Quite right.

30

Whereas / ...

Whereas if you look at the photograph RALLY B.41, it seems as if some students are in the process, that is they are walking off the field, can you see them? --- Yes.

Other students are walking up the bank, can you see that? --- Yes.

And other students seem to be either standing or sitting on the bank? --- Quite right.

Now, did you hear any noise coming from a loudspeaker before you moved off the field yourself, did you hear any noises coming from a loudspeaker? --- Before I moved off the 10 field?

Yes? --- I cannot say.

Have you been at a place before that when a loudspeaker has been used? --- Yes I have.

You know what a megaphone is? --- Yes I know.

It is something which is used to make the voice - it magnifies the voice, it tends to make the voice more audible, more hearable? --- Quite right.

Now, all I am asking you is this, between the time that you first got to the field, and you marked the position where you were, it was near the southern goal posts, you remember you told the Court that? --- Yes. 20

And the time that you walked up to the bank and stood in that position that you have marked with a cross on this photograph, RALLY B.41, did you hear any noises coming out of a loudspeaker as if someone was trying to talk? --- No, I don't remember hearing any noises like that.

And while the students were on the field, as shown in this photograph RALLY B.38, were they singing, there has been evidence that they were singing? --- Yes, they were singing. 30

And when you yourself moved off the field, walking

towards / ...

towards that bank, you know what I am talking about, when you walked across the field and up the bank, were you alone or were there other students walking with you? --- No, I was alone, I was not walking with other students.

Not walking with other students. And you have told the Court that you went to that position on the bank, that you have marked on this photograph, RALLY B.41, so that you could see what was happening on the field? --- Yes.

What did you want to see, what were you trying to get a good look at? --- How the other people were rejoicing. 10

How the other people were rejoicing, I see. And when you first got to that position on the bank, and wanted to see how the other people were rejoicing, how many students were then on the field, that is the soccer field which is a flat level piece of ground? --- I cannot say just how many.

Just how many would you say, were there more than five hundred, were there as few as thirty, what would you say? --- About two or three hundred.

And when you got to the bank and were in the position shown on RALLY B.41, where you have marked with a red cross, 20 when you got there, were you the first student to get there or were there other students standing there? --- There were other students.

About how many students were on the bank at that stage? If you cannot say without guessing and probably being wrong, then don't say, but if you can give the Court a fairly good estimate, please tell the Court? --- You mean I can give an estimate?

Yes? --- Oh, there could have been about 120 students.

And were they spread out along the bank -- that is 30 the whole length of the bank, is that how they were, sort of / ...

of spread out? --- Yes, some were still on the steps.

What were those students doing then? --- They were merely sitting.

You spoke about there was some difficulty between the police and the students, now I want to know what the students on the bank were doing before any difficulty started, you say they were sitting? --- Yes.

Were some standing? --- Yes, some were standing.

Were they talking to each other? --- They might have been talking to each other.

10

Were they shouting or singing? --- They were not shouting.

In which direction were most of them facing when they were on the bank at that stage? --- They were facing in the direction of the soccer field.

When you first began to look from the bank towards the soccer field, you got up there you turned round and you are now looking at the soccer field, were there any policemen that you could see on the soccer field at that stage? --- I never got an opportunity to stand on the bank.

20

I see, what happened when you got to the bank? --- When I got to the bank, the fighting broke out and then I ran away.

And then you ran, so you did not get a chance to look at what was going on on the field? --- No.

Can you say what caused the fighting? --- I cannot say what caused the fighting.

You said in your evidence that the fighting was to your right? --- Quite so.

Now at that time where were you facing, were you facing towards the hostels, or were you facing towards the field? --- Towards the hostels.

30

I see, so you had your back to the soccer ground?

--- Quite so.

And that is why you say it was on your right? --- Yes.

Where did you intend to go to? --- I intended to stand there or sit down.

You said that there was difficulty, can you say exactly where the difficulty happened, you said it was on your right, can you say exactly where the difficulty happened? --- I cannot say exactly where it happened.

When you were aware of this difficulty, that is when 10 it became known to you, when you realised there was difficulty, did you look in the direction of where the difficulty was, or did you not look? --- Yes, in the first place people started running away from ...(INAUDIBLE) .. so when I looked in that direction, they were running away, so I also ran away.

Now, you did see people running? --- Yes.

Were those people to your right? --- Yes.

Were they people who were on the field or were they people who were on the bank, or were they people who were 20 both on the field and on the bank that were running? --- Those who were on the bank.

Could you see what they were running away from? --- There was one policeman with a dog, so I thought the stimulus was the policeman.

You thought? --- The stimulus was the policeman, the cause of the running.

You thought the cause of the running away was the policeman? --- I did.

Or the dog - the policeman with the dog? --- Yes. 30

And you then saw people running and then you ran? --- Yes.

Now / ...

Now you said that at a later stage teargas was used?

--- Quite right.

Now was that much later or did the teargas start when you first saw people running? --- Later on.

I see, so what you say is when you saw the students running, and you saw a policeman with a dog, at that stage you did not hear or see any signs of teargas? --- No, no.

At that stage when you saw people running, did you see any students on the field or did you not have time to look to see? --- I did not have time to look. 10

Was your whole idea when you became aware of this trouble to get away as quickly as you could? --- Quite so.

COURT: Where did you run to? --- In the direction of the hostel.

Well what made you stop? --- Just to ascertain the position, what was now happening after they ran away.

And what was the position? --- The position was this that some students who were still on the soccer field had also run away in the direction of the women's hostels.

Yes, and then, what did you do then? --- I just stopped 20 where I was.

And nothing happened further? --- Yes, something did happen.

Well what happened? --- We were coming down from the hostel, going in the direction of the tarmac street, now, it was then that the police started firing with teargas.

Why did they do that? --- I just wonder, I don't know.

MR. ALLAWAY: Did you see any students throwing stones before the police fired at you with teargas, because there has been evidence that students threw stones at the police? --- Yes. 30

Did you see that - and from what you could see did the police / ...

police use the teargas after the students started to throw the stones? --- From what I saw, the students threw stones at the policemen whilst - I mean immediately after there had been some difficulties with them, when we started running away, and that is when the students threw stones.

So from what you saw that day, you did see stones being thrown by students, that is a fact is it not? --- I did.

But you first saw that happening after the students ran away from the policeman with the dog? --- Correct.

And would you please look at the photograph, RALLY 10
B.43 ..(Court intervenes)

COURT: Before you deal with that, I do not follow what you are saying, you say just after the students started running away did they start throwing the stones, is that what you said? --- After some of them had run away, some were still running away from the police, those who were already running threw stones at the police.

Now when did they start throwing the stones, how long after the running started? --- I cannot say exactly how long.

More or less, roughly? --- More or less at the same 20
time.

MR. ALLAWAY: Have a look at the photograph please, RALLY
B.43 and RALLY B.54.

COURT: How do you know that the stone-throwing started at that stage, just when they started running away? --- It was just that I saw stones coming from them.

