

So when Mr. Scheepers spoke to you, did you get the impression that he wanted you to implicate yourself? When you had to make the statement to the magistrate? -- Yes, he said I must go and make a statement before the magistrate. He wanted me to implicate myself.

Do you recall if he told you to tell the magistrate, or rather to supply the magistrate with names of people who you did not recruit? -- I have said I do not remember what Mr. Scheepers said to me.

But surely you must remember if he supplied you with a (10 list of names? -- If I took cognisance of that.

COURT: In view of the fact that you only read through that document that Mr. Scheepers drew up twice, would you have been able to remember a long string of names and a long list of acts which you were supposed to have performed? -- Yes, at the time when I was going to go before the magistrate, I concentrated on those matters because I wanted to have them over.

You read through that document twice and on the strength of that you went along and you made a full - when I say (20 full I mean a fairly long statement to the magistrate? -- Yes.

Do you find it easy to remember things? -- Yes, in this regard. If I have read about a thing now and then you take me over for say about a distance from where I am standing to the charge office, and you ask me about the same thing at the charge office, I would remember it.

And how long will it remain in your memory? -- Immediately I have completed what you wanted me to do about a thing, I don't keep it in my memory.

And you reached Std. 10 at school? -- Yes.

How/...

COURT:

How did you manage that, if your memory is so bad?

-- At school I swotted because I knew I was going to write examinations and I had to pass.

So you can remember or forget at will? -- Things that I don't care for, I forget it at will.

PROSECUTOR: Did you know Lungile Magwalisa? -- No.

Matroos? -- No, I don't know him.

MaXolisi Vanqa? -- I don't know him.

Nomama Charles? -- No, I do not know Nomama.

Mkhululi Geina? -- I don't know him. (10

Tabang Bookholane? -- No.

Kile Sithole? -- No, I don't know him.

Panki Dobo? -- Don't know him.

But you had to remember all those names, people whom you didn't even know? -- Yes, at that moment.

I have read out 8 names to you which you gave one after the other to the magistrate in the sequence which I read out to you now. Did you know or rather, were you to tell the magistrate about people who could not reach the Border and who were arrested in Johannesburg? -- I do not remember. (20

Do you know Sicelo Ngeleza? -- No.

(?) Khalipi? -- No, I do not know him.

Majolefe Vinqi? -- I do not know him.

(?) Noya? -- No, I do not know him. ?

You see Mr. Scheepers will deny that he ever told you what to tell the magistrate. -- He'll deny it ^{if} he did not want me to tell the magistrate what I wanted to tell.

Please repeat that? -- He would deny if if he did not want me to tell the magistrate what I wanted to tell him. He'll deny if what he wanted me to tell the magistrate was something wrong. If it was right, then he cannot deny it.

COURT: I am afraid that your reply is totally incomprehensible to me. I wrote it down word by word and I cannot understand such a reply. I must confess. The question put to you by the Prosecutor is a very simple one, it was as follows:

"Mr. Scheepers will deny that he ever told you what to tell the magistrate."

And you have said: "He would deny it if he did not want me to tell the magistrate what I wanted to tell him. He will deny it if what he wanted me to tell the magistrate the something that was wrong." I say therefore that your reply to the question put by the Prosecutor is to me incomprehensible. I can't understand it. It is for that sole reason why I interrupt the cross-examination. Have you any comment on it? Any reply? -- The crux of the reply is as follows, it boils down to this: if you send somebody to the magistrate and tell him what to say to the magistrate, if that thing was wrong, you would deny it when asked. But if it is right, you cannot deny it. (10

PROSECUTOR: I just want to conclude, incase I left out anything, the police will deny ever assaulting you. -- The police always deny that they assault people, whereas they do assault people. (20

They will deny ill-treating you in any other manner. -- They deny it; they never admit such things. .

They will also deny threatening you in any way whatsoever. -- They'll deny that. They never admit such things although they do it. Because they know whenever they come to court, they'll say they never did such things and the court will agree with them.

COURT: Are you referring to me? -- No.

Because if that is what you are doing, then you are being/.....

Court:

454.

Accused 1

being contemptuous. -- No, not to you, Your Worship.

You are being tried in this court by me and if the police do what the Prosecutor says they will do, that is that a policeman will come here and make certain statements, then you are now assuming that I will believe them just because they are police and if that is what you are saying, if that is what you are telling the court, then you are in contempt. I am warning you. Be a little bit more circumspect in what you say.

PROSECUTOR: Further they will deny that they influenced (10 you in any way to make a statement, or that you were told what to tell the magistrate in your statement. -- If that is wrong, they will deny it though strange, but ^{if} it is right, they will not deny it.

I have no further questions.

NO RE-EXAMINATION BY MR. ALEXANDER.

NO FURTHER QUESTIONS.

COURT ADJOURNS / COURT RESUMES:

MR. ALEXANDER: The next witness, sir, is Sip^hlwo Maxwell MTIMKULU. (20

SIPHIWO MAXWELL MTIMKULU, s.s. (Speaking Xhosa)

EXAMINED BY MR. ALEXANDER: How old are you? -- 18 years of age.

You reside at 297, Njoli, Zwide, Port Elizabeth. -- Yes.

Is it correct that in March of last year, you were staying at the house of Pu^{Ngqungwana}mlani in Zwide? -- Inter-
preter: What is the surname please?

COURT: Would you spell that please? In the house of?
-- N-g-q-u-n-g-w-a-n-a.

MR. ALEXANDER: On the 18th of March, last year, will you tell the court what happened early that morning?

-- Yes, I can.

Please do so? -- On the 18th of March, while I was asleep at my friend's place, my friend's name is Pumlani, at about 8 a.m., the bedroom door was opened and my name was called. A detective then entered, he had a gun. He then directed the gun at me, said that he wanted me, Siphiso. As I was looking at him, two others entered, they were Whites.

Just a moment, was the first policeman a White or a Black? -- It was a Black policeman.

Do you know his name? -- Yes, I still remember him. (10)
His name is Glen.

Can you describe the sort of gun he had with him? --
Yes, it is one of these long guns.

When you say a long gun - (interrupted)

COURT: The witness indicated a length of approximately..
this would be about 35 cm.

MR. ALEXANDER: Was it a handgun or what? -- How do you mean a handgun?

Well, we know things like a pistol or a revolver, or was it longer? -- It is not a pistol, it is longer." (20)

When the two White policemen entered the house, did you see anybody in their company? -- Yes, after a little while another policeman entered in the company of accused no. 1.

What then happened? -- They assaulted me and wanted a gun from me.

Why were you assaulted? -- They were saying that the gun was with me and I was lying when I said it was not in the house where I was sleeping.

At the time you were questioned, whereabouts were you in the house of Pumlani? -- I was standing on my feet in the (30)
bedroom.

How were you dressed? -- I was dressed only in my underpants.

In what manner were you assaulted? -- I was being hit by the back of this gun and with pieces of wire.

When you say the back of this gun, are you referring to the gun that Glen had? -- Yes.

Who used the piece of wire on you?

COURT: Sorry, the witness referred to wires in the plural. He said pieces of wire.

MR. ALEXANDER: I am sorry, sir. (10)

Who used the pieces of wire on you? -- It was one of these White men whose name I do not know.

Can you describe the pieces of wire? -- Yes, it was a hanger which had been straightened.

Where did the hanger come from? -- It was taken from this house.

Whereabouts were you hit with the hanger? Or the wire? -- Over my body.

How many times? -- No, I did not count.

Many or not many? -- Many. (20)

Were you in pain in consequence? -- Yes.

