

L. BOWMAN.

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

10

CASE NUMBER: 30/76.

PRETORIA.

T H E S T A T E

versus

JOSEPH MOLOKENG AND SIX OTHERS

VOLUME 10

(Pages 474 - 507)

LUBBE RECORDINGS (PRETORIA)

VOLUME 10

THE COURT RESUMES AT 2 P.M. ON 1st APRIL, 1976.

MFO KHATI: still under oath:

CROSS-EXAMINATION BY MR ALLAWAY: You talked about a meeting at the home of accused No. 1. -- Yes.

Would it be fair to say that that meeting happened a long time ago? -- Yes.

And I understand from your evidence that you were not particularly concerned with what was being talked about. -- Yes. (10)

I suggest to you that you have got no good reason to remember clearly what happened or was said at that meeting. -- I was present at the meeting and I heard what they talked there.

When accused No. 3 spoke to you on the subject of military training, did you talk with each other in the Xhosa language? -- Yes.

And what is your age please? -- 26.

And at that time I take it you were working still as a nurse? -- Yes. (20)

You had no reason whatsoever to give the idea of going for military training any sort of thought. -- I do not understand.

Well, you had a good job. -- Yes.

And you told His Lordship that you merely said that you were not interested. -- Yes.

If accused No. 3 says that what she asked you was whether you were interested or whether you would consider military training, would you agree or disagree with her evidence? -- No, she said she wants us to go for military training. (30)

Are/...

XYD

Are you saying that she invited you to go or are you saying that she asked you whether you would think about going? -- She was saying we should go. I do not know how to express it, but she said we should go.

You use the word "we". Was she talking to you? -- She was speaking to me.

She never discussed this subject with you before? -- No, never before, except there at the meeting and she was not the person who was speaking at the meeting.

You see, because what I am suggesting to you is (10) that you might have misunderstood what she said to you. What I am putting to you is that she did not invite you to go for military training or say that you should go, she was merely asking you a question: would you go. -- It is a long time ago but I still say she said we should go. So I do not know whether there is a difference of asking whether I would like to go or should go.

This is the only point I am trying to find out about. If accused No. 3 told His Lordship that what she put to you was a question, whether you would go for training, (20) she was not making a statement that you should go, do you think you might have misunderstood her? We have waited a long time for the answer. All I am asking you is whether you could be making a mistake. That is all. In the sense that you misunderstood her. -- I do not know, it is a long time ago. I do not know how to put it whether she asked whether I would be interested to go or whether she said I should go, but she mentioned military training.

That is as high as you will put it. -- Yes.

RE-EXAMINATION BY MR SWANEPOEL: No questions.

(30)

NO FURTHER QUESTIONS.

THE/...

THE COURT ADJOURNS. THE COURT RESUMES.

MR VAN JAARSVELDT: I call the next witness, Lebogang Motlana (No. 7).

LEBOGANG MOTLANA: sworn states: (Through Interpreter)

MR VAN JAARSVELDT ASKS THE COURT TO WARN THE WITNESS.

THE COURT WARNS THE WITNESS IN TERMS OF SECTION 254 OF THE CRIMINAL CODE. THE WITNESS UNDERSTANDS.

EXAMINATION BY MR VAN JAARSVELDT: How old are you? -- 20 now.

Is it correct that you are a student? -- Yes. (10)

Where are you a student? -- University of the North, Turfloop.

What line do you study? -- Law, B.Proc.

Let us start at 1974. Is it correct that you were approached by William Mkojeni? -- Yes, it is correct, but not at the beginning of 1974, but towards the end of 1974.

Why did he approach you? -- He said there would be a meeting like a meeting of SASO.

Yes, what happened then? -- I went there, went with him. (20)

Can you tell us who were present at this meeting? -- Eliass, William, myself - I cannot remember the others.

I want you to look at the accused. Do you recognise any of the accused? If you do, can you just point the relevant accused out? -- Yes. Accused No. 1, accused No. 5.

Were any of the two accused present at this meeting? -- Yes.

Both of them or only one? -- One of them.

Which one? -- No. 5.

Who addressed this meeting? -- There was no definite speaker. All of us were speaking. (30)

Did/...

Did accused No. 5 address you? -- Yes, he spoke too, but he was not presiding, but he spoke too.

What did he speak about? -- I cannot remember very well about what he spoke.

Can't you remember at all? -- We all spoke, but I cannot say that one said that, that one said that.

What did you speak about? -- I was speaking about the constitution, because we were forming a new organisation.

Is that all? -- I can say that is all that I spoke about. (10)

The other persons? -- There are also others who uttered to the constitution.

Did you draw up a constitution at that meeting? -- We did not put it on paper, but we spoke about it so that when we decided to go on, then that would be the constitution.

Did you have later meetings? -- Yes, we did have.

I am referring you to the meeting where William Mkoyeni was the spokesman. Can you tell us what happened at that meeting? -- I cannot remember, but I will ask (20) you to remind me which meeting, where it was held.

That was the meeting on which you could not decide on what name to call your movement. -- What was the question?

Can you tell us what happened at that meeting? -- We were told we are now starting a new thing which will function as SASM, like SASM. We also spoke about what the names would be and we found out that we did not want the names such as Black Hand and others. We then decided we would go on without a name, but we should know each (30) other.

