

IN THE SUPREME COURT OF SOUTH AFRICA,
(Queenstown Circuit Local Division).

BEFORE THE HONOURABLE MR. JUSTICE J.D. CLOETE.

ASSESSORS: MR. W.H.J. BARKER AND MR. OOSTHUIZEN.

FOR THE STATE: MR. D'ARCY ASSISTED BY MR. JOUBERT.

FOR THE DEFENCE: MR. S.H.E. WIENAND. (No. 1 ON BRIEF,
accused no's 2, 3, 4 and 5 at the request of the COURT)

THE STATE VERSUS:

1. MALCOMESS JOHNSON MGABELA KONDOTI.
2. WASHINGTON PUMELO BONGCO.
3. DOUGLAS ZULU SPARKS.
4. STEPHEN VUKILE TSHWETE.
5. LUNGLO SHADRACK TSHAWA DWABA.

AT QUEENSTOWN ON THE 17th FEBRUARY, 1964.

MR. D'ARCY HANDS IN ORIGINAL ORDER BY THE ACTING
ATTORNEY--GENERAL DIRECTING THAT THE ACCUSED BE TRIED
SUMMARILY ON CHARGES OF SABOTAGE (13 COUNTS) AND
CONTRAVENTIONS OF THE SUPPRESSION OF COMMUNISM ACT ON
THREE COUNTS.

MR. D'ARCY ALSO HANDS IN THE ORIGINAL INDICTMENT AND
FURTHER PARTICULARS RELATING TO MEETINGS IN COUNTS 14
and 16.

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INDICTMENT PUT TO THE ACCUSED - ALL THE ACCUSED PLEAD
NOT GUILTY TO ALL COUNTS.

ASSESSORS SWORN IN.

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MR. D'ARCY CALLS:

STEPHANUS SAUER: Sworn states.

EXAMINED BY MR. D'ARCY:

You are a Warrant Officer in the South African
Police/.....

Police and official photographer and draughtsman stationed at East London ?--- Yes. On 20.3.1963 I accompanied Detective Sergeant.... (Court intervenes)

CLOETE J: That's the 20th March ?--- That's correct.

Not too fast please. On the 20th March, 1963, (5
you accompanied who ?---Detective sergeant Card, the complainant in this case, witness Prins, Bantu Sergeant Williams and Samuel Tutu to a spot in Meine Street, where they pointed out certain spots to me. I took a photograph of the locality which I now hand in (10
exhibit A.

MR.D'ARCY: You hand in three copies of each photograph to the bench, and one each to us.

CLOETE J: Yes?-I have also prepared a key and a reference to the photographs M'Lord, which I now hand in. (15

What exhibit number is that ?.

MR.D'ARCY: Exhibit B, M'Lord. Yes ?--- I have also prepared a sketch plan of the locality which I now hand in.

CLOETE J: Exhibit C. ?--- That is so. (20

MR.D'ARCY: Will you just explain the plan and the letters on the photograph with relation to these three exhibits?-- A. is the spot where it is alleged the complainant was shot as pointed out by the complainant. B. is the spot, tree, where it is alleged, where accused stood prior to shooting, (25 as pointed out by witness Prins. C. is a spot where it is alleged the witness Prins and others were gambling as pointed out by Prins. D. is the house of the complainant. E. is an electric light. F. is a house where it is alleged complainant intended visiting.

CLOETE: J: F. is not on the photograph, is it ?--- No, (30
there/....

there is no F. on the photograph.

MR. D'ARCY: It is on the plan ?--- It is on the plan yes. G. is spot where it is alleged Bantu sergeant Williams picked up a spent cartridge case. H. is another electric light. J. is a spot where Samuel Tutu picked up a live (5 cartridge. K. is a spot where Samuel Tutu picked up a spent cartridge case. Spots, A.B.C.D.E. and H. on the plan correspond with spots A.B.C.D.E. and H. on the photograph. The distances A.....B. - 83 feet; A.....C. - 52 feet; A.....D. - 53 feet; A.....E. - 100 feet; (10 A.....F. - 21 feet; A.....G. - 6 feet; A.....H. - 36 feet; A.....J. - 10 feet; A.....K. - 11 feet.

You hand in those three exhibits ?--- I do.

Now count 8. ?--- On the 20th March, I again accompanied detective sergeant Card, detective sergeant Griffiths, the complainant, A. Giwa and E. Giwa to no.13 Bikka Street, (15 Duncan Village.

CLOETE J: A. Giwa and what's the other one ?--- E. Giwa.

Who was the complainant ?--- Toti.

Yes ?--- He pointed out certain spots to me. I took a photograph... (Court intervenes). (20

Where did you go to ?--- No.13 Bikka Street.

Yes ?--- And I also took a photograph of the locality and I prepared a sketch plan.

MR. D'ARCY: You hand in that photograph, that will be then exhibit H. Yes ?--- I also prepared a sketch plan (25 which I now hand in.

That will be exhibit F. Yes ?--- A. is a spot where it is alleged complainant was walking.... (Court intervenes). (30

CLOETE J:/

CLOETE J: We haven't marked the key.

MR. D'ARCY: The key is exhibit G.

CLOETE J: Yes ?--- A. the spot where it is alleged complainant was walking when fired upon as pointed out by him. B. a spot where it is alleged a spent cartridge was (5 picked up by detective sergeant Griffiths. C. is alleged bullet hole in corrugated iron wall of the house of no.403. D, is spot where it is alleged complainant saw the accused standing, when a shot was fired. E. spot where it is alleged a live cartridge was picked up by the com- (10 plainant. F. is a house where it is alleged complainant ran into after being fired upon as pointed out by the complainant, A.Giwa and B.Giwa. G. is a lane where it is alleged the complainant came out of before being fired upon as pointed out by the complainant. H. spot where (15 it is alleged A.Giwa was sitting when a shot was fired at the complainant. J. spot where it is alleged Ester Giwa was sitting when a shot was fired at the complainant as pointed out by her. Spot A.- J. on the plan corresponds with spots A.- J. on the photograph. The distances: (20 A.....D. - 21 feet; A.....E. - 9 feet; A.....F.- 18 feet; B.....D. - 6 feet; C.....H. - 2 feet; D.....C.- 28 feet; E.....D.- 15 feet; H.....J.- 4 feet.

MR. D'ARCY: Now count 9. I think if you hand in the plan first?--- On the 16th December, 1962, I accompanied (25 sergeant Card, to Kwinana Street, Duncan Village, where I prepared a sketch plan of the locality.

Exhibit I. Yes ?--- I also prepared a key to the plan.

That's exhibit J. Hand in the photographs first. (30

Yes ?---/.....

Yes ?--- I also took a photograph of the locality, which I now hand in;

Exhibit K. Yes ?--- Photograph no.1, that is of the house.

That is exhibit K. ?--- Yes. (5

CLOETE J: Have you got more than one photograph ?--- Yes, I have.

We'd better make them K.1,2,3,4.

MR.D'ARCY: How many have you got there ?--- I've got four. (10

K.1, K.2,K.3, K.4. Would you just explain the key to the plan and the view of the photographs as you go along ?---Spot A. is a hole in the wall apparently made by a bullet; B. spot where it is alleged John Mati picked up a slug; C. spot where it is alleged a spent (15 cartridge was picked up by John Mati; D. the bedroom window through which it is alleged a petrol bomb was thrown. Spots A.B.and D. on photograph no.1 correspond with spots A.B.and D. on the plan. Distances: A.....B.- 11 feet; B.....C.- 18 feet. (20

Photograph no.1 ?--- Photograph no.1 is a close-up of the house. The bedroom spots A.B. and D. are shown on the photograph.

Does spot A. on the photograph correspond with spot A. on the plan ?--- Yes. (25

That's a hole in the wall apparently made by a bullet ?---That is correct.

And photograph no.2 ?--- Photograph no.2 is a close-up of the window showing the broken window pane, glass.

How many window panes were broken ?--- Three. (30

CLOETE J:/

CLOETE J: Is that photo no.2 an enlargement of photograph no.1 ?--- Yes M'Lord.

Just an enlargement from the same negative ?---
From the same negative.

MR.D'ARCY: Photograph no.3 ?--- Is pieces of broken (5 glass which was handed to me by detective sergeant Card at the office, petrol bombs, broken glass of petrol bombs.

CLOETE J: So it looked like the remains of a petrol bomb ?--- Yes.

MR.D'ARCY: What are those two funny looking objects (10 on items 1 and 2 ?--- That was the top of the bottle that was wrapped with sacking.

CLOETE J: Under 1 there, just to the right hand side, is that the neck of the bottle ?--- Yes.

And on the left is that sacking ?--- Yes. (15

And 2, is that some coir sacking as well ?---Yes.

What is 3 ?--- Broken glass.

And 4 is the base of the bottle ?--- Yes.

MR.D'ARCY: And photograph no.4 ?--- That's a burnt out bed in the bedroom. (20

CLOETE J: Did you actually see the bed burnt out?---
It was extinguished when I got there.

In a burnt condition I mean ?--- In a burnt condition as shown on the photograph.

MR.D'ARCY: Was it charred ?--- Yes. (25

Was just the one bed charred ?--- Two beds.

Were both ends charred ?--- Yes.

And there is a cupboard in between the two beds, was that charred as well ?--- Yes.

You hand in those exhibits ?--- Yes. (30

Count 10. Yes ?--- On the 12th January, 1963, I accompanied detective sergeant Card to 164 Coote Street, Duncan Village. He pointed out certain spots to me, I prepared a sketch plan of the locality.

That is exhibit O. --- I also prepared a key (5
to this plan.

That is exhibit P. ---- I also took a photograph of the house which I now hand in, at 164 Coote Street.

That will be exhibit Q. Have you got other photographs there too ?--- Photographs no.2, yes M'Lord. (10
Q.1, Q.2, and Q.3 ?--- Yes.

CLOETE J: So the one handed in will be Q.1 ?--- Yes.

MR.D'ARCY: As also Q.3 ?--- That is correct.

Will you just explain ?--- A. is a hole in the window pane apparently made by a bullet. B. is a hole (15
in the wooden partition opposite spot A. C, is complainant's bed. D. is spot where it is alleged a slug was picked up by the complainant. E. is spot where it is alleged a slug was picked up by the complainant, the second one. (20

CLOETE J: After D., what was E. ?--- A spot where it is alleged a slug was picked up by the complainant, that is another one. F. is spot where it is alleged a spent cartridge was picked up by the complainant.

That's in a lane, is it ?--- Yes. G. spot (25
where it is alleged Bantu detective sergeant Dyomfana picked up a live cartridge as pointed out by the complainant. H. is spot where it is alleged complainant was standing when she saw the accused no.2 at spot J. J. is spot where it is alleged Attwell Msauli was standing (30

as/.....

as pointed out by the complainant. K. is spot where it is alleged complainant saw accused no.1 Mzwandile....

(Mr.D'Arcy intervenes)

MR.D'ARCY: He is not an accused in this case.

Saw Mzwandile ?--- Saw Mzwandile as pointed out by the (5 complainant.

CLOETE J: That's K. ?--- Yes.

MR.D'ARCY: At spot H. the name Attwell Msauli should be substituted for accused no.2. And then point K., have you dealt with point K. ?--- Yes. (10

Delete the words "accused no.1" ?--- Mzwandile, as pointed out by the complainant. Spots A.G.H.J. and K. on photograph no.1 correspond to spots A.G.H.J.and K. on the plan. Spot A. on photograph no.2 corresponds with spot A. on the plan. (15

CLOETE J: That's the window ?--- Yes. The distances. From A....B.- 12 feet. A.....F.- 5 feet. D.....C. - 6ft.6ins. B.....E.- 11feet. G.....H.- 2 feet. J.....H. 12ft.6ins. The height of the hole at spot B. is 4ft.2Ins. The height of the bed at C. is 3 feet. (20 The width of the verandah is 5 feet.

MR.D'ARCY: Now the photographs. Photograph no.1, Q.1, that's the front of the house, is that the same house reflected in exhibit O. You drew a plan ?--- That is so.

That is the same house, is that right ?--- That (25 is correct.

You have marked spots there ?--- I did. G .H.J. and K.

Just tell us what those are ?.. (Court intervenes)

CLOETE J: I think he said they corresponded with the same (30 spots/....

on the plan. He dealt with photographs 1 and 2.
It is photograph no.3 that we don't know anything about.

MR.D'ARCY: Photograph no.3 ?---That is the bed.

Inside the house ?---Inside the house. Spot
B. marked is a hole in the wooden partition M'Lord. (5

Whereabouts is that on the plan ?.

CLOETE J: Is that the same as point B. on the plan ?---
Yes.

I can't see a hole ?--- There is a piece of
paper at B. (10

Is that just there for the purposes of showing
where it is ?--- Yes.

MR.D'ARCY: And Q. on the plan is that the same bed
as you have a photograph of, Q.3 ?--- That is correct.