Is it then only that you saw the stones? --- After some students had run away of course.

Now, what prevented you from seeing stones being thrown before that, if stones were thrown? --- It is because I 30
suppose they were not throwing stones at the police.

Why / ...

police use the teargas after the students started to throw the stones? --- From what I saw, the students threw stones at the policemen whilst - I mean immediately after there had been some difficulties with them, when we started running away, and that is when the students threw stones.

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Is it then only that you saw the stones? --- After some students had run away of course.

Now, what prevented you from seeing stones being thrown before that, if stones were thrown? --- It is because I 30
suppose they were not throwing stones at the police.

Why / ...

Why do you suppose that? --- Because I started seeing them after they had run away.

Well that is why I am asking you, what prevented you from seeing whether there was stone-throwing before you actually did see the stone-throwing? --- Seeing that I was now facing in the direction of the hostel while I was standing on the steps here, perhaps it is possible that the students may have thrown stones at the policemen, while I was not looking, while I was still standing, it is possible, but now I did not see them. 10

But why do you say it is possible? --- Since you are pressing the point that I should say now why ..(Court intervenes)

I am not pressing you, I am asking you, I am trying to find out? --- Fine, if you are asking, M'lord, then the case is this, I did not see any students throwing stones at the policemen at this juncture, because I was facing in the direction of the hostels. It was after we were running away that I saw students throwing stones at the policemen.

Yes, but you see you also say that just about the same time as when they started running away they started throwing 20 the stones? --- The reason why I say so is because students were still running away from the policemen, and throwing stones at the policemen. That is why I say it is more or less the same time as students were running away.

But what made you see that? --- What made me see that? I wonder if one has to account for the things one sees, I wouldn't know, M'lord, I wouldn't know what made me see that. (LAUGHTER) Unless of course it is a law of nature that when you see a thing, then you have to account why you see it, perhaps I may be expected to give the reasons why I saw it, 30 I don't know what made me notice it.

Mr. / ...

MR. ALLAWAY: Mr. Kelane, I don't think his Lordship is trying to press anything on you, what his Lordship wants to know is what you saw, you see, and I also would like to know what you saw. You told the Court that you moved from the soccer field to the bank, you walked, correct? --- Correct.

Now, whilst you were walking, in the direction of the bank and you were still at the same level as the soccer field, could you have seen stones then if there were people on the bank throwing them, I suggest you could have seen them if people were throwing them? ---- No, there were no stones thrown at that stage. 10

No students throwing at that stage, when you walked up the bank to get to the top of it, did you see any students throwing stones then? --- No, no, I did not.

Then you got to the top of the bank, correct? ---- Yes.

Intending to turn around and to look what was happening on the field, but you did not get a chance to turn around? --- No, no.

Because, on your evidence, there was this problem to your right and you then saw students running away with a policeman with a dog chasing them? ---- I saw a policeman. 20

Well you saw a policeman with a dog? ---- Yes.

Now what the Court would like to know is this, I think with respect, is that at any time before you became aware of students running away, that is the trouble that was on the right, that is at any time before the trouble on the right, did you see any stones being thrown? --- Before I saw the trouble on my right?

Yes, did you see any stones being thrown? ---- No, no, I did not see anybody throwing stones. 30

And if you were looking as you said, you had your back to / ...

to the field, correct? --- Quite so.

The trouble was on your right? --- Quite so.

If students had been throwing stones before the trouble started, his Lordship would like to know whether you could have seen it or not. In other words if you are looking ahead of you, and there are students on your right, and you are at the top of the bank, if anybody was throwing stones over the heads of the students on the bank, I suggest you would have seen it? --- Yes, I could have seen it.

Did you see it? --- I did not see it.

10

Now you then said that there was this trouble that had started, you call it this difficulty, and you saw students running. Where were the students - where did they run from? --- They ran away from the bank in the direction of the hostels.

I would like you to show that to the Court on EXHIBIT RALLY B.54, if you could point out by holding the photograph up in such a way that the Court can see it, and point towards the hostels which you say the students ran to? --- There - this direction.

20

COURT: Towards that double-storey hostel? --- Not only the double-storey hostel, and this other hostel.

MR. ALLAWAY: So you are pointing in the direction of the double-storey hostel and also in the direction of the single-storey one that seems to be to the left of the bus - do you see the bus parked in the road? --- The left of the bus, all these hostels, they were running in this direction.

So did the students then who ran away from the bank, they must have run across the road? --- Yes.

I see. That is why I want you to look at the photograph 30 RALLY B.42 and RALLY B.43, do you see those photographs?

Yes / ...

--- Yes, quite so.

Now RALLY B.42, that is a photograph of students standing in front of a hostel, is it? --- Quite so.

Is that hostel the hostel that seems to be - can you point the hostel out for us on RALLY B.54, the one that is shown in B.42, which is the hostel that has got a big sort of "koppie" behind it? --- PAUSE

Can you tell the Court which hostel it is that is shown on RALLY B.42, which of the ones, can one see it on RALLY B.54, the big photograph? --- The one that I can see 10 on RALLY B.54 which appears on RALLY B.42?

Yes please? --- Oh, this one.

So that is the one which is to the left of the bus?

--- Yes, quite so.

I follow. Now the photograph RALLY B.43, that seems to show a double-storey hostel? --- Yes.

Can you point out on the photograph RALLY B.54, that is the big photo where that hostel is? --- This hostel does not appear here.

Now you say that the students ran and I suppose you 20 ran too as you have said? --- Yes.

Where did you end up when you stopped running? --- I ended up after passing the hostel in the middle of RALLY B.54.

That is the one in the middle, and did you go behind the hostel, or were you in front of it? --- On the side.

Which side was it, was it the side which is near the other single-storey hostel, or the one that - is it the side that is far away in the direction of the double-storey hostel? --- There is a tarmac between these two hostels, that is where I was. 30

It seems as if there is a little path, or it is a tarmac / ...

tarmac as you call it just behind the bus, do you see the rear of the bus, the back of the bus? --- You mean obscured by these two trees?

No, do you see the bus? --- Yes I do.

Do you see the back of the bus? --- Yes, I do.

Do you see a path which seems to go up? --- Yes.

Between the two hostels? --- Quite so.

Is that the path you are talking about? --- No, no, I am talking about this tarmac here.

Well I cannot see from where you are, I am sorry? 10
--- This one.

Oh the far one, I see.

COURT: Where the person is walking? --- Yes.

MR. ALLAWAY: And were you alone when you came to a stop there or were there other students with you? --- Oh well there were some students.

Now, had you seen any stone-throwing before you got there? --- After getting here, it was then that I saw stone-throwing.

And did you look to see who they were throwing the 20 stones at? Did you see if they were throwing them at the police? --- No, I just supposed that they were throwing them at the police, I cannot imagine students throwing stones at each other.

Not at each other so you assumed they were throwing them at the police. Did you see the police at all at that stage? --- At this stage, no, no, I did not see any at this stage.