And/...

And can you tell us what the objects of this organisation of yours was? -- The function of SASM was to show to the Black people that they are Black people and they are oppressed, but our organisation was to carry on like SASM but not to be under SASM and to go more deeply into the affairs.

What affairs is that that you refer to now? -- Just as I pointed out that we should show the Black people that they are Black people, they are oppressed and that they should come together to form one nation. (10)

Were accused No. 1 and accused No. 5 present? -- Accused No. 1 was not present, but I think No. 5 was present; I am not certain about it.

Was accused No. 1 at that stage a member of your organisation? -- No.

Was there talk about him becoming a member of the organisation? -- I do not know whether it was at that meeting or another meeting, but there was some meeting where it was decided that he should join too.

I believe that was the meeting just after this one where you were the spokesman. -- No, we met accused No. 1 at the meeting where I was the spokesman. (20)

Did you ask accused No. 1 for his political background? -- Yes, I did.

What did he say? Just before you go on, was that during the meeting? -- Yes, it was.

Now tell us what did he say? -- He told us that he was a member of TRAYO and NAYO I think and he told us that he was working or had been working for those organisations.

Is that all? -- Yes, I can say it is all. (30)

Was he anxious to join your movement? -- He wanted to join/...

join.

Did he want to join your movement? -- Yes.

And did you explain the regulations of your group to him? -- Yes, we did explain them to him.

What were the regulations? -- That you should not get drunk, have one wife, not actually a wife but say a girlfriend and that no notes should be taken at meetings, written notes.

Why not? -- They are the things that the police look for when they come to our houses to arrest us. (10)

Did you have anything to hide? -- Not particularly.

But you were cautious? -- Yes.

Was that all? -- Yes, it is all, but I do not know whether there are still other things which I have forgotten.

Did you have a subsequent meeting later on? At your home. -- Yes.

Can you tell us what happened there? -- We spoke about ourselves taking military training.

Who are the 'we' you are referring to? -- All of us who had gathered together there. (20)

Yes, now tell us who are all of us who were gathering there? -- Myself, Raymond, William.

Can you manage to mention their surnames as well, please? -- I will try but I do not know all of them.

No, that is quite understandable, but as far as you can. -- Myself - Motlala, William Mkozeni, Joseph Mlokeng.

That is accused No. 1? -- Yes. Sydney Ramokgopa, David - I cannot remember his surname, Amos Masondo.

That is accused No. 5? -- Yes. I cannot remember the others who were there. (30)

How did it come to pass that you talked about military training/...

training? Who started the conversation? -- I cannot remember or say actually amongst us who started with that.

Now tell us about what was said during the meeting there. -- We agreed there that we would go for military training, but to get passports to leave so that we can come back still being South African citizens.

Did you decide to do anything when you come back? -- Yes, when we come back we would fight South Africa militarily.

Why? -- We are depressed because by talking we (10) would get nowhere. Like Rhodesia shows that these are things that cannot be sorted out around a table.

Who would you have fought here in South Africa when you came back? -- I do not know actually with whom we would fight.

Where would you have gone for this military training? -- At that time we did not know where we would go to. Even today we do not know where we would go to.

Do you know if anyone had any contacts in Botswana? -- Amongst us we had our friends and people who had (20) run away from South Africa.

Did anyone expressly mention that he had a contact in Botswana? -- I mentioned that I have got some friends in Botswana.

Who are your friends? Can you mention them please? -- There is one who attended school with me in Botswana we called him Rollo Hamilton.

Anyone else? -- Others also mentioned that they had some friends.

Tell us what accused No. 1 said. -- About what? (30)

About this military training. -- He agreed like ourselves/...

ourselves.

Tell us what he said. Everything, please. -- I cannot remember word by word what he said.

I do not expect you to remember word by word, but you can give us quite a summary, if you can. -- I cannot even summarise, it was a meeting and everyone said his say that he wanted to say.

Was it decided that anyone should go to Botswana after this meeting? -- We came to the agreement that we would later go for military training. (10)

Was anyone especially sent to go to Botswana? Did you decide to send anyone? -- Not at that meeting, but there was a meeting where we decided that people should be sent to Botswana.

Did you decide who would go? -- Yes, we sent William Nkoyeni and Tutuboy.

Can you remember Tutuboy's real name? -- Raymond Pilane.

Did they in fact go to Botswana? -- I cannot be certain whether they went to Botswana, but they left (20) for Botswana.

Did they come back? -- They came back.

Did you hold a meeting after they came back? -- Yes, I think we had one.

Can you remember was accused No. 1 and accused No. 5 present at the meeting? -- Yes, I will say they were present.

Did the two who went to Botswana or should have gone to Botswana report to you at that meeting? -- Yes, they did. (30)

What did they say? -- They told us that they met people in/...

in Botswana.

Did they mention any names? -- No, they did not mention names.

Go on. -- They told us that they spoke to those people that we should go out for military training and also that those people at Botswana agreed to it that even if it does not happen immediately, but they will look to it. Further on I cannot remember what they also told us.

Did they bring anything along with them from Botswana? -- I do not know whether it was at that time or when (10) they were sent out again at another time. Then they came back with sets(?); I personally did not see them, because I was not present, but I was told about that.