What is point C. ?--- Just to show the bed. I (15
just made it on the pillow to show the bed.

You hand in these exhibits O.P.Q.1-3 ?--- Yes.

Count 11. --- On the 23rd March, 1963, I again
accompanied detective sergeant Card, complainant
Nomakaya Malgas, Sekiwe Williams, to a spot in (20
Independence Street, Duncan Village. I prepared a
sketch plan - they pointed out certain spots to me -
I prepared a sketch plan.

Exhibit T. --- I also prepared a key to this
plan. (25

That will be exhibit U. --- I also took a
photograph of the locality.

Exhibit V. Will you just explain your key to
the plan ?--- A. is a spot where accused stood when he
fired a shot as alleged by complainant, and witness (30

Nomakaya/

Nomakaya Malgas.

CLOETE J: Who is the complainant ?--- Constable Rila Mcobi.

MR.D'ARCY: Go on ?--- B, spot where it is alleged complainant was shot and ran to spot C, for help as pointed out by the complainant. C. spot where it is alleged witness Nomakaya Malgas and Sikizwe Williams were sitting. D. is a lane where accused ran into and disappeared as alleged by the complainant and Nomakaya Malgas and Sikizwe Williams. E. is spot where detective sergeant Card picked up a spent cartridge case as pointed out by him. F. is a bus stop from where it is alleged accused followed the complainant. Spot A.B.C.D.E. and F. on the plan correspond with spots A.B.C.D.E.and F. on the photograph. (5 (10 (15

CLOETE J: Mr. D'Arcy who is the accused in this count ?.

MR.D'ARCY: I might just explain, the constable pointed out one of the men at the top of the sheet, that should be deleted.

CLOETE J: I don't follow. We've got to delete what ? (20

MR.D'ARCY: At the top of the key, State vs.Mzwandile Mandla and Attwell Msauli. This was an exhibit handed in in a Preparatory Examination which was held against those two persons. Both must be deleted. The constable, the complainant, alleged that he saw one of those men following him in that street, but the person who is actually accused of firing the shot is one Brian Z.Jones. Not one of the accused, somebody else. (25

CLOETE: J: Now, therefore, where the key says "spot where/..... (30

where accused stood when he fired a shot", it shouldn't be the accused.

MR.D'ARCY: It shouldn't be.

CLOETE J: Who should it be ?.

MR.D'ARCY: Msauli. (5)

CLOETE J: I think it would be convenient if a proper key could be prepared. Just have them re-typed during the course of the trial. We'll amend them now.

MR.D'ARCY: As Your Lordship pleases.

CLOETE J: So in each case where "accused" is mentioned, it should be "Mzwandile". I think for the sake of the record, it would be better if it were typed. (10)

MR.D'ARCY: I'll have that re-typed.

CLOETE J: So it is not alleged that the actual shooting was done by any one of the five accused before the Court at this stage. (15)

MR.D'ARCY: No. Go on ?--- The distances. From A..... to the bus stop is 195 paces. A.....B.- 5 feet. A.....E.- 5 feet. B.....C.- 62 feet.

Those spots shown on the plan correspond with the corresponding letters on the photograph ?--- Yes. (20)

You hand in those exhibits ?--- I do.

The photograph on count 12. That will be exhibit W. Just tell us about that Mr.Sauer ?--- On the 30th October, 1963, I accompanied sergeant Bekelin and Clement Dukada to a spot in Duncan Village, where Clement Dukada pointed out certain spots to me. (25)

What is the name of the street ?--- Mcukane Street. A. is spot ...(Court intervenes).

CLOETE J:/.....

CLOETE J: You prepared a key to the plan as well ?---
I did.

MR.D'ARCY: Exhibit X. Key to the photograph.

CLOETE J: Key to the photograph exhibit X, yes.---

A. is a spot where the witness Clement Dukada stood. (5

B. a spot where it is alleged a shot was fired from as
pointed out by Dukada.

MR.D'ARCY: Do you know whether Dukada was the com-
plainant in this case ?--- I really don't know.

You hand in those two exhibits ?--- I do. (10

COURT TAKES THE SHORT ADJOURNMENT.

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ON RESUMPTION:

STEPHANUS SAUER: (Stillunder oath) Contd.

NO FURTHER QUESTIONS BY MR.D'ARCY. (15

CROSS-EXAMINED BY MR.WIENAND:

When all these photographs were taken and various
points were pointed out to you, I take it none of the
accused were present ?--- No.

I'd just like to refer you to exhibit I,J,K, (20
the photographs, particularly to exhibit K.1, the photo-
graph, count 9, that is a photograph of the house.

Point A. on that photograph, is that the bullet hole ?---
Yes, appearing to be a bullet hole, a hole in the wall.

You say a hole in the wall. Did it actually (25
pass through the wall or is it just a dent in the wall ?--
Just a dent in the wall.

That is a cement building ?--- Yes.

NO FURTHER QUESTIONS BY MR.WIENAND.

NO RE-EXAMINATION BY MR.D'ARCY.

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JOHAN TEEPE: Sworn States.

EXAMINED BY MR. D'ARCY:

You are a detective sergeant in the South African Police ?--- I am.

And official draughtsman and photographer ?--- (5
Correct.

Will you just deal with count 6. You prepared a plan and a key, the plan is exhibit D. and the key E. Just tell us when you went along to that address ?--- On the 3rd January, 1963, I visited the premises at 770 (10
Meki Street, Duncan Village.

Certain spots were pointed out to you ?--- Certain spots were pointed out to me by detective Warrant Officer Bowen. I took measurements and prepared a plan.

You made observations and drew up a plan ?--- (15
That is correct.

You prepared a key to the plan ?--- That is correct
The plan is exhibit D. is that of this address
770 Meki Street, Duncan Village ?--- It is.

And the key to the plan is exhibit E. Will you (20
just explain the plan and the spots thereon ?--- On the
plan point P. is a spot near the gate of adjoining premises
no. 769 Meki Street, where portions of a broken bottle were
found as pointed out by Mr. Bowen, and Q. area below living
room window of 770 Meki Street, where bits of broken (25
bottle were found. Distances: the fence along Meki Street
to the front of the building 14 feet 8 ins. Width of gate
3 feet 6 ins. Gate post on which gate was hung at 769 to
P. 2 feet. Gate post common to 769 and 770 to P. 4 feet
10 ins. Height of window sill at Q. 3 feet. Size of (30
windows/.....

windows 3 feet 4 ins. by 4 feet 6 ins.

You hand in those exhibits ?--- I do.

Exhibits D. and E. The points on the plan those are the points mentioned in your key ?--- That is correct. (5

NO FURTHER QUESTIONS BY MR.D'ARCY.

CROSS-EXAMINED BY MR.WIENAND:

In regard to point Q, is there a window there ?--- Yes, there is a window.

Is it broken at all ?--- Yes. At the time I was there, was a little while after that, I beg your pardon. I know something about it, I don't remember whether that window was broken at the time I visited the place. (10

You didn't notice whether it was broken or not ?--- No. (15

NO FURTHER QUESTIONS BY MR.WIENAND.

NO RE-EXAMINATION BY MR.D'ARCY:

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CHARLES ESSEX BOWEN: Sworn States.

EXAMINED BY MR.D'ARCY: (20

You are a detective Warrant Officer in the South African Police stationed at East London ?--- I am.

At 12.30 a.m. on the 18th November, 1962, in consequence of a report received, you got in touch with the complainant ?--- At Duncan Village charge office and I accompanied him to his house at 770 Meki Street. (25

Victor Tonjeni ?--- Yes.

What did you find when you got there ?---I found that/..... (30

that the window of the dining room at 770 Meki Street, had two window panes broken and the whole window was charred black with smoke.

The whole window ?--- Yes, the whole window and frame as it was in the window, (5

Yes. Did you go inside ?--- Yes, I went inside and I found charred marks on the floor, most of the settee was burnt out and on the floor I found broken glass which appeared to be the bottom portion of an ordinary wine bottle. With this glass I also found (10 what appeared to be a piece of burnt out cloth.

Was there anything peculiar about the cloth ?--- Nothing peculiar about it, except that it appeared to have been knotted and burnt out with the knot intact.

You collected this cloth, is that correct ?--- (15 Yes, well on the outside of this window I found other broken glass and the mouth of a bottle which was still corked. The fringe of the cork was charred also. At the gate, that is the entrance to 769 Meki Street.

The house next door ?--- Yes, that's the house (20 next door, I found a complete bottle, which was also broken, but had not burnt in any way. This was tied with a piece of cloth and there was a strong smell of paraffin and petrol, on this cloth. I took possession of this bottle and all the other pieces of glass together with (25 the burnt out piece of cloth I found on the inside of the room. These were later photographed in my presence by detective sergeant Wicks of East London.

You hand in photograph exhibit L.1 ?--- I hand in photograph exhibit L.1. No.1 on the photograph are (30 the/....

pieces of glass and burnt out piece of cloth I found on the floor in the dining room. No.2 are the broken pieces of glass which consist of the top portion of a bottle I found on the outside of the window on the ground. No.3 is the broken bottle which I found in the adjoining yard. (5

CLOETE J: That is 769 ?--- That is 769.

Together with the cloth you found there ?--- Yes.

No.4 ?--- No.4 is an exhibit which I found at other premises.

MR.D'ARCY: Do you know what happened to these bottle (10 pieces ?--- As far as I know they were destroyed.

I'd just like you to look at exhibit D, the plan exhibit D, that's a plan of the house ?--- That's correct.

You spoke about the dining room. Now on that plan the room is described as the "lounge" ?--- That is (15 it there M'Lord.

Is Q. the window which you found broken ?---That is correct.

Where was the bottle which you picked up inside the house, more or less ?--- It was opposite the window, (20 I would say about a third of the way into the room.

Does the plan reflect the spot where you found the bottle ?--- Yes, P. on the plan is where I found the broken bottle.

You pointed out those spots to detective sergeant (25 Teepe ?--- I did, that was on the 3rd January,1963.

NO FURTHER QUESTIONS BY MR.D'ARCY.

CROSS-EXAMINED BY MR.WIENAND: NO QUESTIONS.

DONALD JOHN CARD: Sworn States.

EXAMINED BY MR.D'ARCY:

You are a detective sergeant in the South African Police stationed at East London ?--- That is correct.

Did you visit the house at 770 Meki Street, in Duncan Village ?--- I did, on the 18th November, 1962. (5

And did you go into the house ?--- I did.

And you had certain photographs taken ?--- That is correct, I had two photographs taken, one of the inside of the house and one of the outside. (10

That's exhibit L.2 and L.3, is that right ?--- That is correct.

Outside exhibit L.2 and inside L.3 ?--- Yes.

Will you just explain these photographs ?--- The one taken from the outside, was taken from the fence (15 and shows the door to the left and the burnt - that is the broken panes of glass and the charred window to the right. The photograph taken of the inside was taken from the lower end of the room towards the window, the photograph is taken towards the window, you can see the window (20 on the right, the broken pane and the damaged furniture.

CLOETE J: That is the charred settee there ?--- Yes.

And what is that lying in front of the chair, there seems to be something lying in front of the chair ?--- I think that is a piece of paper M'Lord. We (25 had to move some of the furniture, the table we had to move back in order to get a photograph of that area.

MR.D'ARCY: The pieces of glass were no longer there ?--- No, they had already been removed.

The window on those two photographs correspond (30 with/.....

with window Q. on exhibit D. ?--- That is correct.

This is the house of ?--- Victor Tonjeni.

You hand in those photographs ?---Yes.

NO FURTHER QUESTIONS BY MR.D'ARCY.

CROSS-EXAMINED BY MR.WIENAND:

(5

Mr.Card, what does this notice signify on L.2 ?--- That is a Press - saying that this is a Press house. The complainant in this case is a Reporter for the Bantu newspaper Mvo.

NO FURTHER QUESTIONS BY MR.WIENAND.

(10

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JOSEPH JOE MATOTI: Sworn States. Speaking Xosa.
(Evidence on counts 1,5,8 and 11.)

EXAMINED BY MR.D'ARCY:

You are employed by Lever Brothers ?---Yes.

(15

Old Mutual Building, Oxford Street, East London ?---Yes.

You reside at no.404 Mtyeku Street ?--- Yes.

You are also a Deputy Ambassador, is that correct ?--- Yes.

(20

What is the nature of this appointment ?--- Advise people who are anti-Matanzima, the "abc Tembes".

You are a representative of the Chief in East London ?--- Yes.

CLOETE J: That's Chief Matanzima ?--- Yes.

(25

MR.D'ARCY: Were you ever a member of the African National Congress ?--- Yes.

Are you still a member ?--- I resigned on the 25th September, 1953.

Have you taken any part in the activities of

(30

the/....

the African National Congress since then ?--- No.

What was the attitude of members of the African National Congress towards you after you resigned ?--- They had a leader Gwenshe, and they bore a grudge of Gwenshe since 1953. (5)

CLOETE J: What is the name of the leader ?--- A.S.Gwenshe.