Were you assaulted in any other way by anybody apart from the wire and the gun back? -- Yes, I was hit with fists and with elbows.

Who by? -- By the Whites.

What was the reason for all these assaults? -- They said they wanted me to produce the gun.

Did they refer to whose gun or what particular gun they were looking for? -- Not while they were assaulting me; they merely demanded this gun.

And then what happened? -- After some time, accused no. 1 then/..

then said "Take out the gun and give it to them, if it is here".

What did you say to that? -- I told them that the gun was not in that house, but that it was in Veeplaas.

What was the police's attitude to that information?
-- They continued beating me up saying I was lying and searched the house.

Did they find anything in the house? -- No, they found nothing.

What happened then? -- It was then said I must put (10
on my pair of trousers and shirt, that we should go.

Where? -- (Answer inaudible - noise in microphone)

Were you taken anywhere? -- Yes, I went along with them to Veeplaas.

What happened to accused no.1? -- He went along with us, he was in the boot.

What do you mean in the boot? Of what? -- The boot of the motor car where you store your baggage.

How many cars were there outside your house? -- I remember only one. (20

What sort of car was it? -- It was these small cars, a Whitesh Chevrolet.

What happened when you got to Veeplaas?

COURT: Perhaps it is a suitable time at which to adjourn, Mr. Alexander. Court will adjourn for 10 minutes.

--ooOoo--

COURT RESUMES:

COURT: Mr. Interpreter, please tell the witness that he is still under oath. -- Yes.

MR. ALEXANDER (Contd.): Apart from accused no.1 who was in the boot of the car and yourself, who else was in the car?

-- The White men and Glen.

COURT: Glen - the man who had come in with the gun? -- Yes.

MR. ALEXANDER: Where were you driven to? -- We went to Veeplaas to fetch the gun.

To which particular place in Veeplaas did you go? --
To my friend's house, Zamile.

Did the police find a gun there? -- Yes.

What happened to Zamile? -- He was also taken together with us.

Where to? -- We went to New Brighton Police Station. (10

Where was accused no. 1 on the return from Veeplaas to New Brighton? -- He was in the boot of the car.

When you got to New Brighton Police Station, did you see any people there whom you recognised or knew? -- Yes, there were that I knew.

Please give their names. -- Luzoko, accused no. 2, Gideon Matsha - those are the names that I remember.

Did you see accused no. 3 at any stage that day? -- Yes, after some minutes he arrived.

On his own or in company of the police? -- He was in the (20 company of the police.

Did you see a man known as Patrick there that day? -- Yes, I saw him, now I remember.

Do you know his surname? -- I think it is Matsha.

(That is no. 23 on the charge sheet, page 15)

What happened to you when you were brought into the police station? -- In the police station while I was talking to my friend Zamile, Glen called me to another room. In that room there was nothing except sticks and pieces of hose pipe.

What sorts of sticks? -- Short sticks.

Can you give an idea of their length?

COURT: What.. short or shock? -- Short.

Short. -- Yes.

Not long. -- Not long, sir.

MR. ALEXANDER: Would you indicate for his Worship the length of the sticks? -- About that long (indicated)

COURT: The witness shows about 35 cm.

MR. ALEXANDER: And then what happened? -- Glen then hit me with a piece of hose pipe and asked me what I was saying to Zamile. I told him but he continued hitting me, saying (10 I was lying.

What explanation did you give to this man? -- I told him that I was telling my friend not to be perturbed, that he would be released.

He hit you with this hose pipe and then what happened after that? -- He stopped after some time and I was taken back to where the others were.

Do you know whether accused no.3 at that stage was in the group of the others, or did he only come in later? -- No. 3 arrived later. (20

Did you notice anything about his condition when he joined you? -- Yes, he was crying and he was coughing.

Did that convey anything to you as you saw him? -- Yes.

What? -- I thought that we would perhaps also follow him in coughing and crying.

Who would follow? -- We would follow.

I don't quite understand that answer. What do you mean by that? -- What I mean is that we also followed coughing and crying.

I don't think you quite understand the purpose of my question. When no.3 came into the room crying and coughing,

I asked you whether that conveyed anything to you? -- I don't understand the question.

Well, if my learned friend will allow me to try and clarify it: did you think that he was coughing and crying for ordinary reasons as for example a man who coughs and tears will come to his eyes, or did it look like something unusual? -- Something had made me to cough.

COURT: Something made you cough? -- Had made him.

MR. ALEXANDER: Very well, he then joined you in this office together where all the others were sitting. -- Yes. (10

Can you say who was in the office at that time, apart from yourself and accused no.3? --Gideon Matsha, Luzoko, accused no.2 and Gideon Matsha's younger brother, the one you have made mention about.

What is his name? -- Patrick.

Anybody else? -- I think there was a Lungile Tolish.

Do you know anybody by the name of Raymond Jantjies? -- I am not sure about him.

What happened in this office while you were all sitting there? -- We were asked our names. A Black detective then (20 stood up, he had a little whip. I then saw him hit Patrick Matsha, asking why did you shoot a policeman.

Did this take place in the office where you were all seated, or in any other office? -- It was in the same office where we were all seated, but during the assault, accused no. 3 had not arrived.

At that stage? -- At that stage.

I am concerned with the period after accused no. 3 had arrived.-- When accused no. 3 arrived, Boer peeped at the door.

Who is that? -- Boer.

I must ask you, I think you are using a word which is not acceptable/...

acceptable in this court. And if you want to talk about people arriving, please describe them properly. Now tell his Worship properly who peeped through the door?
 -- Whites. They had a small pistol.

Will you describe that re-appearance of this small pistol? -- It was that long (indicates).

COURT: Witness points about 30 cm, almost a foot.

MR. ALEXANDER: About a foot sir, I would say.

COURT: Was that the length? -- It was not different to others, it had a handle like others. (10)

MR. ALEXANDER: I don't follow that answer. -- It was like the other pistols and it had a trigger.

Did it look like an ordinary pistol? -- Yes.

Do you know the difference between a pistol and a revolver?
 -- No.

A revolver has a magazine near the trigger which looks like a circular piece of metal which goes round as the -
 (interrupted)

COURT: I wonder whether the constable here hasn't got one? Is u nie gewapen nie, meneer? Hy is nou seker gelaai, nie (20) waar nie? Is hy nou ontlaai, meneer? This is to assist him in questioning your witness.

MR. ALEXANDER: I am showing you now a pistol which has been handed to me by the police constable. -- Yes.

Would you say that the fire-arm you saw with this White policeman looked similar to this one?

COURT: Or did it have a round magazine? Show where it would have been. -- I did not observe it properly.

MR. ALEXANDER: Well, did it look more or less like this fire-arm I am showing you? -- Yes.

The colour of that fire-arm you saw was what?

-- I do not remember its colour.

What did this man do with the fire-arm? -- He shot or he fired a shot with this thing and something smoky came out.

At whom did he fire this shot as you have described it? -- He fired it at us as we were sitting against the wall.

Did it have any effect on you, the smoke? -- Yes.

What? -- Our eyes started burning and we cried. Our noses also burnt and we coughed.

What happened then? -- He then immediately closed the door and went out. (10

COURT: Who is this "he"? -- The person who fired.. this White man who fired.

MR. ALEXANDER: For how long did you cough? -- We coughed for about 10 minutes then they would peep and fire again.

Who is "they" who peeped? -- The Whites.