Told by whom? -- We heard at the first meeting that they had the cassettes with them, but we did not have a tape-recorder or a tape-player. We then agreed on this next meeting the tapes would be played back, but I was not there, so I did not see the tapes.

Do you know what the tapes were about? Were they identified there? -- I did not listen to them so I (20) cannot say whether I know.

But did they name the cassettes? -- No, they did not say what they were about.

Now early in 1975, did William Nkoyeni go to Botswana? -- Yes, I think he went; I am not sure.

Do you know if he went alone? -- I think with Raymond, but I am not sure, but he did not go alone.

Did they come back? -- Yes, they did.

Did you hold a meeting again? -- I think we had a meeting, they came together, but I was not present. (30)

Do you know what did they come back - did they come back/...

back with any messages from Botswana, as far as you know?
-- I did not hear, I cannot remember very well.

Were you present when William reported at the meeting what happened in Botswana? -- I cannot remember.

After you spoke about this military training, what did you as a group decide to do, while you were waiting to go for military training? -- I heard what was going on, but I did not attend the meetings regularly.

From whom did you hear? -- I cannot remember definitely from whom, but I think Raymond or William. (10)

What happened to you due to the fact that you did not attend meetings? -- Well, I was punished, body punishment because I did not attend meetings.

Can you elaborate more about this punishment? -- I was called to a meeting at Mofolo Park. I was told by Raymond that we would have a meeting there, at Silver Pie(?) that is the place at Mofolo. On my arrival there, I was asked why is it that I do not attend the meetings. I explained why I did not attend the meetings. I was then told by the meeting of the group because I did not attend the meetings, I will get 12 cuts. Then everyone present at the meeting, got his turn to hit me. (20)

Was accused No. 1 present? -- He was present.

No. 5? -- He was present.

And did you meet again during the first week of August last year? -- Yes, some time in August we met.

Who of you met? -- Myself, accused No. 5, Elias - I cannot remember his surname - William and Raymond I think.

What happened at this meeting? -- We were told that Joseph is arrested, that is accused No. 1. There I came/... (30)

*first week
= Aug 75
(meeting
away)*

came to know that there are assignments issued to members of the group of the organisation.

What assignments? -- To know where the airports in South Africa are, dams in South Africa, military bases, telephone installations, railway systems and things like this.

Did they say why did they have to go and .. -- I was not told why and what they should do with those things.

Now, was anyone then again sent to Botswana? -- Yes, I think at that time a person was sent to Botswana. (10)

Who? -- William, I think.

Did he come back? -- He did, yes.

Did you hold a meeting again after he arrived back? -- Yes, we did.

Was accused No. 5 present? -- Yes, I think he was present.

What did William report to you? -- He told us that sub-stratums should be formed. I do not know what was now going on in our organisation, but each one should now form a sub-cell. From these sub-cells they go out one-one (20) to form sub-strata. I do not know, I was not present at the meeting, so I had no - not at that meeting, but at the other meetings before that one, I was not present.

To return to your previous meeting when you learned about the things that you had to go and study targets, did anyone make a report there? -- It is the first time I hear they are called targets. I do not know what you mean by that.

Yes, that is what I named them, I cannot remember what you named them. (30)

BY THE COURT: He called them assignments. -- They are called/...

called assignments, and from there they learn these things.

MR VAN JAARSVELDT: Did anyone make a report on these assignments? -- Elias - Amos had to learn the teaching of literature to illiterate people, Black people.

BY THE COURT: Who is Amos? -- That is accused No. 4.

No, No. 5. -- No. 5, I am sorry.

(5)

You nearly gave No. 4 a heart attack there. What was No. 5 supposed to do? Teach literature to the illiterate? -- That is so. According to how I understood it, it should have been a night school - was, not (10) should have been, was a night school. He would teach Black people how to read and write. The second person who made a report was Elias. He reported on dams. He could not tell us anything because he did not do his work.

MR VAN JAARSVELDT: Do you know what William's assignment was? -- The assignment of William was to find out about the military installations - installations, I am sorry. He reported back that there is a military base at Durban which was to cater for anti-guerilla warfare.

Were you given an assignment? -- I did not have (20) one.

And at the meeting did they give you one there? -- Yes, they did and said - I was told to call the meeting at certain days.

Were you ever arrested? -- No, never been.

You are still out on your own? -- Yes.

When you made your statement, who were in your presence?

BY THE COURT: What is your question?

MR VAN JAARSVELDT: When you made your statement to (30) the police, who were present there? -- My father, Mr Smit/...

Smit or Captain Smit, I do not know, myself, but some time Captain Cronwright - I am not sure - also came in.

TYD

CROSS-EXAMINATION BY MR ALLAWAY: Did you find that in about September, 1974, a lot of the people who were administering SASO were arrested? -- Yes, I did.

And the president of SASO at that time I think, was at your university, wasn't he? -- It is my first year this year.

Now when those arrests took place in September, 1974, were you involved in any political movement? -- I (10) was, but not, I left.

What was the name of that movement? -- South African Students Movement.

I would just like to explain this to His Lordship. SASO was an organisation that catered for people who were doing higher education at universities or through Unisa and places like that. -- Yes, I think so.

And SASM was an organisation that was concerned with people who were doing education at a lower level. -- Yes, from Form 1 up to Form 5. (20)

Basically people at school. -- Yes.