They bore him a grudge ?--- Yes.

MR.D'ARCY: How do you know about this grudge ?---

I resigned as the chief organiser of the A.N.C. in East London in writing, in 1953. There had to be a meeting (10) M'Lord on the 10th November, 1953, to tell people my reasons for resigning. Gwenshe did not want me to attend that meeting. He had placed people to way-lay me if I do go to this meeting.

Do you know the accused ?--- I know all the (15) accused.

Did they have anything to do with A.N.C. ?--- Accused no.5 is a new arrival. Accused no.4, accused no.3 was a member of the Congress then.

CLOETE J: Is no.4 also a new arrival ?--- He was (20) not there during my time.

No.'s 4 and 5 were not there ?---That was 1953 M'Lord, as well as accused no.2. Accused no's 1 and 3 were then there M'Lord.

MR.D'ARCY: Were they members of the organisation ?- (25) Yes.

Subsequent to your resigning from this organisation, did either 1 or 3 speak to you at any stage ?--- No.1 accused was very very closely in the organisation with Gwenshe, and he was told to tell them (30) that/.....

that I was not alright.

That you are not alright ?--- That I am
(Interpreter uses Xosa word nyagi).

Traitor ?--- That I am a traitor M'Lord,
And at the time of this meeting it was no.1 who stood in (5) A
the door with a knife and a torch so that I could be
killed if I am seen.

Did you see that, or is that just what you
heard ?--- I was standing outside the hall M'Lord.

Do you remember the 12th July, 1962 ?---Yes. (10)

Were you at home that day ?--- Yes.

Tell His Lordship and the assessors what
happened ?--- I was in bed and at about half-past-one.

CLOETE J: In the early morning ?--- Yes.

Yes ?--- I heard the shaking of the window. (15)

The window broke. I got up and had a look and saw a
light outside the window. I got up and thought I'd go
and have a look M'Lord where the light came from, perhaps
it was a torch from the police. When I was on my way
from the window to the door a bottle containing something (20
came through the window - I was on my way from the bed to
the door.

MR. D'ARCY: Did the window break ?--- Yes. The
contents of the bottle burnt me on the inside of my left
leg. (25)

Just let him show the Court ?--- (Witness
demonstrates scar to Court) Flames caused by the contents
of the bottle.

CLOETE J: He shows a scar running from his ankle up the
inner aspect of his left leg towards the knee, along the (30
calf/.....

calf.

Was this as a result of flames from the contents of the bottle ?--- Yes.

MR. D'ARCY: Where did the bottle land ?--- Below the bed. (5

Yes ?--- I shouted "its burning", and opened the door. When I had opened the door I saw people running. I gave chase.

How many people did you see running ?--- I saw two people running. I gave chase to try and recognise (10
who they are. I recognised accused no.1.

Was he one of them ?--- Yes, I recognised him from the two.

Did you recognise the other one ?--- I did not. He ran next to the corrugated iron fence. (15

Were these two people the only persons in the street at that time when you came out ?--- They were the only two, and they were running.

Can you give the Court any indication of the time that elapsed from the time when this object came (20
through the window - the burning object came through the window and the time that you saw these two men running ?--- Perhaps one minute or a matter of seconds. After this bottle came through the window I immediately opened the door and then saw these people running. (25

How far were they from your house ?--- As far as the first jury bench M'Lord. (Distance paced off) 6 paces. (A

What was the lighting like ? Lighting of the location ?--- M'Lord, the moon was low, but it was bright. (30

Any/....

Any other source of light ?---- There - the lighting of the location was shining towards us, in the opposite direction as to where we were running to, shining from the front.

CLOETE J: In other words, you ran towards the light of the location ?--- Yes, and if you bent down you could see them properly.

(5

MR.D'ARCY: How did you recognise accused no.1 as being one of these men ?--- He had a hat on, with the bowl pressed at the top and I noticed... (Court intervenes)

(10

CLOETE J: I don't follow. He had a hat on ?--- With the bowl pressed up at the top. I noticed him by his beard.

That means no dent in the hat ?--- Yes, just pressed out like this. I noticed him by his beard. While he was running I shouted "hoekoe" and in the running he looked around at me. I then recognised him M'Lord.

(15

MR.D'ARCY: How long, prior to this day, had you known accused no.1 ?--- For a long time, even to gaol I had taken him there M'Lord, in defiance campaign during 1952.

(20

Did you only have one opportunity of seeing him or did you have more than one ?--- Only once while he was running there. M'Lord, to make very sure, after I reported it, I armed myself and went up to accused no.1's house. I broke the window and wanted him to come out. He didn't come out, and he did not go to report to the police M'Lord. I then made a report to the police, and told them I had broken the window. I wanted accused no.1 to come out so that we could have a fight, or otherwise to report the matter to the police.

(25

(30

Did/....

Handwritten marks on the right margin: a vertical line, a double slash, a large letter 'A', and the number '510' written vertically.

Did you ask accused no.1 about this incident at all ?--- I did not speak to him because we are not on good terms.

After chasing these two men, did you go back to your house ?--- Yes. (5) *why*

What did you find there ?--- I found many people in the house who came to put the fire out.

Was anything damaged in the house ?--- Yes.

What was damaged ?--- The table doth was burnt, the bedspread, curtain, and burn marks on my blanket. (10)

What was the extent of the damage done ?--- I estimated it at approximately R3.

Is this your house ?--- It belongs to Helena Moyi, I only have a room. *SK*

Do you remember the night of the 9th December, 1962 ?--- Yes. (15)

Where were you on that evening ?--- I came out of my house. I passed my beighbour Wawase's house through a lane. When I was opposite Boyisana's house I heard an explosion like the report of a gun. (20)

Did you see anything ?--- I looked to my right and noticed a person who had lightish coloured trousers on and a lightish shirt. When it appeared to me that this man is going to shoot again I noticed that he was Msauli and I then ran into another house. (25)

Is Bikka Street anywhere around here ?--- That is in Bikka Street.

When you heard this shot, did you see this man immediately afterwards ?--- Immediately.

Did you notice anything in his possession ?--- (30)

I noticed that he had something in his hand, that he was working with and I realised that he was putting - loading it or something, that is why I ran.

How far were you from this man when you saw him ?--- From the door to the second jury bench. (5

CLOETE J: Twelve paces. (Distance paced off 10 paces.)

MR: D'ARCY. You've told us that this man's name is Msauli, do you know his other name ?--- At that time I did not know his name. I only knew him by sight.

Was it light there, were there electric (10 lights or was there a moon ?--- The moon was bright.

Any other source of light ?--- In that street the streetlights are far away, at Man Thu's place.

What did this man do when you ran away ?--- I don't know what happened to him after I got into the (15 house.

Did you see in which direction he fired ?--- He held it at me and when I saw him working with this thing he had he was also pointing it in my direction.

Did you hear the bullet ?--- I heard it M'Lord. (20

Tell us how close it was, or don't you know ?--- It must have been close to me by the hole that was in the corrugated iron.

Did you subsequently see a hole in the corrugated iron ?--- Yes. This bullet nearly struck a person who (25 was sitting in front of his house as well.

Was there only one person sitting in front of his house or more ?--- No, there were many people.

Do you know the name of this person who was sitting in front of his house ?--- Mwezi Dewu. (30

Anybody/....

Anybody else ?--- The mother of this person was also there and I ran into their house. The woman followed behind me otherwise I'd probably have been shot, with the second bullet.

Did you subsequently point out these various spots to the police ?--- Yes. (5

Do you remember what spots you pointed out ?--- Yes, I remember them.

Tell His Lordship the spots you pointed out ?--- I pointed out where the bullet went into, where the cartridge case was picked up, and where I stood when I was fired at. I remember pointing out those things and at the Identification Parade too. (10

I'll come to the Identification Parade. You told us about a cartridge case. Did you find it or did somebody else find it ?--- I showed this (one word indistinct) to the police M'Lord, on the verandah. (15

Do you know the name of the policeman to whom you showed this exhibit to ?--- It is to sergeant Griffiths that I showed the spent cartridge. He was with another European. (20

Is that all that was found, or was a bullet found too ?--- The following day I found a live cartridge next to this place.

Next to which place ?--- Where I was shot at. (25

Did you hand that over to the police ?--- Yes.

On the 19th January, 1963, you attended an Identification Parade ?--- Yes.

Who were you asked to point out at the Parade, if he was there ?--- The person who shot at me. (30

Did/.....

Did you have any doubts to his identity ?---

I had no doubt.

Can you tell the Court how far this bullet passed you in order to hit the wall ?--- (Court intervenes)

CLOETE J: Who was the man who shot at you that you pointed out ?--- Attwell Msauli. (5

MR.D'ARCY: Can you tell us how close to you this bullet must have passed you ?--- Very close to my knees.

Had you seen this man Attwell Msauli round about that time ?--- At what time ? (10

On the 9th December ?--- I saw him during the day at the meeting that we had.

What meeting was this ?--- They were going to elect an ambassador for the Chief Archie Sandhile Velile.

CLOETE J: Who ?--- Chief Archie Velile Sandhile, at the community centre. (15

MR.D'ARCY: Yes ?--- The man who shot at me was present at the meeting, as well as accused no.4 and no.2 was also there and accused no.3.

Was this meeting held in a hall or was it out in the open ?--- In a committee room. (20

Were these people allowed into this meeting ?--- No, they were not, the police was guarding outside. Accused no.4 actually swore at the Police Station Commander there, at that meeting. (25

Did you hear him say anything ?--- I heard them when I went to the latrine that they said that "these old men that didn't want us to go in there should be killed."

Do you remember who said that ?--- No, the voice came from amongst them, I cannot say which one. (30

Was/....

Was anything else said ?--- I don't remember any more. I saw Msauli. He stared at me and I stared back at him.

Do you know whether or not the accused are members of the African National Congress ?--- I had re- (5
signed but from what I hear.....(Mr.D'Arcy intervenes)

You don't know of your own knowledge ?---No.

Do you know Simmington Dukada, that's count
5 ?--- Very well.

Do you know that he was shot on the 19th (10
August, 1962 ?--- Yes.

Do you remember what night it was that he was shot ?--- I think it was on a Sunday night, if I am not mistaken.

Did you pass the Mafego Studio ?---Yes. (15

Do you remember what night it was you passed the Studio in relation to the night on which Dukada was wounded ?--- That was a Monday in the evening at dusk.

Did you notice anybody in the studio at the studio ?--- They were inside the building. (20

Who was inside ?--- Accused no.1 was talking, he had his back towards me - accused no.1 was looking at the door and accused no.2 had his back towards me. Accused no.3 stood to the side with others.

How many others were there, could you say ?-- (25
A group.

You can't tell me how many ?--- Approximately about ten.

Did you recognise any of the others ?--- They were out of sight, you couldn't see all of them, and (30
they/.....

they were looking towards no.1 who was doing the talking.

What did no.1 say ?--- He said "makwedien, we have found the traitor, Dukada, but the big traitor Matoti, we want him." Accused no.1 laughed and then they all laughed inside the building. As it appeared to me that they were about to leave the building I went back away from the door.

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- (5)
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How close to the door were you ?--- This building is on a corner, there is a small lane leading up to it, I was right up at the door listening.

Just tell us again what accused no.1 said about Dukada ?--- He said "the traitor Dukaada we've got, we've found him, but the big traitor we've still got to get who is Matoti."

(10
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Is that you ?--- Yes, they then laughed.

(15

Do you know Mary Nocer ?--- Yes.

That is on counts 3 and 10. Is she a particular friend of yours ?--- Yes, very much so.

Do you sometimes sleep at her house ?--- Not once, but I always go there.

(20

You visit there ?--- Yes, whenever I like.

Do you know that a shot was fired into her room on the 11th January, 1963 ?---Yes, when I arrived there, the shot had already been fired.

You were not in the house ?--- No.

(25

Do you know that during July, 1962, stones were thrown into her house ?---Yes, she showed me and I also saw the broken window.

Were you there on that occasion when stones were thrown ?--- No.

(30

There/.....

There were certain pamphlets distributed in the location ?--- Yes.

CLOETE J: What count is this ?.

MR. D'ARCY: Just general.

COURT TAKES THE LUNCH ADJOURNMENT.

(5

-----oOo-----

ON RESUMPTION:

JOSEPH JOE MATOTI: (Still under oath)

EXAMINED BY MR. D'ARCY (contd.)

On the 15th October, 1962, did you see certain(10 pamphlets in the location ?--- Yes.

Where did you see them ?--- In the street.

Did you pick one up ?--- Yes.

Is this one of them ?--- Yes.

Exhibit M, pamphlet in Xosa. M'Lord, (15

I am handing in exhibit N, which is a translation of that, which(rest of sentence inaudible).

In that pamphlet, is your name mentioned there ?--- Yes.

You are the J.J. Matoti mentioned there ?--- Yes.

In that pamphlet also there is a Mr. Johnson (20 Mgabela mentioned there ?--- Yes.