You say they would fire again, is it the same man who fired again, or somebody else? -- At that stage this something was burning in my eyes. I could not see properly. All I manage to see was that they were Whites. (20

When you say they were peeping, through what were they peeping? -- They peeped at the door and fired, then they'll go round to the window and laugh at us.

Were the windows closed in the room? -- Yes, they were closed.

Were the windows opened at any later stage? -- Yes, later when this burning sort of laid down. A Black detective entered and opened a window.

Do you know the name of that detective? -- No.

Do you know a man by the name of Kettie? -- No, I do not know him.

I am not concerned with what happened to you save this that you were detained, am I right? -- Yes.

I assume you were detained in connection with your knowledge or possession of the fire-arm which the police had found through you at your friend's house in Veeplaas? -- Yes, that is true but other things cropped up as well.

We are not concerned with that. What I am concerned about is that Patrick, Lungile and Luzoko were charged, were they not, with shooting a particular policeman with the gun in question? -- Yes, they were charged. (10

And they were sentenced. -- Yes.

You were not an accused in that case? -- I cannot say. I was taken to court but I never entered the court.

When you say you were taken to court, do you mean the court where Patrick and the other two were being tried? -- Yes.

That was in Graaff-Reinet? -- Yes.

That is all, thank you sir.

CROSS-EXAMINATION BY PROSECUTOR: When were you born?

/...464

TRANSCRIBER'S CERTIFICATE

I, the undersigned, hereby certify that the foregoing is a true and correct transcription of the original evidence recorded by means of a mechanical recorder in:

THE STATE v. M. KALAKO & others

.....
Lawrence S.
 Transcriber
LUBBE RECORDINGS

Yes? -- In 1962.

Did you ever tell a Court that you were born in 1963? -- I never said so here in Court.

Not this Court? -- I do not remember.

Did your mother give evidence in a Court regarding your age? -- No, she never did that.

You told the Court that other matters also cropped up? -- Yes.

When you were detained? -- Yes.

What were those matters that you referred to? -- They said (10) I took away papers from school children.

Who said so? -- Those who were questioning me.

Who questioned you in connection with that? -- Another white man, they say he is Scheepers, and he was accompanied by one du Plessis.

Did you appear in Court on that charge? -- Yes.

When was that? -- Last year.

Can you recall when? -- I am not sure of the month.

What did you plead to that charge? -- I pleaded not guilty.

Are you sure? -- Yes.

Were you convicted? -- Yes. (20)

Was any evidence led at that time?

COURT: What that means is were witnesses called? -- Yes, witnesses were called.

PROSECUTOR: Who appeared with you in that case? -- Madoda Twana.
Anybody else? -- Nobody else.

After your arrest on the 18th of March just to make quite sure that we are referring to the same case, did you only appear in Court as an accused on one occasion? -- No.

Did you appear on any other charge resulting from your arrest on the 18th of March? -- Yes. (30)

COURT: Do you want to sit down? -- I will be grateful your Worship.

You /

You have my permission to do so. Mr. Prosecutor, your last question was did you appear on any other charge?

PROSECUTOR: Yes your Worship.

COURT: And what was his reply?

INTERPRETER: His reply was yes your Worship.

PROSECUTOR: So did you then appear in two cases as an accused after your arrest on the 18th of March? -- Yes.

Can we just get the details. What was the first charge against you when you appeared in Court? -- Taking away the papers from school children your Worship. (10)

And the other charge that you referred to? -- It was said we wrote out pamphlets threatening people.

Your Worship, at this stage I would like an adjournment sir to consider the evidence of the witness and to obtain certain information which I require to do the cross-examination.

COURT: The Court will adjourn. Mr. Prosecutor, if you can give me any indication how long you would need?

PROSECUTOR: Sir, with the Court's permission, I would like to have an adjournment till about 2 o'clock sir.

COURT: As long as that? (20)

PROSECUTOR: If I am ready before that sir, I will indicate to you.

COURT: The reason why I ask is that if this is going to be a fairly long adjournment, then I have certain things that I can attend to myself, but it is now ... (intervention)

PROSECUTOR: It will definitely not take me less than an hour sir.

COURT: Not less than an hour?

PROSECUTOR: No sir.

COURT ADJOURNS

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COURT RESUMES (30)

WITNESS STILL UNDER OATH

PROSECUTOR /

PROSECUTOR CONTINUES: Is it correct that you appeared in Court on the 11th of August last year? -- I am not sure of the date but it was in August.

And you were represented by the attorney Mr. Fischat? --
Yes.

And you then appeared on one of the charges that you referred to regarding the writing of letters to teachers? -- Yes.

Your co-accused in that case, who was he? -- Accused no. 1.

And in that case you pleaded guilty to the charge? -- Yes.

Your age in that case was given as 16? -- Yes. (10)

Today you say you are 18? -- I have not completed 18. I am in my eighteenth year.

But if you were 16 last year, how can you be 18 this year? -- I was born in 1962.

Did you not give the year of birth as 1960? -- No, where?

This year to the police? -- In Court or to the police?

To the police? -- The police asked me and they wrote down.

I do not know what they wrote down.

Did you go to school at all? -- This year?

When last did you attend school? -- In 1977. (20)

When in 1977? -- I am not sure of the month, but it was after June when everybody stopped going to school.

What standard were you in then? -- Form 2.

And since 1977, had you attended school again after that? -- No, but I am doing the correspondence this year.

And last year? -- I was in jail. I did not go to school.

You are a member of the P.E.S.R.C.? -- Yes.

Are you on the executive council of that body? -- I Am no more with it now.

When were you a member of the P.E.S.R.C.? -- As an executive member or as an ordinary member? (30)

Were you on the executive council? -- Yes.

When was that? -- Last year.

The same time when accused no. 1 was on the executive council? -- Yes.

What are the objects of this organisation? -- The aims of the organisation are to bring together all school children.

What do you mean to bring together all school children? -- So that we talk and we do the same things as school children.

What same thing are you referring to? -- If school is to be attended, then we must all attend school. (10)

And did your body decide when the scholars would attend school and when they will not attend school? -- Yes.

So you decided - your organisation decided when there would be a school boycott or not? -- When?

COURT: I want you to stop putting questions to the Prosecutor. You must answer the questions put to you by the Prosecutor. (Inaudible, interpreter in microphone).. to put questions to the Prosecutor. I cannot allow that. -- Repeat the question?

PROSECUTOR Your organisation decided when there would be a school boycott? -- No. (20)

But did you not tell the Court that you decided when the scholars should attend school and when not? -- I say if the school is to be attended to, then we decide that everybody should attend.

And had your organisation decided that at ^{some stage} the scholars should not attend school? -- No.

Did your organisation write letters to teachers of the black schools in Port Elizabeth threatening them not to attend school? -- Yes, it did.

And you were one of the members who did that? -- Yes.

Why? -- Children of other schools in the whole South Africa (30) not only in Port Elizabeth, did not go to school.

So your organisation endeavoured to have everybody complying with a general school boycott? -- Kindly repeat please?

Your organisation decided that everybody should comply with the general school boycott? -- That was decided upon by the South African Students Representative Council, not only in Port Elizabeth.

But your organisation decided to enforce the boycott? -- When that was decided upon by the South African Students Representative Council.

Was your body the enforcing body of the South African Students Representative Council? In Port Elizabeth? -- Yes. (10)

And you also chased children out of the schools when they attended schools? -- If it is something that has been decided upon, then it has to happen that way.

I did not ask if that was decided upon. I put it to you that in fact you did it? -- I did not do it.

But that was done by members of your organisation? -- Yes.

And you were a party when taking that decision? -- I do not remember.