Did you ever become a member of SASM? -- Yes, I was.

I take it that you read its constitution. -- I did, yes.

And was it a body that was committed to try to improve the position of the Black people in South Africa? -- Yes.

Through education, that was one of the ways. -- Yes.

And through involving people at schools in something which is called Black consciousness. -- Yes.

Does SASO still function at Turfloop? -- I (30) think when I left there it stopped for a while until the council/...

council of Turfloop comes together.

When did you start at the University of the North? --
February this year.

You say you left there. Have you ceased studying
there or are you just on vacation? -- No, I have not stopped
my studies, but I have come down for the case.

I take it you can probably tell His Lordship that
SASO is committed to very much the same sort of thing as
SASM, but at university level. -- Yes, I can say it like
that. (10)

And as far as you were concerned, did you understand
that the objects of SASM were perfectly lawful? -- Yes, it
was within the law.

And the idea was this, wasn't it, was to try to get
Black people to think in terms of being Black. -- Yes.

And to build up a united body of Black opinion. -- Yes.
THE COURT ADJOURNS.

THE COURT RESUMES AT 10 A.M. ON THE 2nd APRIL, 1976.

LEBOGANG MTLANA: (20)

M'Lord, before I take the oath, I ask permission from
M'Lord I would like to see a lawyer before I go on with
my evidence.

BY THE COURT: What is your reason for that request? --
I do not know where I am standing now. I am confused
about the answers which I gave yesterday. I would like
to get advice.

MR VAN JAARSVELDT: I leave it in your hands, M'Lord.

BY THE COURT: Have you any contribution to make, Mr
Allaway? (30)

MR ALLAWAY: The only contribution I would like to make,

I/...

I would like to start my cross-examination, or continue with it, we are ready to go on, we have taken instructions.

BY THE COURT: I do not want to deprive you of an opportunity to see a lawyer, but can you perhaps tell me what it is that is troubling you? -- Yesterday I did not think well before answering questions. I thought before I answered some of the questions and the others I just answered without thinking.

Your evidence-in-chief is finished. All that is being done now is that Learned Counsel for the (10) accused is going to put questions to you and if you want to change yesterday's answers because you thought about it again, you are entitled to do so. Anybody can make a mistake sometimes in giving an answer and then on re-consideration decide well, that answer was not correct and if he then explains that he made a mistake and why he made it, nothing can be done to him. You are already half-way through your evidence. -- Although we are half-way I would really like to see a lawyer. There is something which I would like to ask him before I carry on with (20) my evidence.

Have you got any lawyer in mind or will you still have to go and look for one? -- I made an appointment to see Mr Ayob in Johannesburg today, this morning.

Mr Van Jaarsveldt, as far as I can remember, I haven't got the authorities with me at the moment, for once I decided I would leave them at home because I probably would not need them, now of course, as usual, I need them. There is authority for the proposition that a witness is entitled to, if he asks, he is entitled to obtain (30) legal advice.

MR VAN JAARSVELD/...

FURTHER DISCUSSION IN THIS REGARD.

BY THE COURT: Yes, well, I am prepared to come to his assistance in that regard. Both Counsel and I are under the impression that he is perfectly entitled to seek legal advice before he proceeds. But you will have to do that today because I will give you a chance until Monday. Will that suit you? Will you be ready on Monday morning? -- I think I will be ready.

It is not a question of thinking, I am telling you to be ready by Monday. You cannot ask more than that. (10) You have got the rest of today, you have got all tomorrow if you want to, all Sunday also if you want to. -- Thank you, M'Lord.

You must be here at 9,45 on Monday morning, and if your lawyer considers it necessary then of course he can accompany you here on Monday. -- I understand.

MR VAN JAAREVELDT: M'Lord, I call the next witness, Irwin Matlhape (No. 16). Ek mag net miskien meld dat hierdie getuie nie direk getuienis teen beskuldigdes (20) sal aflewer nie. Dit is meer van wat gebeur het na die beskuldigdes in hegtenis geneem is. Meer vir agtergrond getuienis vir die hele saak wat ons die getuie roep. My Geleerde Kollega sal die getuie lei.

IRWIN MDOGOMOTSE MATLHAPÉ: verklaar onder eed: (Deur Tolk)

MNR. SWANEPOEL VRA DIE HOP OM DIE GETUIE TE WAARSKU AS 'N MEDEPLIGTIGE.

THE COURT WARNS THE WITNESS IN TERMS OF SECTION 254 OF THE CRIMINAL CODE.

THE WITNESS UNDERSTANDS THE WARNING.

ONDERVRAGING DEUR MNR. SWANEPOEL: Waar is u gebore? -- (30)

Soweto/...

27

Soweto, Johannesburg.

Wanneer is u gebore? -- 31 Maart 1956.

En vanaf u geboorte is u nog steeds 'n Suid-Afrikaanse burger. Is dit korrek? -- Ja.

A DISCUSSION ABOUT INTERPRETING ENSUES. MR SWANEPOEL
WILL NOW LEAD EVIDENCE IN ENGLISH.

MR SWANEPOEL: Now .. -- I am sorry, M'Lord, the witness has just corrected me, he says it is not Soweto but Sophiatown, where he was born.