Is that one of the accused ?--- Accused no. 1.

Douglas Sparks ?--- Yes.

George Kumani, is he one of the accused ?--No, (25 he is not.

Delequa Dweki ?--- Dweki is not here.

And Tami ~~Th~~ of Port Elizabeth ?--- He is also not here.

Do you know Tami ~~Th~~ of Port Elizabeth ?-- I (30 do/....

do.

Do you know whether he was a member of the African National Congress ?--- When I was in he was.

CLOETE J: This Douglas Sparks he mentioned, is he one of the accused ?--- Accused no.3. (5

MR.D'ARCY: This man Mtongena Victor Tonjeni, do you know him ?--- Yes.

He is a witness ?--- Yes.

Do you know a person called Diza ?--- That is Tonjeni M'Lord. (10

NO FURTHER QUESTIONS BY MR.D'ARCY.

CROSS-EXAMINED BY MR.WIENAND:

According to you you resigned on the 25th September, 1953 ?--- Yes.

What caused you to resign ?--- I can give (15 three reasons.

Give them ?--- Firstly £200 which was given to the Defiance Campaign to (one word indistinct) and Lengezi, to be passed on to Dr.Mathlangeni, he was the treasurer. Seeing I was on the executive I wanted to (20 know when this money was passed on to Mathlangeni, but it didn't get...(Mr.Wienand intervenes)

So your first reason is this £200 mysteriously disappeared ?--- Yes.

Your second reason ?--- Secondly £75 was (25 obtained from Million Manana, also an executive member, membership money.

Yes, what happened ?--- (First portion of answer indistinct) Money was then released to Manana. He didn't return Manana the money. (30

Did/....

Did that also mysteriously disappear ?--- Yes.

And the third reason ?--- I went home after that M'Lord, after we attended trial. I then borrowed R6 (£3) but was never sent to my home.

So you were bitter about that ?--- When I (5 returned I resigned.

Were you bitter about that ?---Yes, because I thought it was no assistance to me.

You were arrested what for ?--- We were banned as leaders, we were arrested for that, because we were not (10 allowed to attend any meetings, or gatherings.

Were you actually arrested for attending illegal meetings ?--- We were found not guilty and discharged.

And it was in 1952 was it not where holding (15 of meetings was prohibited ?--- Yes.

Did you hold meetings in 1953 ?--- The leaders were banned from attending meetings. The meetings were not stopped.

All leaders were banned, prohibited from (20 attending meetings in 1952 ?--- Yes, notices were served on us, the leaders.

You gave the Court three reasons why you resigned. Was notice served on you in 1952 that you were no longer to attend meetings ?--- Yes. (25

Did you in fact attend meetings after that ?--- No.

From 1952 until 25th September, 1953, you were merely a passive member ?--- I did not go to the meetings during the time I was banned, but after that I did attend (30 meetings/.....

For what period did it cover ?--- 6 months.

After that, did you then attend meetings ?---

Yes, meetings in the location.

A.N.C. meetings ?--- No.

We are talking of A.N.C. meetings and your membership of A.N.C. ?--- No, I did not go to A.N.C. meetings. (5

What location meetings were these ?--- Meetings about housing for the location, for residents.

You attended (Interpreter intervenes) ?--- (10 I also went to meetings of the Progressive Party.

You say that during that period certain of the accused were members of the A.N.C. ?--- When I had last been in the Congress, they were members.

Who were they ?--- Accused no.1, 3, no.2 was, (15 a newcomer then, I don't know about him. At that time when I was a member they weren't there.

As far as you are concerned, the only members were accused 1 and 3 ?--- Yes, of those who are here today.

Both accused you mentioned, will admit that they (20 were members of A.N.C. at that time ?--- (No answer).

And you say that there was some feeling between you and accused no.1, is that correct ?--- I had nothing against him, but I realised that he had something against me.

What did he have against you ?--- When I was elected to be a Deputy Ambassador for Kaizer Matanzima M'Lord, accused no.1 wanted to know why do I support Matanzima, because there is no time for people who are in favour of the government. (25 A

Accused no.1 will deny that ?--- He might deny (30 it/.....

it, but that day he was with Reginald Mdube.

Is Reginald Mdube still alive ?--- When I last saw him he was still alive.

When last did you see him, ?--- I saw him during January, last month, if I am not mistaken. Accused (5
no, I used to shout at me in the street too, that I am
"nyagi", a traitor.

Frequently ?--- Whenever we see one another he used to make those remarks.

Over a long period ?--- We don't see one (10
another every day, but whenever we meet, see one another.

Whenever you meet, was it over a long period of years ?--- Before I was burnt and also after I was burnt.

When were you burnt ?--- During July.

What year ?--- 1962. (15

After July, 1962, you saw him and he used to shout at you you are a traitor ?--- Yes, very much so.

Did you think he was going to kill you ?--- I did not doubt much about it. (A few words indistinct) if he had no intention of killing me. (20

Before July, 1962, when he shouted at you that you were a traitor, did you think he was going to kill you ?--- I wouldn't know.

Was it only after you thought he tried to burn the house down, that you came to the conclusion that he wanted to kill you ?--- I would say so M'Lord. (25

I suggest to you that it was only after he attempted to burn your house down that you came to the conclusion that he was trying to kill you ?--- Before then too, I said in Court I stood at the door - at least he (30

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stood at the door so I couldn't go into the meeting.

Then too, you had the impression that he was going to kill you ?--- If I did attempt to go into the meeting, he would have killed me.

Over a period of 10 years did you get that impression - over that long period - he wanted to kill you ?--- Well I had that in my mind but then eventually I saw that he wanted to burn me out.

Why didn't you go to the police, tell them you thought this man wanted to kill you ?--- I did the day he burnt me out.

Before that, almost 10 years had lapsed ?--- During those years M'Lord, I had nothing to do with the Congress any more, then I joined Matanzima.

That's not an answer to the question. Why didn't you go to the police ?. You say over this long period you had the impression that the accused wanted to kill you ?--- They knew M'Lord, that I didn't agree with the Congress people ever since I left them, but I wasn't threatened to be killed.

Are you having difficulty in understanding the question ?--- Perhaps.

Well, why don't you say so. Look, you told the Court that over a period of 10 years you got the impression that accused no.1 wanted to kill you ?--- (Mr. Wienand adds) Now I asked you, why didn't you go and see the police about it ?--- How can you just go to the police to lodge a complaint if a person hadn't actually showed anything to the effect that he wanted to kill you.

Why didn't you go to the police for protection ?-

(5 A

(10 B.

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I am not a coward as all that.

You were afraid of him (a few words indistinct) when you say he stood in the doorway with a knife ?--- I wouldn't have gone in there just to go and get myself injured. That is something about the nation. (5

You were afraid to go in there because he had a knife ?--- I didn't like to go in there because I've heard previously that they were armed, and I saw that he was armed.

Can you say whether all public meetings were (10 banned from 1952 onwards ?--- They were then banned. At that stage no meetings or gatherings.

When was this banning order lifted ?--- I don't remember any more. There was a meeting in 1953 of the A.N.C. one I wanted to go and report to about my resignation. (15

That's the point. I want to know whether that meeting which was held was held during the period - whether it was an illegal meeting or not ?--- I took it to be a legal meeting at the time. Only the leaders were banned. (20

You say that on the 12th July, 1962, that was the day they attempted to burn your house ?--- Yes.

When a bomb was thrown through the window ?--- Yes.

Were you in bed ?--- Yes, I was in bed. (25

Were you in bed at the stage when the bomb came through the window ?--- No, I was burnt by the bomb when I went to open the door.

I didn't ask you when you were burnt by the bomb. Just listen to the question. Were you in bed (30 when/...

when the bomb came through the window ?--- No.

Where were you ?--- I was on my way to the door.

And then you got burnt on your leg by that bomb ?--- Yes.

Did you open the door ?--- Yes. (5

And you saw people running away ?--- Yes.

Was there light in your house?--- My house was burning inside when I left.

Was there light as a result of this burning ?--
Yes. (10

Was there no other light in the house ?--- No.

Very well. You opened the door and you saw these people running away ?--- Yes.

And you say that you recognised accused no.1 ?--- Yes. (15

They were running with their backs to you ?---Yes.

You say you recognised him when he looked around ?--- Yes, after I shouted to him "hoekoe".

CLOETE J: What does that mean ? Why did you shout "hoekoe" ?--- To frighten him. (20

To give him a fright ?--- Yes.

It wasn't a name that you called ?---No, that's not his name.

MR.WIENAND: And he just glanced over his shoulder whilst he was running ?--- Yes. (25

How far was he away from you when he glanced over his shoulder ?--- (Witness indicates 6 paces).

You say the moon was shining ?---Yes.

Brightly ?--- Yes, the moon was low down, it was/..... (30

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was bright.

Was it full moon ?--- The moon was big, but I didn't take particular notice.

Almost full moon ?--- Yes.

And you also said that there were some lights (5) in the location ?--- Yes.

And they were running towards the lights ?--- Yes, I bent down as I ran behind them to try and recognise who they were.

And they were silhouetted against this light (10) from the location ?--- Yes.

Was the light shining in your eyes too ?--- The lights were far, they weren't too bright.

You say that you also recognised accused no.1 by the beard on his face ?--- Yes. (15)

You were quite sure it was the accused because he glanced over his shoulder when he ran away, whilst he ran away ?--- Yes.

I put it to you you could have been mistaken ?--- I am not mistaken. (20)

Accused no.1 will deny that he ever was there ?--- Even if he does deny.

CLOETE J: How long has no.1 had a beard ?--- A very long time.

Ten years ?--- I cannot say how many years, (25) but it is a long time.

Many years ?--- Yes.

Did any of the leaders of the A.N.C. have beards ?--- (Court adds) As a sign of membership, or similarity or the fact that they were office bearers or (30) anything/.....

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anything like that ?--- No M'Lord, there was no rule about it. They grew it themselves.

MR. WIENAND: You say you reported this incident, this attempted arson on your house ?--- Yes.

Did it go to Court at all ?--- No, there was insufficient evidence and the case was withdrawn. (5)

You say that you went to accused no. 1's house and you broke a window that night ?--- Yes, because I was sure that it was him.

Were you at all afraid of him, even that night ?--- If I saw him M'Lord, I would ^{have} fallen in front of him that day. (10)

CLOETE J: Could have done what ?--- Fallen in front of him that day after I was armed.

MR. WIENAND: "I would have fallen in front of him" ?--- (15) Yes.

You mean he would have killed you ?--- We would have had a fight.

When you broke that window, you threw a stone through that window ?--- A big stone, as big as my head, (20)

And you stuck your head through the window ?--- No, I just threw the stone at the window to break it, I wanted him to come out.

Why didn't you knock on the door ?--- I wanted the window to break so that he could come out in a hurry. (25)

If he came out the door he would have (two words indistinct) ?--- We would have had a fight.

Well why didn't you knock on the door, and go in through the door ?--- I realised to break a window would make him come out quickly. (30)

You/....

Never go down.

?

You thought he'd come out quicker if you broke the window ?--- Yes, and then to go and report it to the police.

CLOETE J: Did he speak to you that night ?---No, he did not speak to me. (5)

How did you know he was in his house ?--- I wanted to give him a fright to make him come out.

You don't know whether he was there or not ? ~~+~~ SIC
I was not sure.

MR. WIENAND: You wanted to get hold of him very badly that night ?--- If I'd got hold of him I might have died in the fight with him. (10)

You wanted to get hold of him very badly ?--- I said so, I was burnt.

Why didn't you try the door ?--- I did not think about the door, I decided on the window to make him come out quickly. (15)

Did you wait for a long time outside this house ?--- I did not wait for a long time.

Did you wait outside the window ?--- I waited in the street after I had thrown the stone through the window. (20)

And then you left because he didn't come out ?--- Yes.

You didn't try and investigate further whether he was there or not ?--- No, when I noticed he wasn't there at the house, I went around the streets looking for him. How notice (25)

Did the accused have any relatives who lived in that house ?---I saw him there with his wife, but I've never/... (30)

never been in his house before.

Did you see any children there ?--- I am not sure, I cannot say.

You didn't think of asking them where the accused was ?--- I was cross, I did not. (5

Yes, you wanted to get hold of him ?--- I do not (one word indistinct) anything.

Yet you say that after you left the house, you looked round in the streets for him ?--- Yes, I thought in my mind if he was not in his house, as he had ran away he might be around the streets. (10

Accused no. 1 will admit that he was in fact in that house that night ?--- I reported the matter to the police and I wanted him too to go and report if he was in the house. (15

Can you remember what time you were there at his house ?--- Could be after 3 because I met attorney Maja on the square round about 4 o'clock.

(DISCUSSION BETWEEN DEFENCE AND COURT RE CERTAIN PORTION OF WITNESSES' EVIDENCE-IN-CHIEF.) (20

Then you also in your evidence-in-chief stated that you had been shot at ?--- Yes, during December.