Where did the students get the stones from that they threw, can you tell the Court that? --- It is possible that they might have picked them from the grass, that is on the 30 side of the tarmac.

Which / ...

Which side of the tarmac, by the bank by the field, the soccer stadium, or on the other side where the bus is? --- Just other side of the bus.

Do you play soccer and rough games like that? --- No, I do not.

Do you ever go to watch soccer as a spectator? --- Yes I do.

Are you interested in soccer. Did you watch soccer during the 1974 season played on that ground? --- Yes I did.

I would like you to look at some other photographs please, these have been handed in by a police officer, RALLY B.57. That is apparently a section of the bank which is - on which you say you stood, do you recognise the terraces there? --- Yes. 10

Now are there normally stones on that section of the bank? --- No, there are no stones.

Can you see stones in this photograph, there seem to be some? --- Yes I can.

What do you say about those stones, is it a usual or unusual thing to see stones of that sort there? --- What can I say about them? 20

I mean, have you ever sat there to watch soccer during the course of last season? --- Yes I have.

When you sat there did you ever see stones of that sort of size there? --- No, no, I have not seen them.

Do you know how they got there? --- Probably someone might have thrown them there.

Might have thrown them there. Do you know whether the grass gets cut in the winter there at all? --- Yes, they do sometimes cut the grass. 30

How do they cut the grass on that section that is shown in / ...

in RALLY B.57? --- I do not know how they cut it on this section here.

Have you seen them cutting the grass up on the level ground, not on the soccer field? --- No, no.

Have you ever seen grass being cut at Turfloop? --- I have.

I am talking about on the banks of the soccer stadium, have you ever seen that? --- On this side of the soccer field I have not seen grass being cut, but I have seen grass being cut.

10

Where about? Have a look at RALLY B.54, where have you seen grass being cut? Any place on RALLY B.54? --- Yes, next to the hall here.

That is the hall in the foreground? --- Next to the hall.

Is that where that tree is, and is it to the left of the hall as you look at the photograph? --- Not the tree next to the bus but the one further down here.

When you talk about the hall, which is the hall - is the hall on the right hand side of the photograph? --- The grass here.

20

The grass to the left of the hall shown on the photograph? --- Yes.

There is a tree in what seems to be the centre of a rectangle of grass? --- Quite so.

Have you seen grass being cut there? --- Quite so.

How did they cut it, do they cut it with an ordinary scissors, when I say scissors I mean shears, clippers, or is there an electric mower? --- There is an electric mower.

Have you ever seen the electric mower being used to cut grass around the bank shown on RALLY B.57? --- No, no, I have not.

30

COURT: Do they only use an electric machine for cutting grass? --- Yes they do use an electric machine.

Only electric? ---- Pardon?

Do they use only an electric grass cutter? --- I have not seen them use any other.

But would they have a cable so long as to be able to cut there ? --- Oh, they do have such a long cable.

MR. ALLAWAY: M'lord, I understand some of these modern electric mowers do not need cables at all, they are charged. I just want to go back to a few points in your evidence, you 10 described what happened afterwards, the Rector came on the scene, and the police left. Now, these various placards that you were asked about, you said you had seen some placards, and you were asked about placards - you were asked by my learned friend Mr. Attwell whether these placards were, how they affected you, and you explained that this was the sort of negative neurotic approach, and you gave an illustration of the German philosopher, Nietzsche? --- Quite so.

M'lord, I think that philosopher said, if I recall correctly that in relation to marriage, that man was for 20 war and woman was for the recreation of the warrior, I think that was one of his utterances in that regard. Anyway, as students, do students have a sense of humour? --- A sense of humour?

Yes? ---- Yes they do.

And did you ever see any placards - I am going to show you photographs because it might refresh your memory. Did you ever look at RALLY B.24 and B.25.

COURT: Are you on that photograph? --- No.

I thought it was 34.

30

MR. ALLAWAY: No, no, 24 and 25. Do you see those
photographs / ...

photographs? --- Yes, I do.

Did you see those placards at all? --- It is difficult to say, I cannot say whether I did, I may have.

Anyway, you cannot say if you saw them or paid any attention to them on the day of the rally? --- No, I cannot.

I suppose that at a university like Turfloop, the Black students are proud of being Black, is that right?

--- Quite so.

And I would have thought that at a university of that sort, the university authorities would tend to encourage political discussion amongst the Black students, is that encouraged or not? --- Would you repeat that question? 10

Do you talk about politics and the position of the Black people in South Africa and what their future is and that sort of thing at university, did you talk about that sort of thing? --- Yes, we did talk about them.

And I suppose to young Black people who have the advantage of being at a university of this sort, this is something that would concern you and be of interest to you?

--- Quite so. 20

Do you have a common room at your university? --- Yes.

I would have thought that young people like yourselves talk about the future of South Africa and how it is going to work out for Black people? --- Yes we do talk about it.

And I have no doubt, correct me if I am wrong, that you hope that in due course Black people will have more political say in the running of South Africa? --- Yes, I hope it will be so I would say.

COURT: But you said you are a Jehovah Witness and you are not interested in politics? --- On the other hand that does not mean that I have no hopes, I do hope ...LAUGHTER --(INAUDIBLE) 30

Mr. / ...

MR. ALLAWAY: Did I hear you correctly, when you gave some of your evidence I think you spoke a little quickly, you spoke about being a Jehovah Witness? --- I did.

Did you say you had no interest in politics or no interest in violent politics? --- Perhaps I may explain myself in this manner, if I say that I do not have interest in politics I mean that I am not interested in standing on a soap-box and telling people about perhaps politics and so on, but otherwise I do have political theories, there are some things, even the Government, I do not agree with them, but some politics I do have, and I also do have hopes that ultimately perhaps the Blacks will also have a say in the running of the Government of ours. Now when I say that I do not have an interest in politics I mean active participation and interest, because Aristotle pointed out that ..(Mr. Allaway intervenes) 10

Sorry, you are talking about Aristotle? --- Yes, he has pointed out that man is a political animal, now if I say that I am not interested in politics this perhaps is not specific, now to specify I would say that I am not interested in active politics, because if I was interested in politics then I would not be interested in life, so the best thing for me is not to die. (LAUGHTER) 20

COURT: But if you are a Jehovah Witness, then of course you do not recognise any secular authority do you? --- You see perhaps if I say yes or no, I may be putting myself in a difficult position.

It is your belief as a Jehovah Witness, I am just asking you? --- At this stage I am not yet a full member of the sect, I am still a student, in fact I am not yet recognised (?) 30

Well / ...

Well how can one not be a full member, what sort of member are you then? --- You see, before you are accepted in the faith, you have to go through what is called an initiation period, they first have to teach you certain things, certain principles and certain beliefs about it and so on, but ultimately you have to agree things are like this, of course you agree with them, and then you are baptised, it is then that you will be regarded as an official member of the sect. Now as it is just now, I cannot perhaps speak as a member of that organisation, I can only speak as 10 a student.