Now, when did you start your schooling? -- 1964. (10)

At what school? -- Mawe Lower Primary School.

And have you attended school ever since? -- Till now I am still at school.

In what standard are you now? -- Standard 9.

Did you become acquainted with politics at any stage? -- 1973, yes.

How did this happen? -- I met my friend, Edward Batale who told me an organisation of secondary scholars. And he told me it was a political movement, and he told me that the aim of the movement was to bring Black (20) consciousness to the attention of the secondary scholars.

Do you know what Black consciousness is? -- He explained to me what it meant.

What did he explain to you? -- That I, a Black person, must look at my colour and also that because I am a Black person I am not equal to a White person; I should consider it that we are equals.

Did he tell you anything else about Black consciousness? -- Only about Black consciousness.

Did you become a member of any organisation? -- (30)
I became a member of the organisation United Students Body, which/...

which was for secondary high school students. *

What was the aim of this organisation? -- It was to bring the Black children together. It does not matter what language he speaks but to bring all the Black children together.

Why did those children need to be brought together? -- So that they should know what belongs to them in their country. Their presence in their country.

Yes, well, what about that? -- That they should know they are people who have got their rights and also for (10) the development of their country.

Did you attend any meetings of this organisation? -- Yes.

Can you remember how many meetings more or less you attended? -- About three.

And can you tell the Court what happened at these meetings? -- The first meeting which I attended, there were some students in a classroom speaking about Black consciousness. I was then interested. I then decided that I should also be a full member of this organisa- (20) tion. It was also decided that other branches should be made in other schools. Also it was decided that these organisations should only be entirely for students, not teachers or other people. They also spoke about difficulties which we may meet going on with our Black consciousness. And also how we could get over these difficulties. Questions were asked and people who were present at the meeting, answered.

Can you remember the names of the people who partook of this discussion or saying something at the (30) meeting? -- I know two people, one who was the chairman of the/...

the day and also the one who called me to the meeting. The one who invited me to the meeting was Edward Ratala. The chairman was Vusi Sithole. I did not know the other people.

*the
interview*

Can you remember anything that the chairman, Vusi Sithole said? -- Yes.

What did he speak about? -- He spoke about where we could introduce our organisation to the other schools. And also that we should not introduce our movement to the teachers at schools because they might be against (10) it. It was then the decision of all of us who were present at the meeting. He was explaining to me and other new ones at the meeting.

Do you remember anything else about this first meeting? -- I was then interested to join the movement. I was also attracted by the cooperation of the people who were present.

How many people were present at this first meeting? -- We were about 40.

And where did this meeting take place? -- (20) Orlando North Secondary School.

Can you tell His Lordship about the second meeting? -- The second meeting I was told by Edward Ratala, that he spoke to another friend of mine Abraham Lentsoane. When I was at school I then asked Abraham whether Edward spoke to him about the organisation. He confirmed that it was so. We then went to the second meeting which I attended and the first one which was attended by Abraham. At the meeting I then asked the meeting for permission that I and Abraham will do all we can to introduce (30) this organisation to other schools. It was accepted at the/...

the meeting. The chairman accepted it. I also asked what to do to teach about Black consciousness. They also told me that there is a difficulty of christianity and also that many children accept christianity as the only belief that they can take, and also that many children join the Students Christian Movement.

THE COURT ADJOURNS FOR TEA. THE COURT RESUMES.

IRWIN NDOGOTSE MATLHAPE: still under oath:

FURTHER EXAMINATION BY MR SWANEPOEL: Just to take up where you left off, you told the Court about the (10) christian belief. Can you repeat exactly what was said about this? -- We spoke about the difficulty of preaching about Black consciousness especially with the children who believe in christianity or another belief.

What was the difficulty? -- That other children who belong to SCM (Students Christian Movement) they will not believe to Black consciousness. We had to meet difficulties like this on preaching Black consciousness.

Was anything said about how you could overcome this? -- Yes, I was told that if you speak to a person who (20) is a big christian you should start by speaking about christianity to him. And when I speak to him, I should tell him about the necessity of Black consciousness.

Yes, and then? -- And to tell him also that christianity cannot help a nation or the national affairs.

Was anything else said about this? -- It was only how to preach Black consciousness. And also at that meeting we, I and Abraham, agreed to it that we will open a branch at our school, and we also mentioned that we would bring our progress report when the school starts (30) again after the June holidays.

Now/...

Now, when this about - when the Black consciousness and the christian belief was discussed, was there anything said in general about education? Something about education, did you discuss education as well? -- Yes.

Can you tell the Court about that? -- That we should bring Black consciousness to the attention of Black children to show that what a Black person can do, he can also do it. Also to show to them the quality of the White people and they should be educated like White people.

Now, I would like to ask you another question. (10)
Your organisation that you belonged to, the United Students Body, was this organisation opposed to the Students Christian Movement, the SCM? -- My organisation was not against christianity.

Were the teachers and the principal of the school, were they aware of your organisation? -- No.

Did your organisation propose to recruit more members? -- Yes, we wanted to increase it, to make it bigger.

How did you propose doing this? -- To approach students one by one. (20)

Yes? -- And also to tell them about the aims and the objects of unism.