That's when you passed Mawasa's house ?--- Yes.

And you say you saw a man Msauli, who apparently handled the firearm ?--- Yes. (25

And you heard a shot and you looked around to see who it was ?--- Yes.

Was only one shot fired ?--- One shot.

Only one explosion ?--- Yes.

Did you hear the bullet ?--- Yes. (30

What sort of noise did the bullet make ?---
It had the effect "wee", and I heard it hit the corrugated
iron.

Is that after you heard the explosion ?--- Yes.

What made you think that that bullet was aimed (5
at you ?--- I was the only person in the street, walking
in the street at that time, at that place.

According to you, somebody else was nearly
hit ?--- The others were sitting down, I was the only
person who was walking. (10

Do you suggest then that the people who walk
are the only ones that can be shot at ?--- I am speaking
about myself, I was the only person walking when I heard
an explosion.

I want to know why you say you think it was (15
being fired at you ?--- The person was looking at me who
shot.

And looking at the others behind you who were
sitting in front of the house ?--- I wouldn't know, but
I was the person that was in sight then. (20

Then you later on went on to say that there was
a certain meeting where they wanted to elect an ambassador
for Archie Velile Sandhile?--- Yes, during the day, the
day I was fired at.

And you say Msauli, the man who did the (25
firing, was present ?--- Yes, he was present at the meeting.

You also say that accused no.2,3 and 4 were
present ?--- That is so.

There were many other people present too ?--
Many people, I recognised them. (30

Did/...

Did the meeting take place in the hall ?---
In the committee room.

And only certain people could enter that
committee room, is that so ?--- That is so.

It was entrance by invitation ?---That is so. (5

Did you have to have cards or something like
that. ?--- Hoeyi set out the notices, they were written
notices.

In the forms of invitation ?--- Yes.

And naturally people who didn't have those (10
invitations couldn't enter ?--- I think so, on account of
the trouble amongst the young ones there M'Lord, molesting
the others.

Is that why there was this invitation system ?--
Yes. (15

Accused 2,3 and 4 will say that they were
there ?--- They are correct.

But they weren't allowed to enter ?--- Yes,
there were policemen at the door and they were not allowed
to enter. (20

They were not allowed to enter because they
did not have invitations ?--- I think that is so.

The organisers of this election or this meeting
they called upon the police to stop these people from
entering without invitations ?--- I don't know. (25

And then you say at this meeting you heard
something mentioned by a voice coming from amongst the
accused, something about that an old man should be
killed ?---The old men should be killed, they are not with
the government and they are not with the people either. (30

They/..

They are with the government, not with the people.

You say you don't know who they were ?--- No, there were many people.

It could have been somebody else who said so ?--- Anybody, but one amongst them. (5)

There was a large crowd outside ?---Yes, there was quite a big group.

In regard to count 5. Let's get to this incident at the Mafego Studio, it was in relation to the 19th August, 1962 ?--- I am not sure about the date. (10)

You said you thought it was a Sunday night ?--- Yes.

You say the following day, the Monday evening at dusk you passed Mafego Studio ?--- That is so.

Did you know the owner of Mafego Studio ?--- (15) I know him as Best Mafu.

Did you know his assistant ?--- I am not sure.

Wasn't Best Mafu, or the owner of this place, a friend of yours at one stage ?--- This Best Mafu is a child in comparison to me, but I have been there for the (20) purpose of photographs.

You say you weren't friends, just acquaintances ?--- No, we are just acquaintances, he is a child to me.

You say that when you passed there, you saw (25) that there was a meeting on ?--- I saw quite a group of them there.

I want to put it to you, that that evening when you passed there that studio was closed ?--- It was open.

And the reason why it was closed was because (30)

the/...

the owner or the manager or whoever the man was, was arrested ? He was arrested that morning ?--- No.

He and his assistant had been arrested that very Monday morning ?--- If they were arrested, that place was open that evening. That place closes at 12 midnight when he still had his business. (5

When he was still in business. When did the business cease ?--- I don't know, but at that time.

I just want to get an idea as to how the building is situated. I take it that there is a lane which runs past the entrance of this building known as Goluba Lane ?--- Yes. It is a sort of a through way, but the one side is a church fence. (10

Goluba Lane runs past the front and the entrance is...(Interpreter intervenes) ?--- Yes. (15

And there is only one entrance to this building ?--- (Mr.Wienand adds) To Mafego Studio, there is only one entrance isn't there ?--- There is one entrance there at Mafego's place. Once you get inside, into this lane, when you get inside the studio there is another door leading into another room. (20

There is one entrance from the outside ?-- Yes.

And then you come in, and there is a counter ?--- The counter is on the left as you come in.

And where the counter is, is a very small space isn't it, about 2 yards by 3 yards ?---Yes, it can be that. (25

When you say you stood at the door, did you stand at this door at the entrance ?--- (Mr.Wienand adds) The one that goes outside ?---Yes, outside door, (30

on/....

the side of the fence in the lane.

Do you agree then that there is a screen, , there is a small chamber where the counter is, about 2 yards by 3 yards, then there is a screen which cuts off the rest of the studio ?--- The screen is not in front, (5 it is right up against, near the wall.

So is there then another room ?--- (Mr.Wienand adds) Are there walls separating the main studio from the room where the counter is ?--- I don't know M'Lord, but there is a place towards the right where they develop (10 these photos, when you enter the door to your right.

If you entered the door and went straight on, would you walk into a wall or not ?--- Yes, where you stand when you are photographed against the screen.

Is that at the opposite end of the building, (15 or is there a wall which separates the front portion and the back portion ?--- There is no other wall there.

Well then I put it to you there is a screen ?--- The only screen is right up against near the wall, not inside. (20

CLOETE J: Are there two rooms there ?--- There is only one room.

Where does the other door go to ?--- There is a small room that leads into another room next door to this room, a small door, and the outside entrance door. (25

MR.WIENAND: So that there is another room ?--- There are about three rooms in front, but this room is next to this...(Mr.Wienand intervenes).

M'Lord, I have to put this to the witness again. Look, we've got the entrance which comes out on (30

Goluba/.....

Goluba Street, is that right ?--- Yes.

Then there is a counter on your left ?--- Yes.

And then the rest of the room, of this building, branches off to the right ?--- Yes.

I want to know where that screen is that you (5 talked about too ?--- I'll demonstrate M'Lord. This is the wall, this is the entrance door here M'Lord, there is a passage behind the wall at the back of it.

CLOETE J: Behind the wall after the entrance there is a passage ?--- Yes. The wall divides the studio and the (10 passage at the back. The screen is against this wall.

MR.WIENAND: I put it to you earlier on that there was a small room or a small section of the room 2 yards by 3 yards, do you remember ?--- The counter on the left has a small place at the back where they work and where the (15 radio was standing, just as you enter on the left. On the right is also a little place where they develop the photographs, and the rest is the studio with the screen against the wall, at the back.

I put it to you that where the counter is, (20 where the counter ends, there the screen starts from one wall to the other ?---That must be a new arrangement.

And that there is then possibly a further screen against the wall ?--- At that time I was there, there was no such a screen M'Lord, (25

You have had your own photographs taken there, haven't you ?--- Yes, I did.

Now do you suggest that photographs were taken in a room in which the door is opened and closed - which has an entrance door from the outside ?--- In the studio. (30

Beg/....

Beg your pardon ?---They are taken in the studio.

I want to know. When you enter the door, do you enter the part where the photographs are taken, or have you got to go further back ?--- You go and stand against the wall when you want your photograph taken. (5

And then the screen is drawn to keep the light out from the doorway ?--- They don't close it.

The screen you are referring to, the one you say was against the wall, is the background screen for the photograph ?--- There is no other screen in front, only (10 the one at the back.

Let's put it this way. Is it possibly a curtain ?--- There was no curtain when I went there. The only curtain was on the window. There was a curtain there where they do the developing. (15

Is the developing room on your right hand side when you enter ?--- Yes.

Where was this curtain ?---That is the one that closes the door of the developing room.

Where is the door of the developing room in (20 relation to the door you enter ?--- Towards the right, as you come in by the door, just on your right like that.

And the curtain ?--- You go around towards your right into the developing room,

You have got to go around this wall of the (25 developing room to get into the door ?--- When you enter the developing room - the studio - the developing room is on your right. There is a little door going into the developing room.

So you suggest then it is only a small curtain ?-(30

The/....

curtain was hanging down, there was one on at the time.

A curtain which you can draw across your walls ?--
Just made to close the door.

You say you stood in the doorway and you saw
no.1 accused speaking ?--- Yes. (5

CLOETE J: Did that curtain act as a door ?--- Yes.

MR.WIENAND: And you say also that accused no.2 had
his back towards you, is that right ?--- Yes.

And no.3 stood to the side ?---Stood to the side.

You got a side view of him ?--- From his side (10
and ... (Mr.Wienand intervenes).

You say there were approximately 10 people
there ?--- Yes.

Did you recognise any of the others ?--- I saw
the others when they came out M'Lord, and also the accused (15
that I have mentioned.

CLOETE J: You saw accused no's 1,2 and 3 there, is that
right ?--- Inside yes.

No.1 was speaking, no.2 had his back to you
and no.3 was side-ways on ?---That is so. (20

Nobody else you recognised ?--- I did not
recognise the others, but there were those that I knew.
I saw them when they came out.

MR.WIENAND: You actually waited outside the door when
they came out ?--- No, I ran towards the corner. (25

Did you watch them from there when they came
out ?--- Three came out towards me M'Lord.

Which three ?---No.2 and 3 accused, and another
shortish person. The others came out in a group, they
stood talking outside. Accused no.'s 2 and 3 and the (30
other/...

other shortish person went down Church Street, I then also left.

And you overheard them discussing you too ?---
While I was standing at the door.

The accused you've implicated will deny (5
ever having been there ?--- Even if they do deny it.

Are you sure you are not mistaken ?--- I am not mistaken, they know what I am saying is true.

CLOETE J: Can you tell us about how many people there were in that room, that studio that night ?--- I'd say (10
approximately 10, when I saw them come out.

MR. WIENAND: You say Mary Neer is a great friend of yours ?--- Yes, very great.

She is your mistress isn't she ?--- She is not my mistress. (15

Have you never spent any nights there ?--- I go there whenever I like, but I never slept there.

All hours of the day and night ?--- All hours.

Purely a platonic friendship ?--- Yes.

And you say you arrived there only after the (20
shot had been fired ?--- I was told the morning when I passed there that the previous evening a shot was fired there.

And you weren't there when the stones were thrown either ?--- No. (25

It is common cause that you and Mary Neer had an affair ?--- Nothing M'Lord, with Mary Neer, but the person that she had an affair with was my cousin.

CLOETE J: Who is he ?--- He is a church person, I don't know whether I should mention his name here. (30

MR. WIENAND/.....

MR. WIENAND: You want to protect this church person, this cousin of yours, who has an affair with Mary Neer, because he is a church person. I want to know what his name is ?--- I wish to be directed by the Court, to get the Court's permission. (5

M'Lord, my suggestion is that he is the lover of this Mary Neer, my suggestion is that this cousin idea has been thought up, that's why he comes with the story now about.... (Interpreter intervenes) ?--- I will say who is the lover if the Court rules so. (10

CLOETE J: Tell us who the lover is ?--- Manhattan Tonjana, who is my cousin, because I am born from the daughter of Tonjana.

You had no affair with Mary Neer ?---Not at all, why should I deny it.

MR. WIENAND: This pamphlet you got hold of, (15 exhibit M. did you pick it up in the street ?--- There were many many numbers in the street.

How did they get there ?--- I don't know, I saw them in the morning. (20

CLOETE J: Just lying about ?--- Yes, just lying about the street.

MR. WIENAND: M'Lord, at this stage I wish to ask Your Lordship if I may reserve further cross-examination, it would apply to other information I have M'Lord, which I (25 haven't had the opportunity of obtaining, in regard to a prior Preparatory Examination.

CLOETE J: Very well.

NO FURTHER QUESTIONS BY MR. WIENAND AT THIS STAGE.

NO RE-EXAMINATION BY MR. D'ARCY: (30

ASSESSOR/....

ASSESSOR - MR. BARKER:

How long have you known accused no.1 ?--- I knew him just slightly before 1952, during 1952 I took him to gaol with the Defiance Campaign.

Is that the first time you came in contact with him ?--- About a year before 1952. (5

Then after that, did you frequently come in contact with him ?---Yes, we used to speak to one another.

You two belong to the same, A.N.C. ?--- At that time yes. (10

Is that how you got to know him ?---Yes.

The night you speak about when your house nearly burnt down, you went out and you say you saw two men in the street, you ran out, will you tell us how near did you get to them, the nearest you got to them ?--- (15
By the sergeant there M'Lord, 5 - 6 paces.

How near were you to him when you called to him and he turned around ?--- The same distance.

Were they running ?--- Not very fast.

And you were running ?--- I was also just (20
trotting behind them.