MR. ALLAWAY: Have you been baptised as a Jehovah Witness?

--- No, no.

I see. Are you in fact chairman of the Student Christian Society at Turfloop? --- Turfloop, no, no.

Do you know who the chairman of the Christian Society is there at Turfloop? --- No, I do not know.

Anyway, the point I was trying to make was this, did you see anything in the placards that you saw before going to the meeting, that suggested to Black people that there 20 was a serious suggestion that you should violently confront White people. Did you see anything of that kind? --- No, no, I did not see anything of that kind.

COURT: Well look at RALLY B.24 to which Counsel has referred you, will you read it, you can read it quietly, and will you tell us now how you understand that placard? --- PAUSE -

Start with the left hand side first, yes, now what do you say? --- Well I interpret this as what professor(?) wrote there - (WITNESS SPEAKS VERY QUICKLY) ... called .. INAUDIBLE ... Now this is not surprising in fact, if you 30 interpret it with the historical background, because I interpret / ...

interpret it in this manner, professor (?) has said now during the two wars from the First World War to the Second World War there was what is called incipient Africanisation, now incipient Africanisation can be explained in this manner, that it is the rising in South Africa of the very Africans themselves to govern themselves. Now if I have to interpret this in the light of my historical background, I would say that now the man who wrote this was perhaps partially inspired by what happened in Mozambique, partly inspired by the attainment of the Mozambique - of their own independence. Now looking at this of course it is not surprising if you look at it with historical eyes, but now if you are ..(INAUDIBLE) ... if you are insulated against what is happening in the world then perhaps you may say that now the African is becoming violent (LAUGHTER) (?)

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No, I do not follow you you are speaking too quickly, I missed the last paragraph.

MR. ALLAWAY: M'lord, the witness said if you are insulated in the world then maybe you will interpret it that Africans are becoming violent.

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COURT: Yes, well now I am asking you how you interpret it? --- That is how I interpret it, that this is incipient Africanisation.

Yes, but now what does it mean? ---- It means Africans are waking up, they are not insulated against what is happening in the outside world.

Now don't just talk, take the first sentence and tell me what that means, I mean you are talking what the poster does not say? --- "Black man your land is at stake, wake up" You want to know what it means?

30

Yes? --- Fine, the way I look at it is in this manner,

I / ...

I think that the Government has a policy, and that policy is a policy of separate development. Of course those are euphemistics ... (MACHINE FAULTY) .. it is apartheid. Now those are terms I do not want to refer to at this moment. Now, while this says: "Black man, your land is at stake, wake up", I think that he is referring to the land that Africans owned originally, their land does not belong to them as an individual nation, as an individual race of this Continent. Now, my interpretation is this, it is not surprising if they have this authority over everybody, the 10 Government has made education available to everybody, although it is not compulsory education, I mean in as far as Africans are concerned of course. Now, I think that any person who reads this should be glad ... (Court intervenes)

No, no, I am not asking how a person should feel, I want to know what it means.

MR. ALLAWAY: What does it mean to you? ---- I am giving my interpretation of course.

COURT: You are telling me what the other person feels? ---- All right, now the way I feel is if I do not make education free 20 to a man, and ultimately I realise that this little knowledge that he has gained has in fact awakened in him a spirit, a sense of nationality, a sense of being, a spirit of feeling, I would be glad, that is how I interpret it.

That is the first line, go on? ---- "Come Frelimo, come SASO, Samora Machel. Samora Machel can not solve your problems". Well I understand this that Frelimo is some or other organisation in Rhodesia. "Come SASO ... (INAUDIBLE) "Samora Machel has said that dialogue can not solve our problems" This to me means that now since no form of communication 30 can solve the problems of the Africans in so far as the Blacks

and / ...

and Whites are concerned, I think this means that now they should stop talking.

Yes, all right, and then what follows? ----- "This my son I give you, don't be a coward".

Now what is this? --- This is a gun, I suppose, or a pellet gun, it is a gun at any rate.

Yes, and then? ---- "This my son I give you, don't be a coward".

Now what does that mean? ---- I interpret it in this manner, that, you know Africa is known as a land of wild animals. Now this being the case I think this means here now that the son to whom he is giving this gun must go out and hunt, that is how I interpret it. (LAUGHTER) 10

Must go out and what? ---- Must go out and hunt.

Yes, and then? ---- "This my son I give you, don't be a coward(READS FURTHER - INAUDIBLE) Now, interpreting is difficult, I say that now the person who has written this is saying to his son now: go out and hunt, don't worry about whether you get killed or not be killed.

But what must he go and hunt? ---- I have already said 20 that Africa is known as a land of wild animals, now perhaps he will go out to hunt for a tiger, tigers, lions or elephants.

Why must the person or people go and hunt for tigers? --- It is well known among Africans that people, especially people of royal blood should own skins of tigers, lions and leopards as a sign of honour. Now perhaps that is traditional to them in this case.

Yes, but why is it necessary to tell that to Turfloop? ---- Pardon?

Why is it necessary to tell that to the students at Turfloop? ---- Since they are Black people I think this affected them / ... 30

them just as much as it affected everybody outside Turfloop.

But where does dialogue come in then? ---- Dialogue - "Your land is at stake, wake up. Come Frelisa, come SASSO Samora Machel has said that dialogue can not solve our problems" - I think now, since this was a day of celebration we were celebrating the independence of Mozambique from colonialism. Now, this is perhaps a kind of advice I may say to the people who will read it that now they must realise that now dialogue has not helped - has not in fact solved 10 any problems, they must take active part - active part now in perhaps bringing about an understanding between the races, as I understand it.

MR. ALLAWAY: What I would like to ask you is this, as a student at Turfloop, from what you have read to the Court from this exhibit, does that in any way incite you to pick up a gun and go and shoot White people? --- Incite me?

Does it incite you to go and get a gun and go and shoot White people? --- Not by any means.

And the writing on the right hand side, have you had 20 a chance to read that? ---- Yes I have.

COURT: Is that related to the tiger hunt at all? --- Apparently this relates to somebody.

MR. ALLAWAY: Do you see that there is some reference to India? --- Yes.

Are there any tigers in Africa or are there tigers in India? --- In India there are tigers.

All right, but now as far as that is concerned, does that strike you in any way as being anything but - do you know what a lampoon is? ---- Yes, a cartoon. 30

Yes, directed towards the Prime Minister? --- Yes.

COURT / ...

COURT: Now what is it, why do they refer to spices? --- If you have studied history, M'lord, you will realise that in '62 ... (INAUDIBLE) people in different countries went to the East via the Cape to go and collect spices, not so, now, Jan van Riebeeck was also one of those entrepreneurs who was supposed to go and fetch spices from the East, but now, his job was to establish a refreshment station at the Cape, so that those who go to and from the East must be able to get fresh things, fresh commodities at the Cape. Now I think now this means that now since the policy was started 10 that of sending out Europeans away from their continent to the East to go and collect spices, that also applies just as much to the man who is mentioned here, Vorster, that he must also apart from keeping a refreshment station here, that he must also go and collect spices. (LAUGHTER) That is how I read it of course.