What do you not remember? -- When that decision was taken to chase away school children. (20)

Accused no. 1 also partook in writing out these letters of threats to the teachers to abstain from attending school?

COURT: And he admitted it in Court? -- That is true.

PROSECUTOR: What are the other aims of your organisation? -- We have no constitution.

That is not a reply to the question? -- Other aims come from the other school children when they have decided upon a certain aspect.

Such as? -- That we should go back to school.

Apart from the attendance or boycotting of schools, did your organisation have any other aims? -- Yes. (30)

Please tell us about those? -- School children would arrange a show where they were judged and be happy.

Anything else? -- Yes, there are other things, but I do not remember all of them.

But surely you must know if there were other aims. You were on the executive council? -- The executive council did not make decisions. Decisions were made by the school children. There was no constitution.

What was the duty of the executive council then? -- To make sure that a decision taken by the school children was done correctly. (10)

COURT: No doubt. -- Yes.

PROSECUTOR: Who served on the executive council together with you? --
Accused no. 1.

What was his position? -- There were no positions. It was only a council.

So you did not have a president and a vice-president? --
No.

Or a treasurer and a chairman? -- No.

Are you sure of that? -- While I was on this executive,
there were no such things. (20)

How long were you on the executive? -- I am sorry sir. I was there for a few months and then I was arrested.

Did you join the executive council at the same time when it was joined by accused no. 1? -- Yes.

And he was arrested together with you? -- Yes.

Because accused no. 1 told the Court that he was the treasurer? -- I do not remember that there was a treasurer.

COURT: Did this executive council or this body, did it collect money? -- Whenever there was money, the organisation would keep its moneys that we had derived from shows for example. (30)

My question is did the P.E.S.R.C. ever collect money? --

When necessary we did.

For what purpose? -- An example, whenever ... (intervention)

I am sorry to interrupt, but would you kindly stop fidgeting with your hair and put your hand down? -- Whenever a student would die, had died rather, and to assist that particular student's parents, money was collected.

Do you know whether a substantial amount of money was ever in the hands of any member of the executive? -- Yes.

What amount? -- I do not remember the exact amount, but it was a lot of money. (10)

Who held it? -- Accused no. 1.

You said he was not the treasurer? According to you? -- No, there was no treasurer as such. A decision would be taken that so and so had to keep the money and he would keep the money, so and so had to do the writing, and he would do the writing.

PROSECUTOR: Who were the members of the executive council? -- Myself, Mziwamadoda Kalako.

(?)

COURT: No. 1? -- Yes. Mangaliso Matyobeni, Boiboi whose surname I do not remember, Mncedisi whose surname I do not remember.

PROSECUTOR: Isn't it perhaps Mayekiso? -- I think, I am not sure. I think so, I am not sure. Those are the ones I remember. (20)

How many members served on the executive council? -- We were nine.

(?)

What about Boyce? -- Oh yes, him as well.

And Major? -- Major is Mangaliso Matyobeni.

I see, and Dopa? -- Him as well.

Thandi Magweniso? And Duma Malani?

MR. ALEXANDER: Your Worship, I am sorry. I did not understand whether the repetition of the name was an affirmation that he was on the executive or merely ... (inaudible, not in microphone) (30)

COURT: I think that the question started off whether the persons

now being mentioned, whether they were members of the executive council.

MR. ALEXANDER: Yes, and then he asked about this Thandi Magweniso. The witness did not answer except to repeat the name of Thandi Magweniso. I do not know whether that meant ... (intervention)

COURT: Oh, was Thandi a member? -- He was there. I am not sure as to whether he was on the executive.

The last one you mentioned was Duma something, Duma?

PROSECUTOR: Lamani sir, Duma Lamani? -- He was also there but I am not sure as to whether he was on the executive.

Vuyani Hatoo? -- He was on the executive. (10)

Were you elected members of the executive council, or did you appoint yourself? -- We were elected members.

By whom? -- By those people present in the meeting.

Prior to you coming on to the executive council, is it correct that a man by the name of Sipo Bitjani was the president of the P.E.S.R.C.? -- That is correct yes.

And he was dismissed as president of the council because he made a press report in which he stated that the scholars should return to school? -- I said the executive had not to decide on its own. It had to be done by the decisions taken by the students. He made his own decisions. (20)

And that is why he was dismissed? -- Yes, exactly.

Because you and other members were not satisfied because he had made that report? -- Yes, that is so.

And then you held a meeting at 110 Matanwana Street? -- I think so.

Who addressed that meeting? -- We all spoke in that meeting.

Wasn't it you and accused no. 1? -- He was also there. He spoke.

How many people were at that meeting? -- Oh no, I do not remember. (30)

This was in an ordinary house? -- Yes.

Can you give an estimation of how many people were there?

-- No, I do not remember.

Were the previous members of the executive council present at that meeting? -- Yes.

And was it at that meeting that Sipo Bitjani was attacked because of his press statement? -- We as students had the right to attack anybody who took or made decisions without the students.

So I gather from that that he was attacked at that meeting because of the press statement he had made? -- He was attacked on taking decisions by himself without first consulting the students. (10)

At the meeting? -- Yes.

You and accused no. 1 attacked him when you made your speeches? -- I do not remember exactly what our speeches were, but he was attacked in that meeting.

Because of the press report he made? -- Yes, by taking a decision alone concerning students.

You see, when I put this very story to accused no. 1, he denied it? You see, he said that the security police were after Sipo Bitjani, and that is the reason he resigned from the executive council? -- No, that I do not remember. (20)

COURT: You see, there is a vast difference between a man resigning for some reason and a man being put off by the students or by the other members of the executive because he has taken a decision on his own, an important one, there is a vast difference between those two things. -- Do you want a reply?

Yes? -- Yes, there is a difference sir.

Why is it then that you tell one story and accused no. 1 tells another story... (inaudible)... particular point? -- In the meeting what we discussed was the fact that he made this press statement alone, not having consulted with the students. That which no. 1 says, perhaps he and Sipo, only they know about it. (30)

PROSECUTOR: And did Bitjani admit that he made this statement in the press? -- Yes.

At the meeting you had? -- Yes.

According to accused no. 1, he said that Bitjani had denied that he had made this statement? -- No, to us he did not deny it.

Apart from the executive council, there was also an action committee? -- No, that I do not know.

Are you sure? -- Yes.

What was the duty of Sipo Pungulwa... (intervention)

COURT: Sipo who? (10)

PROSECUTOR: Pungulwa.

COURT: You spell that?

PROSECUTOR: P-u-n-g-u-l-w-a sir. -- I do not know that person.

Have you never heard of him? -- I am used to this word Sipo.

Apart from the fact that you or your organisation decided when students should attend school, you also decided when and where schools should be burnt? -- Unfortunately there was never such a decision.

COURT: Unfortunately? -- Unfortunately.

Would you have liked such a decision to have been made? -- (20)

No, no.

PROSECUTOR: When last was money collected before your arrest? By or on behalf of your organisation? -- The last money collected that I can remember of, is when we were to attend Sebukwe's funeral.

Did you also attend that funeral? -- Yes, I was there.

And how did you go? -- By bus.

Were you on the same bus where the incident involving the shooting of a policeman occurred? -- No.

COURT: And how did no. 1 go? This is now to Graaff-Reinet, wasn't it? -- Yes. (30)

How did no. 1 go? -- No. 1 was not on the same bus as myself.

PROSECUTOR: Do you know how he went? -- I saw him at the funeral your
Worship. I do not know how he went to this funeral.