Why didn't you catch up to them ?--- I was unarmed at that stage, I was afraid to be injured. A

But why did you then run after them ?--- I ran behind them to try and see who they were. (25

Was that your object in pursuing them ?--- Yes.

CLOETE J: Could you see how they were dressed, these people ?--- Accused no.1 had an overcoat on, and I have also seen him during the daytime with that overcoat on. B
The other one had a balaclava cap on, yellowish in colour, (30
the/.....

the one that was next to this corrugated iron fencing
M'Lord.

-----oOo-----

MR. D'ARCY CALLS: JOYCE DUKADA: - (Witness not available).

MR. D'ARCY CALLS: MARY NEER: - (Witness not available) (5

MR. D'ARCY CALLS:

VICTOR TONJENI: Sworn States. (Counts 6 and 13)

EXAMINED BY MR. D'ARCY:

You reside at no. 717 Meki Street, Duncan
Village ?--- Yes. (10

And you are a journalist ?--- Yes.

And you are a member of the Advisory Board in
Duncan Village Location ?--- I was on the board before.

In 1955 ?--- Yes.

And you were a member of the board off and on (15
until 1960 ?--- Yes.

Do you know anything about the African National
Congress ?--- I know there is such a thing as the African
National Congress, but I know nothing about it.

Do you know anything about their attitude (20
towards members of the Advisory Board ?--- I know that they
don't like the Advisory Board.

How do you know that ?--- I know from time to
time when we have Advisory Board meetings in the location,
they came there to cause trouble, No. 1, 2, 3 and 4 accused (25
we had to adjourn the meeting without having the meeting.

Why ?--- They said that the Advisory Board was
a stooge that follows the government.

Who said that ?--- Accused no. 1 and no. 3 the
(two words indistinct) and no. 4. (30

Can/....

Can you give us the date of this meeting ?---
I haven't got a good memory M'Lord, I just remember about
times that we had the meetings.

CLOETE J: Did this happen more than once ?--- More than
once. (5

When they came and caused trouble at the
meetings ?--- Yes, and swore at us.

What did they say ?--- They called us (one word
indistinct) and traitors.

Was that the swearing ?--- They also said we (10
are selling the people.

MR.D'ARCY: What else did they say ?--- They have
made many many remarks. They said that the influence of
the majority of the poeple believe what they are saying.

During September, 1962, you were elected as (15
an ambassador to Chief Matiwana ?--- Yes.

And how was this election held ?--- (Mr.D'Arcy
adds) In a hall, or house, or church hall, where ?--- In
the hall of the Social Centre.

Duncan Village ?--- Yes. (20

What happened there ?--- There were a number
of them M'Lord, but we didn't allow them to speak. We said
they had nothing to do with that.

Who were they ?--- Accused no.3, no.2 and 4.

What did they say ? How did they indicate that (25
they wanted to speak ?--- We said that each one that stood
up to speak should produce hisreference book and to show
that he is a follower of Matiwana. They had no way of
speaking and the election was carried on.

Did that (one word indistinct) you about being (30

an/....

an ambassador for this chief ?--- They did not say so but a circular came out in the location which stated that I was the ambassador, and also other things that I was on the board, that I was on the Advisory Board.

Is this exhibit M. just have a look at it. (5

CLOETE J: Was this a paper that was circulated in the area ?--- Throughout the whole location. This is it M'Lord,

MR. D'ARCY: Where did you see this ?. Did you have a copy given to you or did you pick one up ?--- When I (10 opened my door the following morning, I found that it was stuck through the door underneath while I was in bed asleep.

Are you the Victor Tonjeni mentioned in the pamphlet ?--- Yes.

About 8 p.m. on the 17th November, 1962, you (15 went to bed at no. 717 Meki Street, Duncan Village ?--- Yes.

What happened ?--- About 12 midnight I heard a report against the window like something that was thrown at the window. I got a fright and saw my house burning,

Were the windows open, were some panes of glass (20 broken ?--- Yes.

What room was this ?--- Living room.

Did you see what had caused this fire ?--- I saw later on outside when I put the fire out. I reported to the police and then they showed me this bottle, a petrol (25 bomb.

Where was the petrol bomb, did you see where it was found ?--- The bottle head was outside and the rest was in the garden.

Was there anything inside your house ?--- Pieces (30 of/....

of broken bottle.

Was anything burnt inside your house ?-- .

The sofa, one hat and some other clothing.

CLOETE J: Could you smell anything inside the house after you had put the fire out ?--- Yes. (5

What could you smell ?---I thought it was petrol according to the way I smelt it.

MR.D'ARCY: Who was in your house on that night ?--- A nurse that lives in my house, Sonjiquwa, just the two of us. (10

Exhibit L.2 does that show your house ?--- Yes, this is my house.

There is a notice board outside ?--- Yes.

Does that say that you are a journalist ?--- Yes.

Can you tell us how the African National Congress regard you because you are a reporter ?--- It is hard to say but I have always been doing this business and I am still doing it now. These people might think that I am just picking up these things that I report because I am a pimp as far as they might think in their minds. (15 (20

A what, an informer ?--- That I am an informer for the police M'Lord.

Did you ever speak to accused no.1 and one Tami of Port Elizabeth ?--- I spoke to Tshumé previously.

Is that before 1962 ?--- Yes, I met him at accused no.1's place. (25

Can you remember when that was ?--- I think it is during 1960, but people were told not to go to work.

And was there a meeting ?--- I cannot say, but when I got to accused no.1's place he was there with other people/.... (30

people and this Tami Tshume.

Did any trouble arise between you and members of the African National Congress or between you and accused no.1 about what happened after that meeting, or as a result of that meeting ?--- I don't know. I only saw (5 him at Segele, when it was said that I am going to give evidence against the members of the African National Congress.

Did you ever give evidence against them ?--- I was given a subpoena but wasn't called. (10

Did any of the accused know about you receiving that subpoena ?--- All of them know.

Did any of them say anything to you about it ?-- I had an argument with accused no.3 about it.

When was that, can you remember ?--- I think (15 it was round about 1960.

What happened in this argument ?--- Nothing happened, we didn't actually come to blows.

What did he say and what did you say ?--- He called me a traitor. I never said anything. (20

At about 11.15 p.m. on the 14th February,1963, were you at home ?--- Yes.

Did you hear a whistle ?--- Yes.

CLOETE J: What sort of a whistle ? A police whistle ?--- A police whistle. (25

MR.D'ARCY: What did you do ?---I went outside.

What did you find ?--- I saw a fire burning in front of my house.

What was this fire caused by ?--- A policeman made a report to me. (30

I don't want to know what he told you. What did you see ?--- (Court intervenes)

CLOETE J: Did you see anything lying there that could have caused a fire ?--- We saw a bottle of fire there after we went to call the police. (5

MR. D'ARCY: Did you actually fetch water to put on this fire ?--- Yes, we did.

How close to your house was the bottle found ?-- Approximately as far as the cell door, about 8 paces.

Did you smell anything peculiar about it ?--- (10
M^r Lord, there were actually two bottles, one was thrown at my place again at the same window that was thrown at before, but it caused nothing.

Had it been lit ?--- No.

That one hadn't been lit ?---No. (15

The other one that burnt ?--- It fell on the ground in front of my house, it put the grass alight, it didn't actually get to my house.

Was there anything besides the bottle ?--- We only saw the bottle, we saw it was closed and had twine (20
on, there was also rags on.

Rags on ?--- Yes, there were burnt rags on, it appeared to be around the bottle outside.

At that time there was a Bantu constable near your house, is that correct ?--- Yes, the one that was (25
guarding the place.

Do you know his name ?--- Skenqe. There was another one who worked with him, he is outside, I've forgotten his name.

Who did you see when you came out of the (30
house/.....

house ?--- A policeman woke me up and then we went to put out the fire.

You didn't see any other persons outside your house ?--- I saw another person when we went to phone, (two words indistinct) persons, when we went to phone at (5 Doctor Masangeni's place.

You didn't see anybody immediately as you came out of the house ?--- No.

After the first occasion in November, you pointed out various spots to the police ?--- Yes. (10

Just have a look at exhibit 12, have you seen that before ?---Yes, I saw this before.

When did you see that ?--- (CHANGE OVER FROM ONE BELT TO ANOTHER, TWO QUESTIONS AND ANSWERS NOT RECORDED.) Answer: It is not very far M'Lord, it is a (15 little further than the church outside, a block further away.

CLOETE J: Would it be about 15 paces away - about 30 yards away ?--- Yes.

MR.D'ARCY: That was after you came out of your (20 house in February ?--- Yes.

1963 ?--- Yes.

COURT ADJOURNS TO THE 18TH FEBRUARY, 1964.

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COURT RESUMES ON THE 18th FEBRUARY, 1964. (25

VICTOR TONJENI: (Still under oath) (Contd.)

NO FURTHER QUESTIONS BY MR.D'ARCY: (Interpreter: Mr.Phillips.)

CROSS-EXAMINED BY MR.WIENAND:

Victor, I understood you to say yesterday that you were a member of the Advisory Board ?--- I was one, I (30 resigned/....

resigned.

When did you resign ?--- During 1960.

What made you resign ?--- Because of the accused.

Did all the members of the Board resign ?--- I resigned first M'Lord, followed by other members of the Board. (5

And you say it was because of the accused ? -- Yes.

What do you mean by that ?--- It was certain things that was said to me by Douglas Sparks. (10

CLOETE J: When you refer to him, will you just give his number, that is accused no.2 ?--- (Court adds) Douglas Sparks is no.3 ?--- Douglas Sparks is no.3 and accused no.1.

MR.WIENAND: You were told as members of that Board that you were not representatives of the people, is that the reason why you resigned ?--- M'Lord, we held a big meeting convened by Douglas Sparks, that is accused no.3, they implicated an attorney Louis Mtshizana and accused no.4, that was at this meeting that was held that I was present at. (20

What do you mean they implicated him ?--- (Court intervenes)

CLOETE:J: I think he means employed. He said implicated but I think he means employed ?--- Even before the completion of this meeting we all came to an agreement. (25

Did you say they employed an attorney Mtshizana and accused no.4 ?--- No, Mtshizana was present at this meeting together with accused no.3.

How did they come to be there ?--- It was a public meeting held in the Peacock Hall in Duncan Village, (30 and/....

and we went to give our various reports. It was a meeting held in connection with the increasing of the rent of houses in Duncan Village.

MR. WIENAND: I still want to know, and I am sure His Lordship would want to know, why you say that Mtshizana (5 was implicated in this meeting ?--- Mtshizana was there together with other members at this meeting.

The general reaction I take it at this meeting was that everybody was opposed to the Advisory Board ?--- These were the people who interrupted the meeting, apparent-(10 ly they were in agreement with the disrupting of this meeting.

Well, now I ask you again, the majority of the people at this meeting, were they opposed to this Advisory Board or not ?--- The majority of the members of the A.N.C. did not want to have anything to do with the Board. (15

I am not talking about the members of the A.N.C. I want to know whether the majority of the people attending this meeting ?--- That is correct.

And you realised that the people attending this meeting were opposed to the Board and that's why you (20 resigned ?--- I have forgotten everything that was said there, but there is something in this pamphlet that was said. If I could be handed that pamphlet I will be able to read that passage.

The original is before Your Lordship, I don't (25 know why he wants to read this pamphlet.

CLOETE J: Well, it doesn't seem to be an answer to your question. If you want him to read it, he can do so.

MR. WIENAND: M'Lord, I think that will just be wasting time with respect. (30

CLOETE J/...

CLOETE J: Well, we'd better let him get it off his chest. That's exhibit M. is it ?.

MR.WIENAND: Yes, M'Lord.

(WITNESS READS PORTION FROM PAMPHLET IN XOSA).

CLOETE: J: Can you just indicate to us what (5
passage. Just interpret it slowly, I've got the translation here, I just want to know what passage he is referring to. Just tell us where it starts. "He came here from Johannesburg" ?--- Yes, that is correct. He came here from Johannesburg. (10

(A few words indistinct) " in 1953" ?--- That is very correct.

"And whilst still being a newcomer he joined the Advisory Board", how far does it go on ? To "not wanted by the East London people, the miserable little thing (15
Tonjeni has now forgotten the bad conditions under which he resigned from the Advisory Board", is that what he is referring to ?--- Yes.

"Now this deceitful Judas Iscariot has shown his true colours by now joining the Transkei Regional (20
Authorities, now this wolf in a sheeps skin has been appointed as ambassador to Chief Victor Poto of....
Pondoland", is that what he is referring to ?--- That is the passage he has referred to.

How far does it go on ? "What is this (25
tribal segregation of the African nations ? We are tired of B.V.Mahe, and that unreliable man Matoti and Tampanyane, now others too. What do you think of this ? Do you not think this is an evil spirit in our Fatherland", is it up to there ?--- He didn't go quite as far as that. (30

Where/.....

Where does it stop, at the end of "Pondoland" ?-
He stopped here where the beerhalls are mentioned. That is
further up.