Do you see anything humorous in that? --- It is humorous of course.

MR. ALLAWAY: Do you see any deliberate serious attempt to use a student at Turfloop reading that, to get Black people 20 to hate the White people or to take up arms against the White people in South Africa? --- Not by any means.

And have a look at the other one on this page which I referred you to, B.25 - you see it has an arrow to India with spices, well you can read what is on there and it talks about a half-way station, are you referring there to the sort of historical origin of the Cape? --- In fact, yes, this is an apt description of what I have just said.

Now, as a person reading that, as a student at Turfloop looking at that on a wall somewhere, does that in any way 30 invite you to hate White people, what effect does it have on you / ...

you? ---- It does not in any way invite me to hate Whites.

Now, there were other placards which I want to show you because I just do not want to deal with things which might look favourable, there are other placards which talk about driving people into the sea you see, if you look at RALLY B.26 and RALLY B.27, did you see those at any place at Turfloop on the 25th? ---- Yes I did.

Now look at the first one, the top one, RALLY B.26: "Frelimo fought and regained our soil, our dignity, it is a story, change the name and the story applies to you!" As 10 a student at Turfloop reading that, what impact, effect does it have on your mind? ---- Just a minute, let me read it. What did you say your question was?

You have read it, when you saw that on the wall how did it strike you, what is the message it conveys to you, what is it telling you to do as far as you are concerned? ---- Well this struck me as being very funny.

Very funny? -- Yes.

Now what is humorous about it? ---- The funniness about it is that this man knows exactly well that now, what 20 perhaps he may be suggesting as I see it is not possible in the framework of what it is, in fact it is too close-circuited to think about it that everybody in South Africa .. (Mr. Allaway intervenes)

Sorry, you said it was too what? ---- Too close-circuited.

Too close-circuited, that is a phrase in electricity, a closed circuit? ---- Yes.

Yes, too close-circuited to do what, please? ---- Too close-circuited to think that perhaps - yes: "Frelimo fought and regained our dignity, it is a story" - this is not a 30 story as I see it, it is history.

Right / ...

Right, and B.27: "We shall drive them to the sea, long live Azania" ---- I regard the author of this cartoon here -
PAUSE --

Now you call it a cartoon, now I am quite serious about this, why do you call that a cartoon, I am interested in knowing, you are a student at this university, why do you regard that as a cartoon? ---- Because it is contained in the mind of somebody.

And what do you understand a cartoon to be? --- A cartoon, a parody.

10

Now what is the parody, that is the point? ---- A parody.

What is the point, explain what you are driving at?

--- You see, perhaps someone else will be able to define it in a different way, but now I regard it as a kind of lampoon.

Why? ---- You see, it is difficult to get the meaning and so on, I cannot just explain, but now a cartoon is something humorous, and it reflects I think the state of mind of the author, how he is seeing things, a kind of logic way of seeing things ..(INAUDIBLE)

COURT: Well, what does it convey to you, if you read this, 20 what does it convey to you? ---- It conveys to me the mind of a perverted person, a person who does not control his senses of thinking, a person who is in a stupour, a person who is in a kind of a waking thread (or tread) ?

Just pause there for a moment, now why do you say this person is so stupid or perverted? ---- Perverted because he has got no mind, I do not regard him as being normal.

Yes, well what is so abnormal about it? ---- As he says here now: we shall drive them into the sea, long live Azania. Now in the first place to whom is he referring, 30 when he says that we shall drive them into the sea. Well,

the / ...

the conclusion that I may reach is that he is referring to the Whites, that we shall drive them out to the sea. Now, I regard this as a cartoon, because now I do not see us actually driving out the Whites out to the sea.

MR. ALLAWAY: Is there any possibility of that ever being given effect to, is that what you are saying, that that is funny because it is impossible? --- The possibility of this happening?

Yes? --- The possibilities are very remote.

I mean it might make him feel better to say it, but 10
can you as a student, can you take that seriously if you see it on the walls at Turfloop? --- Serious?

Yes? --- No, no, not by any means.

Now let us have a look at another one that the State has paid a lot of attention to, it is RALLY B.31, it is actually a banner apparently, this was a banner, do you see the exhibit RALLY B.31? --- Yes.

Now the State has produced here a banner between two poles, and this is a photograph of that banner, did you see that banner at all on that day of the Turfloop rally, did 20
you see it or not, that banner with those words on it?
"Frelimo killed and won" - did you see any writing of this kind that day: Frelimo killed and won - South African Blacks?"
--- No, no, this one I did not see.

Now when you actually see the banner, you will see that the word "Frelimo" is in red, -- I am sorry is in black, "killed and won" is in red, "S.A.Blacks?" is in black. I would like you to tell the Court, as a young student at Turfloop, if you had seen that, the police took a photograph of it so it must have been there, what impact does it have 30
on you, what thoughts does it stir up in you, how do you

view / ...

view that? --- I would say that these are the dreams of a young person.

And to you as a young student is there any possibility of those dreams being translated into reality or are these just to be treated as dreams? --- Not by any means.

You know what puberty is do you not? --- Yes I do know what it is.

Puberty, it is a stage where young men change from children into young men? ---- Yes.

Can you tell the Court whether students at this university go through a political puberty or not? ---- That is a very interesting question. Whether they go through a stage of political puberty -- pause -- yes, I think they are going through a stage of political puberty, because as I have already pointed out that Professor Rothberg has pointed that out, now, since then there has been what is called an incipient Africanisation, that is . . . (INAUDIBLE) I would say yes, I would agree with you that this is a period of political puberty. 10

And of course young men mature from puberty do they not? ---- Quite so. 20

Excuse me, Professor Rothberg, forgive my ignorance, who is he? ---- The professor of African history in Britain.

And are his works freely available at Turfloop to read? ---- Yes.

They are not banned or anything like that? ---- No, no.

I think that seeing this banner has been brought to Court, would you kindly look at it and tell the Court whether you saw a banner of that sort that day? You are now being shown the actual exhibit of which the photograph has been taken? ---- No, I have never seen this. 30

As / ...

As far as you were concerned was the rally organised by the SRC? ---- Yes.

And, I do not know to what extent this is important, but I understand from the accused who were at Turfloop, that the students earlier in 1974 were very unhappy about the SRC and the way in which it was going about its tasks. Do you recall that the general body of students were not happy with the SRC earlier on in that year? ---- If you mean the one that was headed by Mr. Inkwe?

Yes? ---- That is quite so.

10

And then the students had an election, and a new SRC was elected? ---- After deposing it of course.

Yes. Now the State says that this was a move by SASO to get rid of the old SRC and put its men, stooges into the place of what was the old SRC. According to my instructions this was general dissatisfaction on the campus with the SRC and there was an election, and that was the end of the story, do you agree with that? ---- And according to the State it was a move by SASO?