COURT: Why did you attend the funeral? -- I wanted to attend the
funeral.

And did you partake in a disturbance that took place at
the funeral? -- I do not remember a disturbance.

Oh, did you not see Mr. Butelesi being attacked by a number
of youths? -- Oh yes, I saw it.

I notice that you remember this with a smile, with a
distinct - as if it was something funny and it caused accused no. 1 (10)
considerable mirth to such an extent that he is shaking with laughter.
Were you in the crowd of youngsters who attacked Mr. Butelesi?

MR. ALEXANDER: Your Worship, may I with respect say that that question,
if answered, may incriminate the witness in an offence.

COURT: He can answer if he wants to and he can remain silent if
he wants to.

MR. ALEXANDER: I am just suggesting sir that he may be warned against the
danger of answering a question of that nature.

COURT: I will do so.

MR. ALEXANDER: Thank you sir. (20)

COURT: It is a question which might incriminate you so you can
decide whether you want to answer it or not, but I may record that this is
a question which caused accused no. 1 to shake with laughter. Do you want
to reply to that question? You are free not to reply if you do not want to?
-- No, I was not with that crowd.

Why did you find that question so funny? -- It is the reason
I heard for his being chased away after he had been chased away your
Worship.

What was funny about that? -- It was said he was an informer
and he should leave. (30)

But what is funny about that? -- To be an informer?

What is funny about that? What is funny about a man with the stature of Butelesi being chased away from a funeral which he had come a long way to attend to pay his respects to the deceased person? -- It is because it was said that he was an informer.

PROSECUTOR: Did you meet several other students at this funeral in Graaff-Reinet coming from other parts of the country? --- Yes.

And you had discussions with these other students?
--- No, not discussions but conversations generally.

And you also met members of executive councils coming from other parts of the country? --- No, that is not correct.

What about students of the Cape Peninsular League?
--- What about them?

Didn't you meet some of them there? --- I met other (10 students. I do not know who they were.

There were also discussions there regarding the further boycotting of the bantu education system? --- No, that is not correct.

Do you know Monwadisi Sonwabo? --- I'm not sure about him. If I could see him perhaps I would know him.

And do you know a man by the name of Rhodes? At a stage he worked at Frazers Furnishers? --- If I could see him I may know him but I do not know him.

Do you know any of the other accused? --- I know then (20 know since I've been coming to Court.

When did you come to Court? --- Ever since this case started I've been coming.

Why did you come to Court? --- I have a friend of mine here.

COURT: No.1? --- Yes, exactly.

PROSECUTOR: And did you know any of the other accused before you came to Humansdorp? --- No, no.

Is Gideon Matsha a friend of yours? --- No, he is not a friend of mine.

Was he a friend of Accused No.1? --- I do not know.

/Where ...

Where did you get - or I'll put it this way: Did you ever handle the gun the Police were looking for? --- Yes.

Who handed it to you? --- Gideon.

Gideon Matsha? --- Yes.

COURT: For what purpose? --- To keep it.

PROSECUTOR: Why? Why did he want you to keep it? --- He did not want it to be kept at their place.

Why not? --- I do not know.

Surely you must have asked him? --- Unfortunately I (10 did not.

COURT: What did you do with the gun? --- I took it and I handed it over to another friend of mine.

PROSECUTOR: Who is he? --- Zamilé.

Why did you do that? --- I did not want to go about with this gun in the streets.

But Gideon had asked you to keep the gun? --- Yes.

Why did you hand it to Zamilé then? --- I did not want to carry it along with me in the streets.

Now firstly, did Gideon Matsha tell you that he didn't want to keep the gun at his house? --- No. (20

How did you know he didn't want to have the gun at his house then? --- Because he gave it to me.

But how did you know that he didn't want to have the gun at his house? --- For the reason that he gave it to me.

But you told the Court he gave you the gun because he didn't want to have it at his house. I asked you if he told you that and you said "No.". Now I want to know from you how did you know he didn't want to have that gun at his house? --- I know that because he gave me the gun.

COURT: Did he say anything when he gave it to you? --- No,

/ except ...

except that he said I should it well.

PROSECUTOR: Did you ask him why you should keep the gun?
--- I was interested but I did not ask.

But he was not a friend of yours, he hands you a gun and you don't ask him? --- I was acquainted to him, he was not my friend.

COURT: Are you telling the Court in all seriousness that Gideon handed you a gun and said to you "Keep this safely" and you asked him nothing about the gun, he told you nothing more about the gun and you were quite satisfied to accept (10 this without any explanation being given whatsoever as to where it came from, what it was, whose property it was, why it had to be kept and in what manner? Is that what you want the Court to accept? --- I did not ask him on that day.

Where was the gun finally recovered from? --- It was fetched from my friend, Zamile.

Did you send the Police there? --- Yes.

So Gideon gave you the gun and you in turn gave it to Zamile? --- Yes.

PROSECUTOR: Is Zamile also a member of P.E.S.R.C.? --- No, (20 he was not attending school.

What made you decide to hand the gun to him? --- I thought it was a better place where it could be safely kept.

How would he keep it? --- Because his home is far, in Veeplaas.

And it wouldn't be easy for the Police to detect the gun? --- I do not know.

But why then take it further away, out of New Brighton to Veeplaas? Advance any reason then if that is not the reason? --- I did not take it out of New Brighton.

From where did you want it further away then? --- I was scared of keeping it with me.

Why? --- After I had heard the reason.

What is the reason you heard? --- I heard that a policeman had been shot with that gun.

COURT: Who told you that? --- I do not remember who told me.

PROSECUTOR: But how is it possible to forget who told you that a policeman had been shot with the gun you had? --- There were many people who were talking about this. It was the sort of the talk of the township.

And then you didn't think of your friend to whom you handed the gun, that the police - or rather let me put it (10 this way: Did you tell your friend what had been done with the gun that you handed him?

COURT: Is that now Zamile?

PROSECUTOR: Zamile, Sir. --- No.

Why not? --- The day I handed it over to him, I had not heard of this reason.

Didn't you tell the Court that the reason why you gave the gun to Zamile is because you had heard what the reason was or what had been done with the gun? --- On that night I carried this gun along with me and I slept at Zamile's place. In the morning I left it there and I heard of the reason while I was not at Zamile's place. (20

COURT: You had told the Court a little while ago that you got rid of the gun because you heard what had happened with it, you had heard that a policeman had been shot. And now a little while later you say when you handed the gun to Zamile, you had not yet learnt of what the gun had been used for. It is a very serious contradiction in your evidence. What is your explanation for that? --- I thought that I will go back and fetch the gun and keep it with me.

Fetch it back from Zamile? --- Yes. But when I heard

/ of ...

of the reason, I thought I better leave it with Zamile.

PROSECUTOR: So you were prepared to let your friend get into the trouble, that is Zamile to whom you had handed the gun? --- I thought it was a safe place where this gun could not be found.

COURT: Did you tell Zamile that this gun was the object of - or had been the object of what might have been a very serious offence? --- I was arrested before I told him.

You did not tell him? --- No, I did not tell him.

Were you in fact the person who told the police where the gun could be found? --- Yes. (10)

PROSECUTOR: Did you hand the gun in the hands of Zamile? Or did you hide it somewhere near his house? --- He saw the gun and I hid it while he was looking.

You hid it where? --- Outside, next to the house.

Did you bury it? --- It was covered with some branches.