"He was also appointed to the commission
investigating the establishment of beerhalls", is that (5
right ?---Yes.

Well the passage starts, "he came here from
Johannesburg", that's in the translation exhibit M., and
it ends with the words "the establishment of beerhalls".

MR. WIENAND: Now what has that got to do with my (10
question ?--- Your question was sir, did these people
approve of the Advisory Board or not.

I said, was that the reason why you resigned
from the Advisory Board because you saw the attitude of
the people at that meeting ?--- (Mr. Wienand adds) Do (15
you want me to repeat the question for the third time ?---
I resigned because of the attitude of the accused.

And all the other men or other people were
present at this meeting ?--- Are you referring to the day
I resigned ?. (20

Yes, we are still dealing with that ?--- I wrote
a letter of resignation and sent it to the Secretary.

CLOETE J: When you say you resigned from the Board
because of the attitude of the accused, which accused are
you referring to ?--- No. 1, 2, 3 and 4. (25

MR. WIENAND: Were they all at that meeting ?--- Yes,
those four were present.

CLOETE J: Were they taking a lead in opposition to the
Advisory Board at the meeting ?--- Yes.

Did they have a lot of followers amongst the (30
people/....

people at the meeting ?--- Yes.

Did it seem to you asif most of the people at the meeting were followers of(Interpreter intervenes) ?--- Yes, most of them followed these men.

Is that why you resigned from the Board ?-- (5
That is the reason why I resigned.

MR.WIENAND: At that meeting, was that the meeting where it was said that the Advisory Board was a stooge of the government ?--- Yes, they said they wanted to go to the City Council themselves. (10

Did they say that the Advisory Board was a stooge which follows the government or not ?---They said it was a stooge of the Council, they wanted to go to the Council themselves.

Not a stooge which follows the government ?---(15
Yes, it was said.

It was at that meeting that that was said ?---
A lot of things were mentioned at that meeting.

And you say at that meeting accused no's 1, 2,3 and 4 were present ?--- Yes. (20

When was that meeting, what year ?---Round about 1960.

You see, in your evidence-in-chief, you never mentioned accused no.2 as being present at that meeting ?--

CLOETE J: He said the cause of the trouble was because (25
accused no's 1,2,3 and 4 came there.

MR WIENAND: Yes. Is that the reason why you are implicating the accused today ?--- (Mr.Wienand adds)
Because they (a few words indistinct) you ?--- M'Lord, at various meetings these men spoke saying that we were sell-(30
outs/...

outs and stooges, we were also called government puppets.

You didn't like that did you ?--- M'Lord, we did not like it but these people incited us, wanted to incite us.

CLOETE J: The question that was put to you was this: (5
Is this the reason why you are implicating the accused today, mainly that they were opposed to him and opposing him at the Board and calling you stooges and puppets and sell-outs and so on, is that the reason why you are today implicating them in this case ?--- Yes M'Lord, (10
and they incited a lot of people too. These men were enemies of ours. These men, I considered them as leaders of the Congress and what they said at these meetings - with a result that a number of people became antagonised against us, they were our enemies. They called us (15
informers and that we spoke about things that were said at various meetings.

MR.WIENAND: Accused no.1 will say that the reason why you implicate him is because he did in fact clash with you before in regard to Advisory Boards ?--- We (20
clashed outside of a meeting. I went to Mtshizana's place where I found accused no.1. Accused no.1 was seated in a room there talking to one Livingstone Nkotzi about politics. I remember them saying to me that I must resign from the Board because I was well liked by (25
the people.

Is that when you had the clash ?--- Yes, I realised then that accused no.1 and myself did not agree.

Is that the only clash you had ?--- That was not the only one. I often saw accused no.1 in the location, (30
every/....

every time I meet him he would mention this.

I put it to you again, did you ever clash with accused no.1 in regard to Advisory Boards ?--- Yes.

He will say that is the reason why you implicate him ?--- Yes. (5

And accused no.2 will say that he clashed before with you about the Tribal Authority meetings ?--- That is correct sir.

Is that the reason why you are implicating him ?--- Yes. (10

And accused no.4 says that you are an outspoken opponent of the Bantu authorities and you clashed about that ?---M'Lord, there was a meeting called by Chief Inkie Hoyi. This meeting was held at a place called Topee, accused no.4 arrived there with a number of young (15 men following him.

Before you go on to this long story. Do you know whether accused no.4 was an outspoken opponent of Bantu authorities or not?--M'Lord, accused no.4 was present at the second meeting that was called at St.Philips. (20

CLOETE J: Tell him he must answer the question. He is wasting time. The question is did he know accused no.4 was an outspoken critic of... (Interpreter intervenes) ?--- Yes.

MR.WIENAND: And he says that is the reason why, (25 he clashed with you about it, and that's the reason why you implicate him today ?--- Yes.

CLOETE J: Is that true ?---Yes, that is correct.

MR.WIENAND: Accused no.4 also says that the only meetings he attended ever were meetings where ambassadors (30 were/....

were elected ?--- He was present at meetings of the Advisory Board.

He says he was still at school ?--- Even students of this college are members of the Poqo organisation.

What's Poqo got to do with it ?--- I know that (5 all his life he has been a student of the Welsh High School It is quite possible that these people could take part in politics, they were not boarders at the school, they were day boys.

But we are dealing with the A.N.C., what has (10 Poqo got to do with it ?--- That is my mistake, because the name Poqo is still a very common name.

And now we get to the meeting. Accused no.3 will say that he had an argument with you about Advisory Boards too, and that's why you implicate him ?--- Yes, we (15 did quarrel.

Was that quarrel the one you referred to as having taken place in 1960 ?--- We did have an argument during 1962 as well.

And also about what ?--- I was standing in (20 town talking to a number of others telling them about what had happened and accused no.3 interfered.

Also a political clash or not ?--- I was referring to the burning of my - not burning - I was speaking about things that had happened to me. M'Lord, I was also (25 speaking about why should these people be hostile against me because I was trying to help them.

This particular clash, was it a political clash ?--- Yes, it was a political argument.

Let's get back to the clash you had in 1960, (30

as/....

as you say. This is what you said in chief - in your evidence-in-chief, you said that you and accused no.3 had an argument, you think it was in 1960, and you say you didn't actually come to blows ?--- We did not come to blows. (5

You say accused no.3 called you a traitor, "nyagi" ?--- Yes, I did say so.

Did that take place in 1960 ?--- It was a long time ago, 1960 or 1962.

You are not sure ?--- I may be mistaken about (10 the times.

You don't know whether it was 1962 or 1960 ?--- (Mr.Wienand adds) Do you know whether it was 1960 or 1962 ?--- I cannot be specific.

Could it have been 1959 ?--- M'Lord, it cannot (15 be 1959 because this trouble started in 1960, continued through 1961 and 1962.

Could it have been 1961 ?--- It is quite possible.

Could it have been 1962 ?--- It is quite (20 possible.

Could it have been 1963 ?--- I cannot say.

Aren't you sure, you say it was definitely not in 1963 ?--- I cannot bind myself to the date.

CLOETE J: 1963 was last year ?--- I had no serious (25 arguments with him during 1963, but I remember 1961 and 1962, and 1960.

MR.WIENAND: Could it have been 1963 ?--- M'Lord, all I can say is that it was before his arrest that I had all these arguments with him. I cannot bind myself to a fixed (30 date/....

date.

In other words, you are not sure about the year at all, it could have been 1960, it could have been 1961, it could have been 1962, it could have been 1963 ?--- I cannot be absolutely certain. (5

You told us you had a bad memory ?--- My memory is good, but there are certain things that I do forget.

This meeting of 1962, let's put it this way seeing you don't know the years, there was a meeting where the ambassador to the Chief Matiwana was elected ?--(10
Yes.

Can you remember whether it was in 1962 or not ?--- I think it was about 1962,

You are not sure ?--- I can only say I think it was about 1962. (15

You can't be sure about it ?--- I think it was 1962.

I want to know whether you can be positive or not ?---I cannot bind myself, but the nominations.....

(AT THIS STAGE "B" MACHINE GAVE TROUBLE - REST OF ANSWER (20
AND ONE QUESTION NOT RECORDED.) If I remember correctly everybody was unanimous, nobody voted against.

Everybody present was for Chief Matiwana ?---
H'Lord, there was a large crowd gathered at this meeting, there were some who were against Matiwana. (25

Did they vote ?--- We did not allow them to take part at all.

So they weren't allowed to vote ? The opponents of Matiwana weren't allowed to vote?--- Nobody was against Matiwana. (30

CLOETE J: He just said some people were against Matiwana, tell him to make up his mind now, and not talk so much. He first said the vote was unanimous, then he said there were some people who were opposed and they were not allowed to vote; then he said there was nobody against Matiwana, (5 now what is the position? Tell him to explain it?---

Those who opposed Matiwana, were people from the location,

Did they have a vote?--- They had no right to vote. These persons had no right to vote there, because they did not pay their taxes, they just came to cause (10 an uprising at the meeting.

Were they trouble makers?--- Yes.

MR. WIENAND: Only supporters of Matiwana were allowed to vote?--- Yes.

CLOETE J: The purpose of the meeting was to elect an (15 ambassador, a (one word indistinct) ambassador of Chief Matiwana?--- Yes.

It wasn't a question of voting whether you liked or disliked Matiwana, you had to elect a representative of Matiwana, is that right?--- M'Lord, Matiwana (20 notified us in East London that his people must come and vote for him and I was elected to go on their behalf.

I thought you were electing an ambassador?--- I was elected as an ambassador.

To do what?--- An ambassador is an urban (25 representative.

Well, now that's what we want to know. Was this meeting to elect an ambassador for Chief Matiwana in East London?--- Yes.

By Matiwana's people in East London?---Yes. (30

The/....

The people who paid their taxes ... (Interpreter intervenes) ?--- Yes.

And who fell under the jurisdiction of Chief Matiwana ?--- Yes.

And the people who were not Matiwana's people (5 were not then entitled to vote ?--- That is right.

And were there some of them there from the location who came and made trouble and who were not Matiwana's people ?--- Yes, there were.

Are there any of them here today ?--- Some (10 of them are present here, others are not.

Tell me who the ones are that are present ?--- Accused no. 3, 4 and no. 1, I know those three were there.

MR. WIENAND: Are you quite sure about that ?--- Yes.

Positive, there can be no doubt whatsoever ?--- (15 I am positive, at all our meetings they were present at, and they came and caused trouble there.

Because yesterday in your evidence-in-chief you said accused no's 3, 2 and 4 were there ?--- Did I not include no. 1 ? (20

No ?--- I must have forgotten about him.

Has your memory failed you ?--- He was present.

You are sure about that today, yet you didn't mention it yesterday ?--- No's 1, 2, 3 and 4 were always there. (25

Are you sure no. 5 wasn't there ?--- No, I would not implicate him falsely M'Lord. I know nothing about any activities of his, I know him, I have seen him about, and I was surprised to see him here.

Have you had any clashes with him before ?--- I (30 have/.....

I have never argued with him before.

CLOETE J: Did he appear to you to be a law abiding citizen ?--- Yes, and he is a typist I've often sent articles to him to type for me. I had no knowledge, or have no knowledge of his being unlawful or doing anything un- (5
lawful.

You had no knowledge that he was mixed up in politics of any kind ?--- Yes, that is correct.

MR.WIENAND: If you had suspected that, you would have implicated him too, wouldn't you ?--- I know nothing (10
about his being in politics M'Lord.

If you had you would have implicated him ?--- I cannot falsely implicate a man who has not taken any active part in it.

Now accused no.4 will deny having been (15
present at this meeting in 1962 where the ambassador for Chief Matiwana was elected ?--- I say he was there.

Before you said that, you said something else too ? You were saying something about anybody who is guilty ?--- M'Lord, no matter whether a person is guilty (20
he will always plead not guilty.

You have made up your mind that the accused are guilty ?--- I am not the Magistrate to say that he is guilty or not.

Accused no.2 will say that he wasn't there (25
either at this meeting ?--- I remember M'Lord, he was present at one meeting where he was wearing a balaclava cap, but he had not pulled it right over his head, he just had it on his forehead.

CLOETE J: Yes, but we are talking about a special (30
meeting/...

meeting now, not all sorts of meetings. He must listen to the question. We are talking about one meeting, and one meeting only, and that is the meeting where the ambassador to Chief Matiwana was elected, we are not talking about other meetings. Was accused no.2 at that meeting where the ambassador was elected ?--- Yes, he was present. (5

Now he was present ?--- They were all wearing civilian clothes, I can't say whether he was wearing a sports coat or what type it was. (10

MR. WIENAND: Yet you can remember what he was wearing at the other meeting ?--- No, I remember seeing him at one meeting with this balaclava cap on. It is not the ordinary hat that a man wears.