To get in and infiltrate the SRC and as it were control 20 the student body? ---- I was one of the students who deposed that SRC, and I was also one of the students who voted for the new SRC into office, then if it is so and SASO was behind such a move, then I am also SASO in that case.

But are you? ---- No, I am not. (LAUGHTER)

So you do not agree with what the State says? ---- No, I do not agree.

COURT: What is your objection to SASO? ---- My objection to SASO?

Yes? ---- You mean why I did not join it?

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Have you any objection to SASO as such? ---- Yes, I have one / ...

one objection to SASO, and that is that it is too racialistic, I think perhaps if it accommodated other student bodies such as NUSAS, perhaps it would do something but now as it is it is too isolated.

Why do you say that? --- Because if it mixed with student bodies like NUSAS, I think then it would be able to mix with the other students and get the feelings of the Whites and how they feel about mixing with Blacks and so on.

Why do you say they do not mix with other students?
--- You mean the White students, they do not mix with them. 10
And I think that that is one of the policies of SASO that it does not mix with Whites.

But is it correct to say that it does not mix with other students, it only does not co-operate with other students in student affairs? --- I do not think I understand your question, by students I mean in the context that I mentioned, that is the White students, not the Black students. In fact I think I should have specified that it does not mix with White students.

MR. ALLAWAY: Is what you are saying this, that SASO is a 20
body that only allows Black people to be members of it?
--- As I understand it.

And what you are saying is that you think it is a good thing for Black students and White students to mix? --- Yes, I think so.

And what you are saying is this, that it would be a good thing at Turfloop for example if you had an exchange basis with students from Stellenbosch or from Potchefstroom or from Natal, is that what you are saying? --- It depends what type of students you mean. 30

Yes? --- Because take for example the Afrikaanse
Studentebond / ...

Studentebond, it does not as I understand it like to mix with Blacks.

No, no, leaving aside the attitude of some Whites who possibly do not want to mix with Blacks, is this what you are saying, your objection to SASO is that it does not encourage an exchange of thought between Black students and White students? --- I think so.

And it does not encourage or stand for a cultural exchange of ideas between Black students and White students, that is why you object to SASO? ---- Yes. 10

You would like to see that happen would you not? ---- I would like to see that happen.

Do I understand you correctly, you say that Accused No.7 was with you when you started speaking, this is at the formation school on the Sunday, and read out your notes, you say he came with you into the hall where the plenary session was going on, this is the Sunday morning? ---- Yes.

But you cannot say he remained with you all the time? --- No, I cannot say.

You say that you were conscious, you did see him there 20 again at a later stage, after the discussion had taken place or before? --- I gave the papers to him.

You gave the papers to him, and did he take them up to the chairman? --- I suppose so.

Now just think back, this is the Sunday morning, not the Saturday at the formation school, on the Sunday morning did you give the papers in to the chairman of the meeting, or did you give them to Accused No.7 - by the papers I mean the document that you read from, or can't you say? --- PAUSE - I remember giving them to Mr. Sedibe. 30

That was on the Sunday in the hall? --- Yes.

Did / ...

Did you see what he did with them? --- No, no, I did not see what he did with them.

Can you say with any sort of certainty at what stage you gave them to him? --- After reading them.

After reading them? ---- Mmmm.

Are you sure about that? --- Yes, after reading them.

Are you absolutely sure? ---- Mmmm.

Because I suggest that you are wrong about that, anyway that is your recollection? --- Yes, that is my recollection.

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Thank you, no further questions.

CROSS-EXAMINATION BY MR. SOGGOT: Mr. Kekane, I want to refer you to SASO O.1, that is the notes which you made relating to Bantustans, popularity and practice - pause - do you remember that? Have you got it there? ---- Yes.

What you have told the Court is this, that as far as you remember, you made these notes at the time that the discussions were taking place? --- Quite so.

Now I just want to question you on whether your memory may not perhaps be inaccurate on that particular point, if you look for instance at the commencement of this, it has got Bantustans, popularity and practice, and then a heading: "are they of importance?" --- Mmmm.

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Then if you go onto the next page, you have got what appears to be a sub-heading: popularity - scratched out and then "practicality", or rather "practically" not so, and then on page 135, you have got something which further appears to be a sort of a heading and that is "not popular", and then on the next page a question, a heading with a question mark, "future". Now, all I want to suggest to you is the possibility that in fact at the time of the discussions, you made / ...

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made rough contemporaneous notes of what people said, and that afterwards you put it together in this rather orderly categorised form? --- What you mean is that I wrote out this roughly and then later on rewrote it in its present form?

Well what I am questioning you on - yes, let me be a little more accurate, I want to suggest to you that if you were keeping contemporaneous notes, you would have jotted down various points made by speakers as they spoke, is that not so? --- INAUDIBLE

What I am suggesting to you is that there was dialogue 10 between the people there, each one chipped in and had something to say? --- Quite so.

And what you tried to do was keep some form of Minute, some note of what the people were saying? --- Mmmm.

As they were talking you tried to make a note of what they were talking about? --- I do not know if you are going to interpret it in that manner, but now what I wrote is this, it was a synthesis of the views of a group.

But was this not a synthesis which was written out by you after the talking had already ended and the meeting was 20 over, and then you went back to your room or wherever you were and then rewrote it? --- No, no.

Is there no possibility that you did that? --- No, no, in fact after writing them after the meeting was over, I gave them to Mr. Sedibe, so there is no possibility of my rewriting them.

Well now, you make reference in these notes, I refer to page 136, to Bantustans on the one page, preparing the minds of the people, making them aware ^{that} of the Bantustans means conscientisation and so on, and then on the next page 30 in the context of referring to freedom fighters, you say in
the / ...

the page: "areas near the border should be conscientised to identify themselves with freedom fighters". Now in your own language - I am talking about the vocabulary used by students, Black students, one does refer to for example border industries, meaning industries associated with the Bantustans is that right? --- Well that may be so, although I have never had the opportunity to discuss those things.

Do you refer to the Bantustans themselves as border areas at times? --- As border areas?

Yes? --- As border areas?

10

Well one knows for example that there are Bantustans on the borders? --- Well you see the gist of it is that I never thought about Bantustans being on the border.

COURT: No, no, no, Counsel wants to know from you whether you know that when reference is made to Bantustans and the economics of Bantustans, the border areas are important

- probably from an investment point of view - that people do not necessarily have to invest in Black areas, it may be difficult to get people to invest there so they invest on the border areas so that they can draw labour from the Bantustans and provide them with labour facilities and opportunities. Do you know that border is used in that connection? --- In the case of students?

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Yes? --- I do not understand.

Well what significance to you attach to the word border as used by you in this note? --- I just do not understand.

MR. SOGGOT: Well let me try once more, what I am suggesting to you is there is first of all a phenomenon known as border areas. These are areas destined for industrial production but will be associated with the Bantustans, are you with me on that? --- Whether border areas are associated with Bantustans?