Now, you have told us about the second meeting. Can you tell us about the third meeting you attended? -- The third meeting I attended with Abraham and that was his second attendance to a meeting. Abraham gave our progress report about what we did at our school.

What did he report about? -- That we were not successful at our school, but could only get two students.

Yes, and what happened after he had given his report? -- The meeting accepted the report. (30)

Any/...

Any other topic discussed at this meeting? -- All the people did not attend the third meeting, we were only a few who attended it. We were about two-thirds.

Was the president there? -- We had a chairman.

Who was he? -- Vusi Sithole.

Did he have something to say? -- He also said that those members who did not attend the meeting, when they come to the next meeting, they should get corporal punishment.

Who was to administer this corporal punishment? (10)
-- At the meeting.

Members of the meeting? -- Members of the meeting.

Do you know if the chairman of yours, Vusi Sithole, did he belong to any other organisations? -- He talked about an organisation to which he belonged.

Did he say what organisation? -- He said it is an organisation known as TRAYO.

Do you know what TRAYO means? -- No, I do not know.

After the third meeting, did you attend any other meetings? -- We did not finish the topic of the (20)
third meeting. Another meeting was to be held.

How did you know that Sithole was a member of TRAYO?
-- He said he was a member of TRAYO.

Do you know if any other TRAYO members attended your meetings? -- No.

How many people were present at this third meeting?
-- About two-thirds of the members who were present at the second meeting.

After these meetings, did you ever happen to see Edward Ratala again? -- Yes. (30)

When was this? -- Many times in the streets.

Did/...

Did you have any discussions with him? -- No.

And did you ever meet Vusi Sithole after these meetings? -- Yes, I met Vusi Sithole the day when I met Edward Ratala in the street.

Can you tell the Court what happened at this meeting? -- After he had told us that he was a member of TRAYO, he also told us that they decided at their TRAYO meeting that they should suspend their activities.

What activities were these? -- Of their organisation.

What did Sithole tell you about TRAYO? (10)

MR ALLAWAY: Objects - not into the microphone.

MR SWANEPOEL: Yes, M'Lord, I would like to say that the State has already indicated that we intend to lead circumstantial evidence and I take it my Learned Friend is not .. (inaudible). I would like to repeat the question, M'Lord. Did Sithole have anything to say about TRAYO? -- Yes.

Well, what did he say? -- He told us that the organisation came to an agreement that they should suspend their activities. He also told us that the (20) suspension let(?) him too because he was a member of the organisation.

Did he give any reason for the suspension of these activities? -- He told us that they were afraid of the security police.

Now, did you ever accompany Edward to certain places? -- Out of Johannesburg?

What I mean is this, did you accompany him when he went and paid somebody a visit perhaps? -- Yes.

Can you tell the Court about some of these? -- (30) I visited Edward Ratala; as he told me that he was going to pay/...

pay a visit to his friend at Killarney in Orlando West. It was at the beginning of 1974. It was during school holidays. I also went to his friend which came to know to be Duke Mashobane.

BY THE COURT: Just a moment, you have got me slightly confused here. Did you accompany Edward Ratala to Killarney? -- I did.

You accompanied him to Killarney to what? To go and play soccer or do what? -- To visit his friend who was staying at Killarney. (10)

Was it a beer drinking visit or what was it? That is what I am trying to find out. -- Not to drink beer.

To do what then? To have a discussion, to play football or what? -- Just a friendly visit.

I hope you do not tell us about all your friendly visits, interesting as they might be. When you went to this Duke person, what do you say happened with him? -- He was the person to whom Edward Ratala was paying a visit.

MR SWANEPOEL: Now this Duke Mashobane you are talking (20) about, do you know if he has any other name perhaps? -- Johannes.

And do you know whether Edward Ratala is also called by another name or not? -- Yes, Trinity.

Can you tell the Court about what happened at this Duke Mashobane's house? -- We came there. I was introduced to Duke and Duke to me. He was pleased to meet me. We sat there. After a while a third person arrived. He greeted Duke and Trinity and called them by their names Duke and Trinity. (30)

Who was this person? -- He was introduced as Kgoti.

Do/...

Do you see him in court? -- Yes, I do.

Can you indicate him? -- Accused No. 2.

Did accused No. 2 have anything to say on that occasion? -- He looked like also a person who has paid a friendly visit.

And did you discuss anything? -- Edward started to speak about our organisation, UNISE. We spoke about this organisation which was going down, also about the difficulties of our chairman, also that UNISE lost many members and it was now breaking down. (10)

Was anything said about other organisations? -- Yes.

What organisations? -- There was talk about TRAYO.

What was said about TRAYO? -- Also talked about certain members of TRAYO who had been arrested, and also that those people should be visited.

Who said this? -- Kgoti, accused No. 2.

Was it mentioned why these members were arrested? -- No, he did not.

Now, apart from TRAYO was there any - was any other organisation mentioned on this occasion? - - The (20)
organisation SASM which Edward had an intention to join it.

What was said about SASM? -- After Edward mentioned that he will join it, Duke told me then because I have no organisation to which I belong any more, I should join with Edward. I then mentioned I have no intention of joining another organisation again at that time.

What organisation did you have to join? -- I had no intention of joining SASM.