Do you know that accused no.3 was in gaol at the time of this meeting in 1962 ?--- I cannot reply to that, I've already said that these events took place from 1960 to 1962. (15

CLOETE J: Yes, but you told us that accused no.3 was present at that meeting when the ambassador to Chief Matiwana was elected. The question which is put to you, is that the evidence will be that accused no.3 was in gaol when that meeting took place, therefore he could not have been at the meeting, do you still say he was at that meeting ?--- (Court adds) Or is it possible that you are making a mistake ?--- It may be that he was in gaol but I think he was there. (20 (25

MR. WIENAND: You can't be positive whether he was there or not ?--- I will put it to you this way M'Lord. There were a number of meetings held, I am mixed up. (30

He/....

He might have been at another meeting ?---Yes.

CLOETE J: This can be cleared up very quickly Mr.Wienand.
Was he in gaol Mr.D'Arcy on that date ?. While it is
being checked, you can continue your cross-examination.

MR.WIENAND: In evidence-in-chief yesterday you (5
also said that you had spoken to accused no.1 in the
presence of Tshume?--- Yes.

When was that ?---I think it was during 1960.

It might have been 1961 too ?--- 1960 or 1961.

It could have been 1962 ?--- No. I don't (10
think it was 1962.

You don't think so, but you can't be sure
about it ?--- I am sure I saw accused no.1 at ...house.

You don't know what year ?--- M'Lord, there
was to be a strike, the people were to refuse to go to (15
work.

CLOETE J: Was this known as the Defiance Campaign ?-- That
is so, about then.

MR WIENAND: That was in 1961 wasn't it ?--- That is
quite possible that it was 1961. (20

And not 1960. I put it to you it was 1961, (
and not 1960 as you said in-chief yesterday ?--- I cannot
dispute what accused no.1 will say, I know it was during
1960 or 1961, that I saw him there.

I haven't put to you what accused no.1 will (25
say. I told you that this Defiance Campaign took place
in 1961 - in May 1961 ?--- It was May of 1961.

I take it that you being a government supporter
were very unpopular in that area ?--- That is correct.

And unpopular amongst the accused and (30
others/....

others ?--- Very much so.

Now you have an opportunity to have your revenge ?--- No.

Haven't you ?---I have just come here to give evidence. (5

NO FURTHER QUESTIONS BY MR.WIENAND.

RE-EXAMINED BY MR.D'ARCY:

In reply to a question by my learned friend you said something about Congress ? These people who caused trouble at these meetings, belonged to Congress ?---That (10 is correct.

What Congress is this ?--- The African National Congress, also known as "Mkonte We Siswe".

Do you know whether any of the accused belonged to that organisation ?--- I was sure of accused no's 1, (15 2 and 3, as being members of the African National Congress, accused no.4 I was not positive of. I thought he might be a member of the Poqo organisation.

What makes you sure about accused no.1 ?--- The reason why I say he is a member of the African National (20 Congress, I am sure he was a member, when I met him at TamiTshume's place - I beg your pardon at accused no.1's place with Tami Tshume.

Was anything said there about the African National Congress ?--- Not in my presence. (25

CLOETE J: What has meeting him at no.1's place with Tshume got to do with making you sure he was a member of the African National Congress. What happened there that made you sure that he was a member of the A.N.C. ?--- M'Lord, the names of accused no.1 and Tami were published in the (30 newspapers/....

newspapers as being members of this organisation and they were both arrested.

Do you believe everything you read in the newspapers ?--- Yes, I do, because we investigate to find out if it is so. I went to accused no.1's place myself (5 to investigate why he was arrested, and I discovered that he had been arrested and he admitted that he was a member of the organisation. I published that in the paper.

MR.D'ARCY: And no.2 ? Where did you get your knowledge from that he was a member ?--- The reason why I (10 say accused no.2 is a member M'Lord, is because I often saw him in the company of accused no.'s 1 and 3, that is the reason why I say he was a member, because...(Court intervenes)

CLOETE J: You mean you believe birds of a feather flock (15 together ?--- Yes.

MR D'ARCY: And accused no.3 ?--- I saw accused no.3 with other members of Poqo and took it that he was a member of Poqo because he was always with them, and he frequented a shop known as Mafego's place. (20

NO FURTHER QUESTIONS BY MR.D'ARCY:

MR.WIENAND: M'Lord, may I just put one question to the witness which came out now in re-examination, that is with regard to A.N.C. and Spear of the Nation ?

CLOETE J: Yes. (25

MR.WIENAND: Do you agree that the Spear of the Nation, "Mkonte We Siswe" is the militant branch of the A.N.C. ?---No, I think it is all the same organisation.

CLOETE J: One is more active than the other isn't it ?--- Not to my knowledge. (30

Mr./.....

Mr.D'Arcy, do we know the position about
...(Mr.D'Arcy intervenes)

MR.D'ARCY: My information is that accused no.3 was
arrested during May, 1961, and released on the 24th of
July, 1961. (5)

CLOETE J: On what day in May ?.

MR.D'ARCY: M'Lord, I don't know the date, I am
getting that information from East London.

CLOETE J: May, 1961 and released in July, 1961.

MR.D'ARCY: 24th July, 1961. This meeting that (10)
was referred to as the Matiwana group, is alleged to
have taken place in August, 1962, we are getting that
checked up.

MR.WIENAND: M'Lord, I may say that my instructions
are that the accused was in gaol during the months of (15)
August and September, 1962.

-----oOo-----

MR.D'ARCY CALLS:

GERT JACOBUS SMIT: Verklaar onder eed. (Klagte 5)

ONDERVRA DEUR MNR.D'ARCY: (20)

U is 'n sersant in die Suid-Afrikaanse Polisie
waar is u gestationeer ?---Te Oos Londen.

Het jy 'n Uitkenningsparade gehou ?--- Op die
2de Februarie 1963 in die agterplaas van die polisie-stasie
te Oos Londen. (25)

Sal u net vir sy Edelaagbare en die assessore
vertel van hoe die parade gehou was ?--- Die parade het
bestaan uit 11 persone ingesluit ene Mandla. Dit is 10
persone plus Mandla.

CLOETE R: Dit is 11 persone altesame ?--- Ja. Die (30)
persone/.....

persone was meer of min dieselfde bou as dié van Mandla en meer of min dieselfde ouderdom ook. Hulle was almal gekleed in burgerdrag. Ek het Mandla verduidelik waarom die parade gehou word, en hom gevra om 'n plek op te neem. Hy wastevrede met die parade en hy het plek nr.6 opge- (5
neem op die parade.

Mr.Wienand is anything being challenged on this ?.

MR.WIENAND: M'Lord, not as far as I know. So long as he doesn't implicate the accused of course. (10

MNR.D'ARCY: Wie het toe die getuies ingeroep ?--- Die getuie was na die parade toe gebring deur Bantoe speurder konstabel Gediza. Hy het eerste gebring vir Joseph Jagers.

Watter instruksies het jy toe gegee vir die (15
getuie ?--- Ek het hom gevra hy moet op loop voor die parade en kyk of hy die man daar sien wat hy die aand onder die boom gesien het, en later nadat hy skote gehoor het, gesien weghardloop het.

Teen wie ?--- Ek het Jagers gevra om dit te (20
doen.

Watter straat ?--- Dit was in Duncan Village
gewees, ek kan nie onthou die naam van die straat.

Op 'n spesifieke aand ?--- 'n Spesifieke aand
ja. (25

Watter spesifieke aand ?---Die aand toe hy die
skote gehoor val het.

Was die persoon op die parade gewees ?--- Hy
het geloop, en gekyk en hy kon niemand uitwys nie.

En toe ?--- Hy was weggeneem gewees en daarna (30
het/.....

het dieselfde persoon vir John Prins gebring.

Dieselfde konstabel ?--- Ja.

CLOETE R: Wie het John Prins uitgewys ?--- Aan John Prins het ek dieselfde verduidelik. Hy het voor die parade verby geloop, en sonder om te aarsel het hy vir Mandla uit- (5
gewys.

Hy het vir Mandla uitgewys ?--- Ja.

As die persoon wat hy onder die boom gesien het ?--- Ja, en later gesien weghardloop het na hy die skote gehoor het. (10

MNR.D'ARCY: Is dit al ?--- Dit is al.

En sover as u kennis dra, kon hierdie twee persone nie...(getuie kom tussenby) ?--- Hulle was in 'n kantoor gehou in die polisie-stasie, hulle kon nie die parade sien nie. (15

GEEN VERDERE VRAE DEUR MNR.D'ARCY:

KRUISVERHOOR DEUR MNR.WIENAND: GEEN VRAE NIE.

-----oOo-----

MNR.D'ARCY ROEP:

RICHARD JOHN STOLTZ: Verklaar onder eed.

ONDERVRA DEUR MNR.D'ARCY: (20

Jy is 'n speurder Adjudant-Offisier in die Suid-Afrikaanse Polisie gestationeer te Oos Londen ?---Ek was voorheen te Oos Londen nou te King William's Town.

Maar gedurende laaste jaar, Februarie maand was jy te Oos Londen ?--- Dit is reg. (25

Het u 'n Uitkenningsparade gehou te Fort Glamorgan Tronk op die 7de Februarie laaste jaar ?--- Ek het.

Verduidelik aan die Hof hoe hierdie parade opgestel was ?--- Ek het ongeveer 3.15 n.m. na die tronk toe gegaan, op instruksies van my Bevelvoerende Offisier.(30

Ek/...

Ek het konstabel Petzer en 'n tolk saam met my geneem
Ek het ook die klaer saam met my geneem. Ek het hom
buitekant voor die tronk gelaat.

Wie is die klaer, Bantoe konstabel Rila Ncobi
?--- Dit is reg. Ek het hom buitekant die tronk (5
gelaat en ek en konstabel Petzer is by die tronk in. Ek
het die hoofbewaarder gesprek en hom meegedeel dat ek
gereed is vir die parade. Hy het my toe na die selle van
die verhoorafwagtende prisoniere geneem waar ek sekere
persone uitgesoek het vir die parade. Hy het die twee (10
verdagtes ook na my gebring, en ek het persone uitgesoek
wat ooreenstem met die voorkoms van die twee verdagtes.
Ek het veral kennis geneem van die merk op die van Mzwandile
Mandla, hy het 'n snymerk oor sy een wang gehad.

Is dit een van die verdagtes ?--- Ja. (15

En die ander verdagte was Attwell Msauli ?--
Ja. Ek het toe persone uitgesoek wat ooreenstem met die
voorkoms van die twee verdagtes. Ek het die parade in die
agterplaas van die tronk wat ommuur was opgestel. Ek het
alle ongemagtigde persone versoek om die parade te verlaat.(20
Ek het toe die klagte - beweerde klagte - aan die twee
verdagtes gestel, en ek het hulle gevra of hulle verlang
'n regsverteenvoerder teenwoordig moet wees, tydens die
hou van die parade. Hulle het my meegedeel dat hulle geen
regsverteenvoerder verlang nie. Ek het hulle toe gevra (25
of hulle tevrede is met die persone saam met wie hulle op
parade gestel word, hulle het my meegedeel dat hulle tevrede
is. Ek het hulle toe versoek om posisie op die parade in
te neem soos hulle verkies. Beskuldigde Mzwandile Mandla
het toe posisie 7 en 8 op die parade ingeneem, en gedagte (30

Attwell/...

Attwell Msauli het posisie voor nr.1 op parade ingeneem.
Ek het toe die bewaarder Barnard gestuur om die klaer
buitekant die tronk te gaan haal .

CLOETE R: Hoeveel was daar altesame op die parade ?--- Daar
was tien persone op die parade uitsluitende die twee (5
verdagtes.

12 Altesame ?-- Ja. Hy het toe die klaer
ingebring. Ek het die klaer meegedeel dat hy op en af
voor die parade moet stap en dat indien hy die persoon
wat hom na bewering sou aangerand het, op die parade (10
sien dan moet hy hom aanraak en sodoende aan my uitwys.

Het hy iemand uitgewys ?---Hy het. Hy het
gestap tot hy verby die 7de lid op die parade gekom het,
en hy het toe vir Mzwandle Mandla aangerak en my meege-
deel dat dit die persoon is, wat die beweerde misdaad (15
gepleeg het.

Hy het Mandla uitgewys ?--- Dit is reg, tussen
posisies 7 en 8.

MNR.D'ARCY: Hoe het hy hom uitgewys ?--- As die
persoon wat die beweerde misdaad gepleeg het. (20

Wat op hom geskiet het ?--- Dit is reg.

Watter dag, op die 11de Januarie ?---Dit is reg.

GEEN VERDERE VRAE DEUR MNR.D'ARCY.

KRUISVERHOOR DEUR MNR.WIENAND: GEEN VRAE NIE.

-----oOo-----

(25

MR.D'ARCY CALLS:

JOYCE DUKADA: Sworn States. Speaking Xosa. (Counts 2 & 5.

EXAMINED BY MR.D'ARCY:

Joyce, you are the wife of Simmington Dukada ?--Yes.

And you live with him at no.32 Meki Street, (30

Duncan/...

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