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Court / ...

COURT: No, do you know that people use the word border areas in that context? --- I do not think I ... (INAUDIBLE)

MR. SOGGOT: Now, let me put this to you, you have indicated to the Court that you are a student of the Jehovah Witnesses, and am I correct in putting it to you that you are against the use of violence in any form?

--- Yes, I am against the use of violence.

Not necessarily representing Jehovah Witnesses but your own personal view .. (witness intervenes) --- My own personal view.

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One of abhorrence for the use of violence? --- That is my personal view, my personal view, I am against the use of violence.

And am I correct in suggesting to you that had anyone in any of the meetings during the formation school suggested the use of violence, you yourself would have attacked that person, I mean orally, you would have criticised him? --- No, I don't think I would have done that.

You would not have done that? --- No, I would not have done that.

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I see.

COURT: What would you have done? --- I would just have kept quiet.

MR. SOGGOT: You would not want to participate in the discussion would you? --- No, I would not want to participate in the discussion.

But certainly had someone ever suggested the use of violence, that is something which you would have noticed and remembered not so? --- Of course I would have noticed it.

And as you stand there you do not remember anyone in fact advocating or encouraging the use of violence? --- No, no.

30

I / ...

I have no further questions.

CROSS-EXAMINATION BY MR. PITMAN: May I just ask you, Mr. Kekane, when did you first know that you would be giving evidence today? --- That I would be giving evidence today?

Yes? --- I heard on Saturday in the afternoon.

Now in regard to the commission which you spoke of at which you were the scribe, I think you have made it clear that no resolutions were taken, nothing was put to the vote?

--- Nothing.

And as I understand it there was merely discussion 10 backwards and forwards between the people there? --- Quite so.

There was actually no mathematical way of knowing what the consensus of opinion was, you could not say there were twenty in favour and two against, or anything like that, you merely had to use your discretion to try to estimate what in your mind was the consensus of opinion there? --- In as far as what?

In as far as what you wrote down? --- Quite so.

And you had no means of knowing whether your estimate of what the consensus of opinion was, was correct or not, it 20 was merely your view as expressing the opinion of the majority there? --- Quite so.

Now, just one ..(Court intervenes)

COURT: If I understood you correctly, you said that as far as the discussions were concerned, but as far as the recommendations were concerned I think you said there people got up and formulated the recommendations and there was no sort of objection to it, and that is why it was formulated in this way. Is that so? --- Perhaps I was not properly understood, what I meant is this that the recommendations 30 were also described, there was nobody who stood up and gave a recommendation / ...

recommendation that was unanimously accepted, it had to be panel-beaten (?) here and there and then it was accepted.

MR. PITMAN: As I understood it, I made a note somewhere, I may find it, as I understood it what you were saying was that not that the recommendations were formulated after discussion, but that merely the members of the commission were now asked after discussion: what recommendations do you have, and various members would put forward various recommendations? --- Of course, the members of the commission.

And as I understand it, you estimated from the reaction 10 which that recommendation elicited from those present, whether it appeared to be a recommendation that was favourable to most or not? --- You mean I - pause ?

In other words, if you do not understand that ..(Court intervenes)

COURT: You used the word panel-beaten? --- Yes.

Now what do you mean by that? --- I mean that now that somebody, say one gives an opinion what line of thought can be followed. Now there may be someone who may be opposed to that, now they may agree and say: now we adopt this part of 20 the opinion, and perhaps add this and that to what is said. So the opinions were panel-beaten here and there, then ultimately I read it out.

MR. PITMAN: But it is clear is it not that nobody ultimately formulated a recommendation and said does everybody agree with it, there was nothing like that? --- One person who formulated all the recommendations and everybody accepted that?

No, not one person, it is clear that they were never formulated after discussion and put to the people at the meeting as a unanimous recommendation, that never happened? 30 --- I really cannot - pause --

Court / ...

COURT: Counsel wants to know if you can swear now where you stand, that what figures here as a recommendation, is a unanimous feeling of all the people who took part in that commission? --- Who were on the commission?

Yes? --- Yes, since nobody stood up to object to it, perhaps what I later on wrote, then I regarded that everybody was agreed that I should write it.

MR. PITMAN: Yes, correct, but Mr. Kekane, you never in fact read the recommendation out there, you read it the next day only? --- Yes, the next day.

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On the Sunday? --- On the Sunday.

Not on the day on which the commission sat? --- No.

Because in fact if you had read it out on that day you would have seen that you had made mistakes as you found today, you left out "nots" and that sort of thing? --- Quite so.

You did not read it out at all that day to the commission? --- Yes I read it out the following day.

The following day only? --- Yes.

Only? --- Only.

Now, I would like you to look at one document, it is 20
in regard to one bit of evidence you gave, and my learned
friend must have it, it appears in Volume 2 at page 239, you
gave some evidence a moment ago in which you said in answer
to a question by his Lordship, you said that you had felt
that SASO was a bit racialistic, and that was the one point
on which you disagreed with SASO. Now I just want to read
to you, there is a policy manifesto which you may look at,
it has been handed to you, do you see that paragraph 3,
it says: "SASO believes (a) - the first thing it believes -
is that South Africa is a country in which both Black and 30
White live and shall continue to live together". Now, I take

it / ...

it that is not the kind of racialism you are talking about, I mean that you do not regard as racialistic? --- No, this I do not regard as racialistic.

You do not regard that as racialistic? --- No, I do not regard it as racialistic.

Then "(b) that the White man must be made aware that one is either part of a solution or part of the problem" - well you do not regard that as particularly racialistic do you?

COURT: Mr. Pitman, I understood from his evidence that he 10
thought that SASO was racialistic in that SASO according to him refuses to co-operate with White students.

MR. PITMAN: M'lord, I am actually coming to that very point on the next question. Now, would you just look at (f), it says there: "That in pursuit of this direction, therefore, - referring to certain things that were said earlier - personal contact with Whites, that it should not be legislated against, must be discouraged", and that is all that you are really referring to is it not, the fact that they discouraged personal contact with Whites? --- Personal 20
contact with Whites? Mmmm - that is not how I understood it, I understood that it discouraged people from making any contact with Whites as a student organisation.

At a personal level? --- Not only at a personal level but also as a student organisation.

Well then may I take it that you did not know about this policy manifesto? --- No, I did not about it, it is the first time that I see this.

No further questions.

RE-EXAMINATION BY MR. ATTWELL: Mr. Kekane, just 30
clarification on one or two points, my learned friend, Mr.

Allaway / ...

Allaway put it at one stage to you that you found it was not easy to take an accurate note of what was being said during the commission, and I took your answer down as: "it is possible". Do you recall such a question having been put to you? --- Yes, that I couldn't take down everything, that was said.

That is in its context, he put it to you that often people were speaking at the same time etcetera, and you said that may have happened. He then said it was not easy to take down an accurate note of what was being said. Now 10 your answer as I took it down was: "it is possible"? --- Yes.