PROSECUTOR: So when you told the Court you had handed the gun to Zamile, you were telling a lie? (Court intervenes)

COURT: Mr. Prosecutor I am not quite happy about this because you know delivery, according to common law, can be (20 done in several manners. I don't think the witness had actually said that the thing was handed over physically. I think we must draw a line there and we must (indistinct) the question of handing also in its legal sense.

PROSECUTOR: As the Court pleases Sir.

What did you mean when you said that you handed the gun to Zamile? --- I meant that I placed it at that spot in their yard because I knew Zamile.

COURT: In his presence? --- Yes.

PROSECUTOR: Now why didn't you hide the gun at your house? --- In our yard there are no places or spots where I could

/ hide ...

hide it.

Why didn't you hide it in your house? --- I did not wish to.

Why hide it at all? Why didn't you take it to the police after you heard what had been done with it, with the gun? --- I was arrested before I had thought of that.

When did you receive the gun? --- It was not a week. During the course of those days when I was arrested.

So you had the gun for approximately a week before you were arrested? --- A few days. I'm not certain how many. (10

In a few days you couldn't make up your mind to decide to take the gun to the police? --- No, I had many other troubles or difficulties.

Such as what? --- I do not remember.

If you had troubles that stopped you from taking the gun to the police, surely how could you forget such troubles? --- I did not take this as something important but I always thought about it in my mind, this business of this gun.

Are you used to carrying guns or carrying guns in your possession? --- No. (20

So then this was something unusual that had happened to you? --- Yes.

How far is Zamile's house from your house? --- I cannot say. I can just point the distance out. I cannot give the estimation in metres or so.

COURT: Point it out? --- From where the witness is sitting to the location.

I don't know where the location of this town is. If we stood outside here could you show us in the street? By looking up or down the street? --- No, I think this distance is short.

No, I say if you were to go out and stand outside here, outside in the street, if you look in an Easterly direction, could you then say how far? Or could you say how long it would take you to walk there for instance, from your house to Zamile's house? --- No, I do not know.

If you stand in the street can you then point out? --- Yes but not with certainty though because between our house and Zamile's there are houses inbetween.

PROSECUTOR: I'll put a proposition to him on this at a later stage Sir. (10

You told the Court that you wanted to get the gun further away. That is the reason why you took it to Zamile's house? --- I slept there.

COURT: At Zamile's? --- Yes.

PROSECUTOR: Why did you sleep there? --- A gun is an unusual thing to me. I thought I must go and sleep there with this gun and not sleep at my home.

When did you go to Zamile's house in relation to the time that you received the gun? --- I got the gun at night and the same night I took it along and I went to sleep at (20 Zamile's place. I did not go to my place.

Why didn't you go to your house? --- I liked going to Zamile's place.

And who did you want to get further away from? --- From the police.

Exactly yes. Why did you deny that very fact when I put it to you earlier on? --- The police were looking for me and I was running away from the police. I did not want the police to find me with a gun.

That being so, why accept the gun from Gideon Matsha at all then? --- I had an interest in carrying a gun myself.

What for? --- Just interested in it.

Carrying it with you for what reason? --- Just carrying it because the police are used to carrying it.

COURT: You had an interest to carry it and yet you went along and hit it under branches in Zamile's yard? Was that not a rather strange way of complying with your interest or satisfying your interest? --- We could not sleep with this gun in Zamile's house. His people would not allow it.

PROSECUTOR: Now where did Gideon Matsha hand you the gun?
--- At Kwazakale. (10

Where in Kwazakale? --- Daku.

COURT: Daku Square? --- No, next to other houses.

PROSECUTOR: Who else was in that house when he handed you the gun? --- He did not hand me the gun in a house but in the street.

Hadn't you just said at a house? --- No, next to a house.

COURT: At Daku and I asked whether that was Daku Square and he said "No".

PROSECUTOR: How did it come about that you met him at that house? (Court intervenes) (20

COURT: In the street at that house.

PROSECUTOR: Let us just get the exact place where he handed you the gun. Was it next to the house in the yard or in the street next to a house or what is the position? --- It was not in a yard but in the street. He asked me to stand at a certain spot, he would bring this thing.

COURT: You stood on the pavement? --- There is no pavement there.

No but what I mean is you didn't stand in the middle of the street, you stood on what would have been normally

the sidewalk? --- Yes.

PROSECUTOR: And you were walking past this house when he called you? --- I had met him at the Kwazakele Square.

COURT: Met him where? --- At the Kwazakele Square.

And did you then accompany him? --- Yes.

At whose request? --- I was accompanying him and we were conversing.

But did he ask you to go with him? --- No, he did not ask me.

You just walked with him? --- I just walked with him (10 because he was a person I was acquainted to.

Then he asked you to stand at a certain spot? --- During the conversation he said something about this gun and he instructed me ..(Court intervenes)

What did he say? --- He said he had a gun.

Yes? Did he say what it had been used for? --- No.

He just said he had a gun? --- Yes.

What else did he say? --- I do not remember the other things he said.

PROSECUTOR: What did you do then? --- He said I must go (20 along with him, he was going to show me a gun.

And then? --- He then said I should wait for him at that spot.

Yes? --- And he went to fetch the gun.

COURT: Did you see where he fetched it from? --- It was at night, I did not notice.

Did he go into a house? --- The last I saw him was when he went into a yard.

Did he then return? --- Yes.

This yard, was it a yard where he stayed? --- I do not know.

But surely you know where he stays because you later stayed with him - no, I'm sorry, that was Gideon. Sorry. So he came out with the gun? --- Yes.

PROSECUTOR: What did you do then? --- We looked at the gun. In the street? --- Yes.

Wasn't it dark? --- I could see a thing, any object if I had it like this, as the witness has demonstrated.

And then? --- He then asked me to keep it and I took it along with me.

Did you ask him if this gun can shoot? --- He said (10 that there were bullets inside.

COURT: Did he say what the gun had been used for? --- Not on that day.

And then you took the gun with you? --- Yes.

And you took it to Zamile's house? --- Yes.

And that is where you slept that night? --- Yes.

Did Zamile see the gun that same evening? --- Yes.

That is when you hid it? --- Yes.

COURT ADJOURNS.

COURT RESUMES.

(20

COURT: Mr. Interpreter please tell the witness that he is still under oath.

PROSECUTOR: When did you go and live with Pumlanani Nxungwana? --- On a Friday night and the Saturday I was arrested.

You were arrested the Saturday morning? --- Yes.

So you only went and slept at the house of Pumlanani that one night? --- Yes.

So you didn't go and live with him during March 1978? --- I used to go there during the day.

But you didn't move from your house No. 297, Njoli Street to go and live with Pumlanani? --- No, I was still

living at my home.

Because that is not what was put in your evidence-in-chief? (Mr. Alexander intervenes)

MR. ALEXANDER: Your Worship I think it would have been the very first question after the witness's age and address in-chief when I think I asked him "Was it during March 1978 that you lived at this house?".

COURT: That is the second question, "In March 1978 I was staying in the house of Pumlani - with that surname. On the 18th March early that morning while I was asleep at (10 Pumlani's place at about 8 a.m. the bedroom door was opened and I ...(End of Belt 135)

BEGINNING OF BELT 136.

MR. ALEXANDER: My Learned Junior's notes Sir reflect my recollection that the question was "in March last year were you staying at Pumlani's house?" and the was (inaudible)

COURT: That is what I was reading out.

MR. ALEXANDER: And then I asked him what happened on the 18th March. All I'm suggesting Sir is it was certainly not my intention if my Learned Friend for the State thought so, to (20 suggest that he was staying there for the whole of March. It was merely to bring him to a particular date in March, the date of the arrest.