Were any other organisations mentioned on this occasion? -- No, they did not. (30)

Now, did you attend any other meetings after this occasion/...

what was discussed
↓

↑

occasion at the house of Mashobane? -- After I had passed my J.C. when I went to Orlando West High School.

Yes, and where was this? -- Killarney, Orlando West.

How did you come to meet Ratala again? -- We were at one school. We were now both of us going over to Form 4.

What year was this? -- Last year, 1975.

Now, I want to take you back to the occasion that you just told the Court about the meeting at Mashobane's house. If I am correct, you said this took place (10) during the beginning of 1974. -- Yes.

Now, I am still referring to 1974 and I want to ask you whether you accompanied Ratala to any meetings during the rest of 1974. -- We told me that there was a meeting which he was going to attend on a Sunday.

Do you know where this meeting was to be held? -- At the DOCC Hall, Orlando East.

When Ratala spoke to you about this meeting, apart from telling you that he intended attending this meeting, what else did he have to say? Or was that all he (20) told you? -- He invited me to go with and I agreed to.

Did he tell you what sort of a meeting this was to be? -- He told me that it was a meeting of comrades.

What did you understand this to be? -- I understood it to be a meeting about politics.

Why did you understand it to be a meeting about politics? -- The word 'comrade' was a word which we used in our organisation UNISM.

And what did the word 'comrade' denote, what did it mean? -- Members of an organisation or people interested (30) in politics.

BY/...

BY THE COURT: Otherwise known as my Learned Friend in legal circles.

MR SWANEPOEL: Did you in fact attend this meeting? -- I went, but the meeting was not held.

BY THE COURT: Oh, no. You take us every time to go fishing and we never catch anything.

LAUGHTER

MR SWANEPOEL: I hope to land a big one soon, M'Lord, with respect.

LAUGHTER

(10)

MR SWANEPOEL: Do you know why the meeting never took place? -- Edward told me that many people were invited to the meeting, but only a few of them arrived.

Do you remember any people who wanted to attend this meeting and who were in fact present there, although the meeting never took place? -- It was myself and Edward; not more than 10 people.

Do you know who was responsible for cancelling this meeting? -- I do not know who agreed to it, but I know who said that there would be no meeting. (20)

Who said so? -- Kgoti, accused No. 2.

Do you know who was to be the chairman at that meeting? -- No.

I am referring now to 1975. Were you still a member of UNISM? -- No.

Were you a member of any other organisation? -- I was a member of another organisation which we had started at Orlando West High School.

What was the name of this organisation you started? -- Orlando West High Students Movement. (30)

Who were the office bearers of this organisation? --

We/...

We elected one official who would presiding at our meetings.

Can you just repeat that please? -- We elected one official who would be presiding at our meetings.

Who was he? -- Ndibe Motepanyane.

Did you attend any meetings of this organisation? -- Yes.

Now, was anything about politics ever discussed at these meetings? -- Yes.

What was said about politics? -- That we should form a political movement and we should preach Black consciousness at our school and other schools. (10)

Yes, anything else? -- It was always Black consciousness discussed and at another meeting we also spoke about the freedom of the Black people.

Was christianity ever mentioned at these meetings? -- Yes.

Can you tell the Court what was said about this? -- We spoke about that it would be difficult to speak about Black consciousness at schools. So we should try to absorb members to our organisation from SCM. (20)

Of the? -- Members of the SCM into our movement.

Did you happen to become well acquainted with Machobane and Edward Ratala? -- I used to meet Mashobane in the street when I was going to the station. I was with Ratala at school. I met him every day at school.

Yes, and what did you talk about? -- We did not speak about our meetings or what was spoken about at the meetings; we were not allowed to do so, except at the meetings. (30)

Did anyone ever mention military training to you? --

At/...

At the movement?

No, I am asking you this question in general, I am not referring to any meeting or any organisation. -- Yes, there is a person.

Well, who first mentioned it to you? -- Edward Ratsela.

And what did he have to say about it? -- He told me that military training is a necessity to we Black people. So that we can get ourselves loose from the White government.

Was there anything wrong with the White government that you had to get yourself loose from it? -- We did not like to be governed by White people; that we are also amongst the people and we cannot govern. (10)

How was military training now going to do something about this? -- We would go for training at Tanzania.

Yes? -- Then we take up military training there. Then we will become members of the organisation for the freedom of Black people in South Africa.

Do you know if this organisation had any specific name? -- It had a name which explained the aims of this organisation. (20)

BY THE COURT: I didn't quite follow that. What does he mean by that? -- The name of the organisation is Azanian Liberation Movement, which means it includes the people who fight for the freedom of South Africa.

MR SWANEPOEL: Who mentioned this name to you? -- Ratsela.

What else did he have to say about military training? -- He told me that when we have finished our military training and we are enough, we then come down and free our people under this government. (30)

How were you supposed to free your people? -- We would/...

ALM

would free them by fighting against the White government of South Africa.

Is this what the military training was for? -- Yes.

Now, did Mashobane at any stage mention military training? -- I learned that Mashobane had an intention of military training from Edward Ratala.

What else did Ratala have to say about this? -- He told us that this military training, members of the freedom movement, would then later be divided into small sections. He called the sections cells. (10)

Yes? -- He also told me that he and Mashobane want to form a cell and also to be members of the movement for the freedom of people in Southern Africa.