What is possible, that you did not take it down or it is possible to take it down? --- It is possible that people speak at the same time, and that in that case it is not possible for the one who is writing to write down what they are saying.

The recommendations of that commission, you were asked whether anything was put to the vote during commission stage and you answered no? --- Yes, that is correct.

Was it necessary to put it to the vote? ---- I do not 20
know.

You were asked by my learned friend, Mr. Allaway, also what you understood when Nefolovhodwe spoke at the rally, Accused No.6, and he spoke of freedom for the Blacks which may suggest violence to you, and you were asked what you understood and you said: if you should also like Frelimo have a modus operandi - do you remember saying that? --- Yes.

What modus operandi do you have in mind there? ---- Modus operandi? I have already pointed out that I am not a political activist, thus I do not have any modus operandi 30 to put into operation about how it would be done.

What / ...

What was Frelimo's modus operandi as far as you are concerned? --- As I have read it from the papers, they fought against the Portuguese.

In what way did they fight? --- With what did they fight? They used arms of course, guns.

As you were busy climbing up the bank on the north side of the soccer field on your way to the top of the bank, you were climbing up the steps, would you have been able to see if stones were thrown as you said by the students on the right over there? --- I must have been able to see. 10

Would you have seen as you were climbing up the bank? --- I must have seen.

While you were climbing up, in which direction were you looking, Mr. Kekane, while you were climbing up the steps? --- I was looking in the direction of our stadium, but now I was not spirited only to that direction.

I see. ^{sic} You were asked whether you considered the rally to have been organised by the SRC? --- Yes.

And you said yes, why do you say yes? --- Because it is the SRC that told us about it. 20

Were you involved at all in the organisation of the rally? --- No, I was not.

Did you attend any SRC meetings? --- REPLY INAUDIBLE - so I did not attend any meetings.

You were asked by my learned friend, Mr. Pitman, when did you first know that you were giving evidence today, you stated on Saturday afternoon? --- Yes.

Was that the first time you knew you would give evidence for the State in this case? --- No.

When was that, would you tell the Court, I just want 30 to correct any misunderstanding. (...Mr. Pitman intervenes)

Mr. / ...

MR. PITMAN: That answer was very specific, M'lord, he knew that he would be giving evidence today, that is what I wanted to know.

No further questions.

BY THE COURT: Mr. Kekane, I just want to get clarity on this, I am not sure whether I had it correct, you said No.6 addressed the rally in the hall? --- That is right.

And you said he spoke about Mozambique and having its own freedom, and then he also said: "we can get it the same way". Now do you want to develop on that, what did he mean 10 by it? --- Who was that speaking?

No. 6, that is in the hall? --- In what way did he mean it?

Well, what did you understand, in what context did he say it? --- I understood him to mean that we can also fight for it, but he used the word "fight" figuratively, not by actually taking up arms and so on, but perhaps he may have meant that we should also clamour for it, and so on. I wouldn't know specifically what he meant by that, but my own interpretation is that way. 20

Do you remember the words that he used? --- No, I do not remember the words that he used.

But did I hear you correctly, you said that he said: we can get it the same way? --- I was just giving the gist, the general gist of what he said.

Your impression? --- Yes, of my impression.

Yes, thank you.

MR. ALLAWAY: M'lord, may I, through the Court, ask this witness a question which I ought to have put in cross-examination? 30

COURT: Yes.

Mr. / ...

MR. ALLAWAY: Were you ever arrested at any stage? --- No.
Not at any stage? --- No.

Were you ever detained by the police at any stage?
--- Detained?

COURT: Were you ever locked up? --- No.

MR. ALLAWAY: M'lord, I do not know whether the Court would
like me to put in more detail what my instructions are about
what Accused No.6 said.

COURT: Perhaps you should.

MR. ALLAWAY: I did put it to the witness Ledwaba in some 10
detail - pause - M'lord, I am afraid I am having trouble
finding my note, I have a fairly full note of it, excuse me
please.

COURT: Well there is no hurry, you can look for it. What
about tomorrow? --- No.

Are you writing an examination? --- Yes, and ..(INAUDIBLE)

What examination is that? --- University Education
Diploma.

I see, your final.

MR. ALLAWAY: I am much obliged, M'lord, the obvious is 20
sometimes invisible, it was where I was looking for it and
I could not see it. Mr. Kekane, I am just going to outline
to you what, according to my instructions, is what Accused
No.6 said at this rally, because he is going to tell the
Court that he in fact wrote out what he said, and I suggest
to you that when he opened his speech, when he first started
talking he said that you were there to commemorate with those
who found their freedom - can you dispute that, or do you
agree with it, or don't you remember? --- I don't remember,
I can't recall everything. 30

No, but what I am saying to you is this, that the impact
of / ...

of what he first said was: look, we are here to commemorate with those people who found their freedom? --- You mean - pause -

If Accused No.6 says that when he started speaking the first thing he tried to get across into your minds, was look, we are gathered here to commemorate with people who have found their freedom, will you say he is not telling the truth, will you say he might have said it but you have forgotten it, or do you say you do remember it, what is the position? --- I have forgotten it.

And I suggest he went on to say that you were gathered 10 there to express your feelings of love and support for the new government in Mozambique? --- He might have said that.

And to foster solidarity with those who have suffered for freedom's sake - might he have said that? --- He might have said that.

And he also said: we are gathered here to rededicate ourselves towards our own freedom in South Africa, it was a rededication towards our own freedom? --- Mmmm - he might have said that.

And he went on to say according to my instructions, 20 that he wanted to talk about freedom, because there was little freedom amongst the majority of people in South Africa? --- He might have said that.

I am not going to put everything that he said to you, but he apparently went on to say that the young generation of students were deeply concerned about freedom, did he say that, that young students are deeply concerned about freedom? --- He might have said that.

And nobody is going to tell you what to do in order to get your own freedom, you must hard towards the liberation 30 of Blacks in South Africa - could he have said that? --- He
might / ...

might have said that.

According to my instructions he said: Whites were, are and shall always be against your struggle for freedom, because freedom has never been given to the oppressed by the oppressor - did he say that? ---- He might have said that.

And he went on to say, according to my instructions, that the oppressed people had always had to work and fight hard for their freedom? ---- He might have said that.

Because no minority will ever rule the majority forever, history has it that way? ---- He might have said that. 10

Now what I am trying to get across to you is this, that at no stage did Accused No.6 suggest or state that Black people in South Africa should copy Frelimo by taking up arms against the Whites and in getting their freedom by force of arms? --- I see, yes.

He never suggested that, and I put that to you that Accused No.6 never suggested that the Blacks should resort to arms as Frelimo had done in order to get their freedom? --- I see.

Now if he goes in the witness box and says that he never said: take up arms, or: copy Frelimo, or: copy them in the way they have achieved their freedom by violence, what do you say about his evidence? ---- I don't think I would dispute it. 20

Thank you, M'lord.

NO FURTHER QUESTIONS

COURT ADJOURNS

/VMD.

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