PROSECUTOR: I take it that when you heard what the gun had been used for, you knew that the police would be investigating (inaudible)? --- I did not think much about this gun.

COURT: You did not think much? --- Yes.

PROSECUTOR: But I take it you realised that the police would be investigating about the gun? --- Yes.

Where did you sleep on the night of the 17th March?
Thursday night, the 17th March? --- I slept at Zamil's place.

And on the 16th, the Wednesday? --- I do not remember.

You say the 17th, that is the night before your arrest, you slept at Pumlani's house? That would be Friday?
(Court intervenes)

COURT: I think not to confuse the witness I should prefer that whole question to be re-phrased Mr. Prosecutor. It would then be the following: Where did you sleep on the night of Friday, the 17th March? --- At Pumlani Nxungwana's place.

PROSECUTOR: And the Thursday, the 16th March? --- At (10
Zamile's place.

Is Zamile the man where you hid the gun? --- Yes.

The Wednesday, the 15th? --- I slept at home.

Did you receive the gun on the Wednesday the 15th?
Or before that? --- I am not sure of the day.

Why? (Court intervenes)

COURT: I interpose another question. Can you say whether you slept at home on the day when you first received the gun? --- The day I received the gun, I did not sleep at home, I slept at Zamile's place. (20

PROSECUTOR: After you went and put the gun at Zamile's place, did you ever sleep at your house? --- No.

Why not? --- I slept at Pumlani's place and I was arrested.

The question is from the day that you ^{placed} took the gun at the house of Zamile, why didn't you go and sleep at your house again? --- On the day I got the gun?

For the third time, after you had placed the gun at the house of Zamile? --- I just decided to sleep with my friend. I had been used to sleeping with him at times.

Weren't you then making sure that the police wouldn't

find you at your house? --- When they arrived at home, they would not find me at home.

Is that the reason why you went and slept with other people? --- Yes I would say so because I was scared.

Why? --- It is being said that they hit.

Who said so? --- People said so prior to my arrest.

You weren't afraid of being arrested? --- No. I was scared of being assaulted.

What were you busy doing the morning of the 18th March when the police arrived at Pumlani's house? --- I was asleep. (10

Where you alone in that room? --- Yes.

And in what clothing did you sleep? --- Underpants.

Is that all? --- Yes.

On what were you sleeping? --- On the bed.

COURT: Mr. Prosecutor would you now being going on to another aspect of the matter?

PROSECUTOR: Sir I only started now with the real issue, that is the question of the arrest and what follows after that.

COURT: But this is an aspect which is more like a paragraph on its own, taking into account what you have asked (20 the witness about, what he knew about the gun and the hiding away of the gun?

PROSECUTOR: That is correct Sir.

COURT: I intimated earlier that I would like to adjourn a little bit earlier today. It is now 25 to 4 and it seems to me that this might well be a good stage at which to adjourn.

PROSECUTOR: As the Court pleases Sir. However Sir, I- with the permission of the Court, I would like to ask only one question.

COURT: Do so then.

COURT: The question was "On what were you sleeping?". Did he reply to that?

PROSECUTOR: On a bed, Sir.

Where were you detained? After your arrest? --- I was taken to New Brighton. I did not sleep at New Brighton. I slept in Jeffreys Bay.

COURT: Mr. Alexander would you have any objection to a postponement at this stage?

MR. ALEXANDER: No, not at all Sir.

COURT: The case then is remanded until tomorrow, that will be the 2nd March. The accused to be detained as before. (10

COURT: The case will start today, that is the 2nd of March on belt 137 - 0.

PROSECUTOR: You told the Court that on the 18th of March, you were sleeping at this house of Pumlani when the police arrived? -- Yes.

What happened when the police entered your room? -- The first policeman who entered the room called me by the name. He had a gun in his possession which he directed at me, pointed at me. While I was still looking at him, other White policemen entered. They then assaulted me, asking me where the gun was. (10)

Where were you when you were being assaulted? Were you lying down on the bed when they hit you? -- Yes.

Did you then get off the bed? -- I stood on the bed and I was assaulted, I then got off the bed.

How did you get off the bed? -- I was pulled down and I fell.

How were you assaulted when you were on the bed? -- By the bud of a gun and a piece of wire.

The piece of wire that you refer to, you told the court (20) it was a hanger? -- Yes.

Where did the police get this hanger from? -- They took it from the house.

Did you see them taking it from the house? -- Yes.

Where did they take it from? -- It was hanging against the wall.

Was it a wire hanger? -- It is a wire hanger.

They took it off the wall, was it still in its proper hanger form? -- Yes.

Where was accused 1 at that stage? -- Whilst they were (30) busy assaulting me, at one stage I noticed that he was inside.

COURT: Inside what? -- Inside the room.

In the room where you were? -- Yes.

PROSECUTOR: Did you see him entering the room? -- I noticed him when he was standing near the door; I do not know as to whether he had been standing there for a long time.

So you don't know at what stage he entered? -- No, I am not sure.

Did you see him... you say you didn't see him entering; you only saw him standing there? -- Yes, he was near the door when I saw him. (10

In your evidence in chief you told the court that accused no. 1 entered the room in the company of another policeman. -- When I saw him standing near the door, he was in the company of a policeman.

In your evidence in chief you said you saw him entering in the company of another policeman. -- That was the first time I saw him; I did not know as to whether he had been there for a long time.

Did the policeman who hit you with the wire, hit you with the hanger as it was? -- No, he straightened it. (20

He straightened it into one length of wire? -- Yes.

So that it was ^{one} long, straight piece of wire? -- Yes.

Where did he hit you with the wire? -- Over my body.

Where over your body? -- He just hit all over my body. No specific place.

COURT: And at this time you were only wearing underpants? -- Yes.

PROSECUTOR: Was he hitting hard? -- Yes.

Did you sustain any injury as a result of the blows by the hanger? -- There were marks. (30

Open wounds? -- No.

What/..

What marks were there? -- How do you mean what marks?
Was it a swelling or only a bruise or what type of
injury? -- It was slightly swollen.

Did you have many of these swollen marks over your body?
-- Yes.

Can you say approximately how many? -- I do not remember.
More than 20? -- I do not know.

Was that.. did you have marks on your whole body? -- Yes.

COURT: Face too?

PROSECUTOR: Your face? -- No wire marks on the face. (10

You didn't have any open wounds caused by the wire? -- No.

And these marks were they.. or these swellings were they
in the form of a liniar mark?

COURT: Were they liniar marks? -- Yes.

How long did they stay there? -- I do not remember.

Approximately? -- I cannot give an estimation because
they did not heal at the same time; the one would heal and
then the other one.

The one remained longer? -- What about those that remained
the longest? (20

I want to know how long they were visible. -- I do not
remember.

PROSECUTOR: More than a day? -- Yes.

More than two days? -- Some of them.

More than three days? -- Yes.

More than four days? -- I do not remember.

Did
^ The policeman hit you with the wire when you were on
the bed still? -- No, while I was on the ground I was hit
with this wire.

What were the other policemen doing while this one was (30
hitting you with the wire? -- One was hitting me with the bud

of a gun; others pulled me from the back and they hit me with fists.

I want to know at the stage when the policeman hit you with the wire. You told the court you were off the bed then. What were the other policemen doing at the stage when this policeman hit you with the wire? -- I was not looking at them, I was looking at the one who hit me.

At that stage they weren't doing anything to you? -- Others were hitting with the bud of the gun.

COURT: So this was a three-pronged attack: one was hitting (10 you with the bud of a gun, one was hitting you with a wire and others were hitting you with fists. -- Yes.