What was the idea of forming cells? -- To make it easy for the movement of the freedom of South Africa.

Can you elaborate on that? How would this facilitate the movement? -- He told me that this cell only has a few members. Then it can be easy to give instructions. And also to instruct them about what they should do before we leave for military training. And that when we (20) fight against the White government I would know what to do. We would be taught about railways, bridges, dams, power stations and other necessary places.

Was anything ever mentioned about the police? -- At the cells?

Yes, when you spoke about these things. -- The aim of the cells was to fight against White government and White people of the White Government and also people who are put by the White government and people who are bringing oppression on the Black people. (30)

During your discussions about these cells, could this that/...

that you had been discussing, could this be freely mentioned to other people? -- No.

Why not? -- We were not allowed to bring out what was in the cell to other people; that only had to be discussed in that cell.

Was anything ever said about what would happen if the police found out what you had been discussing? -- Yes, that we would then know that the police got that information from a member of the cell and he should then be punished. (10)

How would he be punished? -- If he had brought out its secrets of our cell, he should be killed.

Were tasks allocated to the members of these cells? -- In my cell we did not get time to give tasks to each one.

Do you know whether other cells had time to be given tasks?

MR ALLAWAY: I would like to know the source of the witness's knowledge in answering that question please.

MR SWANEPOEL: I propose to ask the witness himself, (20) M'Lord.

MR ALLAWAY: M'Lord, what I am trying to indicate is, is he going to give evidence which is going to be hearsay or is he going to give evidence which comes from another source which would make it pro tem admissible on the basis that this is a conspiracy.

BY THE COURT: Do you know anything about the other cells of your own knowledge? -- I was only told by Ratala that there were already some acting cells.

MR SWANEPOEL: Who were the members of your cell? -- (30) Myself, Edward Ratala, Duke Mashobane. We also had new members/...

Handwritten notes:
→
anyone
Nani
No
all.

||

members who were not aware that we are members of a cell, but they were only told about military training. Their names are Jeremiah Ntshabele, Stephen Dijoe, Michael Moleletsane, Jefferson Lengane, Johannes Mashobane - sorry, Johannes Mashaba whom I know was recruited by Edward Ratala. I had recruited Jeremiah Ntshabele, Stephen Dijoe and Jefferson Lengane.

For what purpose did you recruit these people? -- We recruited them for the purpose of forming a cell, but we did not tell them in the beginning that we want to (10) form a cell. We wanted to see what their ideas were about military training before we could tell them about the cell.

Were you ever asked to go for military training? -- That was what members of the cell should do.

BY THE COURT: The question was were you ever asked to go for military training? -- Yes.

MR SWANEPOEL: Who asked you? -- Edward Ratala.

Who was the leader of your cell? -- Ratala was the organiser inside, and Duke was to be the link in (20) our cell and the higher cell than our cell.

You mentioned that you were also responsible for recruiting people. -- Yes, but only a certain number.

For what purpose did you recruit them? -- To be members of the cell and to go for military training.

Did anybody tell you or ask you to do this? -- Edward asked me because he trusted me.

Was anything ever done about this military training? -- This is of the cell?

BY THE COURT: No the question is, apart from talking (30) your heads off about military training, did you ever do anything/...

anything about it? -- No.

Just talk, talk. -- We had to, later on, when we come together, go over to action.

Did it ever get to the point where you would get together and go over to any action? -- We had no time to do the duties.

MR SWANEPOEL: Were you arrested by the police? -- Yes.

Do you remember when you were arrested? -- 30th September, 1975.

Was anybody with you when you were arrested? -- (10)
Yes.

Who was with you? -- Jeremiah Ntshabele, Stephen Dijoe, Michael Moletsane and myself.

Do you know why you were arrested? -- I was on my way to leave the Republic of South Africa without permission.

BY THE COURT: To do what? -- To go to Tanzania for military training.

MR SWANEPOEL: And these other people with you? -- They were going with me.

Was the person by the name of Duke and Edward (20)
Ratala, were these people present? -- They were also to leave with us, but they were not there when the police arrested us.

Where were they? -- They had gone to a person called Patrick to arrange for transport which would take us up to Mozambique.

BY THE COURT: I take it then that while they were gone to arrange the transport, that was when you were arrested? -- Yes.

MR SWANEPOEL: By means of what transport were you (30)
to leave the country? -- Two vehicles.

What/...

What type of vehicles? -- Private motor cars.

Do you know if anything happened to these vehicles?
-- Duke told us that the other vehicle had been taken to
the garage in Johannesburg because there was something
wrong with it and it was not roadworthy.

Was that the reason why Duke and Edward had to
arrange for transport? -- Yes.

CROSS-EXAMINATION BY MR ALLAWAY: Are you at present in
detention? -- Yes.

THE COURT ADJOURNS.

(10)

Collection Number: AD2021

Collection Name: Security trials, Court records, 1958-1982

PUBLISHER:

Publisher: Historical Papers Research Archive, University of the Witwatersrand, Johannesburg, South Africa

Location: Johannesburg

©2017

LEGAL NOTICES:

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

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

This collection forms part of the archive of the South African Institute of Race Relations (SAIRR), held at the Historical Papers Research Archive, University of the Witwatersrand, Johannesburg, South Africa.