PROSECUTOR: Did you sustain any other injuries? -- My mouth was swollen.

What caused your mouth to swell? -- The result of an assault.

By any instrument or by means of a fist? -- Fists.

Were your lips swollen? -- Yes.

To what extent? -- I cannot say as to what extent they were swollen. (20

Was it a thick swelling? -- I had no mirror to look at myself; I could only feel that it was swollen.

But if a person looked at you, would you expect that person to notice that your lips were swollen? -- Yes.

For how long was your mouth swollen? -- I did not count for how long it was swollen.

More than a day? -- Yes.

More than two days? -- Yes.

More than three days? -- I do not remember.

The policeman when he straightened the wire, the hanger, (30 did he do anything else to the wire? -- Like what?

But/..

But I want to know from you? -- I do not remember.

Was accused no. 1 in the room at the time when the hanger was removed from the wall? -- I do not remember; when I noticed him, he was already at the door.

Was this a single piece of wire? -- Yes.

According to accused no. 1 the police hit you with a piece of wire which was doubled. What do you say to that? -- I remember a single wire.

Did you see accused no. 1 at the stage when you were still on the bed? -- When I noticed no.1 I was already on the ground, floor. (10

And were the police then busy assaulting you? -- Yes.

They were also using this bud of the gun to hit you with ? -- Yes.

You see because I find it strange that accused no. 1, when describing the assault on you, never mentioned anything that you were also struck with the bud of a gun. -- I am the person who was being assaulted, I remember it.

At what stage did you put your clothes on? -- When we were about to go away. (20

What clothing did you then put on? -- My pair of trousers and a shirt.

You see according to accused no.1 you had a shirt on and a bathing trunk at the stage when the police assaulted you in the room. -- While I was dressing they had not stopped hitting me.

Accused no.1 described the assault that he saw in the room and he said when he saw you, you had a shirt on and a bathing trunk. -- He is quite right, they did not cease hitting me even the time I was putting on the shirt.

No, but he said when he saw you. When he entered the room/..

room, you had a shirt on and a bathing trunk. -- I cannot deny it, that is how he saw me.

But you only got dressed at the stage when the police requested you to accompany them? -- All the time I was being assaulted.

That is not the question. -- Repeat the question please?

You only got dressed at the stage when the police had requested you to accompany them. -- When they were about to go away yes.

COURT: I must also point out that earlier I asked you (10 whether this assault was taking place over your bare body and you replied in the affirmative. This was quite a while back in the examination. -- When I was on the bed, I was naked and I was hit. When we were about to leave, I had on my shirt and my pair of trousers and all the time I was being assaulted.

PROSECUTOR: Accused no. 1 said that when he saw you for the first time, you were still on the bed. At that stage, according to you, you only had your underpants on. Was accused no.1 making a mistake when he said that you had your (20 shirt on? -- I did not have my shirt on on the bed. I did not sleep in my shirt.

You said the police wanted a gun? -- So they said.

Do you know what gun they were referring to? -- Yes.

When they said they wanted the gun, what was your reply? -- The gun was not with me here, it was in Veeplaas.

Did you say that immediately? -- While I was being hit.

But immediately when they asked you the question, you said that the gun was at Veeplaas? -- Yes, during the assault, I told them.

Do you mind replying to the question please? -- Kindly repeat the question? The/..

The question is: immediately after the police asked you about the gun, did you then immediately tell them that it was at Veeplaas? -- After a little time.

Why after a little time? -- At that stage I was not yet in my full senses. I had just got up.

And was that question asked before they assaulted you or after that, or during the assault? -- I do not remember.

How long after they asked you where the gun was, or did they ask you where the gun was? -- Yes.

How long after that question had been put to you, did you supply an answer? -- I cannot estimate the time. (10

Three minutes, five minutes? -- I cannot give an estimation.

But you immediately realised what gun they were referring to? -- I remembered about it and accused no.1 told me about it.

So you didn't immediately realise what gun the police were referring to when they told you to get out the gun? -- It was very difficult for me to realise that at that stage because I was being assaulted and I had just got up from bed.

Didn't you say a while ago that you knew what gun they were referring to? -- After some time I knew what gun it was. (20

How did accused no.1 know that you had the gun? -- I do not know.

So only after accused no.1 said you must take out the gun and give it to the police, you then told the police where the gun was? -- I do not remember correctly but it was thereabout, yes.

Did you tell the police the gun was at Veeplaas before accused no. 1 told you to take out the gun? -- I do not remember, I was not in my full senses. (30)

You see Siphwo, I find this very strange because a while ago/..

ago you said that accused no. 1 reminded you or told you what gun this was. -- Yes, he told me about it.

So you only realised what gun was being referred to by the police after accused no. 1 told you to take out the gun? -- I do not remember exactly, but I think it was during that time.

COURT: Had you been dealing with any other gun? -- No.

So then surely if the police asked you to take out the gun, you must immediately have realised what they were referring to? If you not had dealings with any other fire-arm (10 then surely the moment this thing came up, you must have known what it was all about. So why wait for no.1 to tell you? -- I couldn't because I was still in my sleep, I had just risen, I was not in my full senses.

You weren't so fast asleep? You had been hit while you were still lying down? Surely if there is a way of getting a man awake quickly, it must be by being struck with a wire and by the bud of a gun and by fists? You had even seen a man take this wire hanger on the wall. You were very far from asleep at that stage. -- I was not asleep but I was (20 being perturbed by the assault on me.

S.P. Did you get the impression that accused no. 1 was working together with the police when he told you to take out the gun? -- Not in the bedroom, I never thought of that. I was still watching the assault and this matter of the gun.

But if accused no. 1 didn't tell you to tell the police where the gun was, would you have told the police? -- I did not say that it was because no.1 had said so that I told the police about the gun. I said it was during that stage when I told them about the gun.

Please reply to the question. -- Repeat the question?

If/..

If accused no. 1 had not told you to take out the gun and hand it to the police, would you have told the police about the gun? -- Repeat the question?

Can you kindly tell the court - do you understand the question? -- Give me a chance to think.

COURT: What is there that you want to think about? ...properly. -- How?

Take away your hand and stop fidgetting with your hair. -- I did not touch my hair.

Are you being impertinent? -- No, but I did not touch (10 my hair, that is the truth.

You did. Now get up. The police asked you for a gun, is that correct? -- Yes.

You knew where the gun was, is that correct? -- Yes.

Would you have told the police where the gun was if accused no.1 had not instructed you to tell them? That is what the Prosecutor has asked you now twice and that is what you profess not to understand. -- I said I was not certain as to whether I told them about the gun after accused no. 1 had spoken to me about it, or before then. (20

PROSECUTOR: But if you had told the police about the gun or about the whereabouts of the gun, why would accused no. 1, why would it be necessary for accused no.1 to tell you to hand the gun to the police? -- Perhaps accused no. 1 wanted me to produce the gun as soon as possible.

Is that the impression you got? -- I think so even now.

So he would have been assisting the police then? -- Assisting me so that I should not be further assaulted.

Or assisting the police? -- It is possible.

Did you then take the police to the house of Zamile? -- Yes.

And when you arrived at this house what did you do then?

-- Took/..

-- Took the gun.

Who went and fetched the gun? -- They did not want me to touch it; they took it out themselves.

COURT: Mr. Interpreter, I am sorry but the previous sentence I didn't hear the full sentence. I couldn't hear whether you said "took the gun" or "I took the gun" or "They took the gun". -- They took the gun.

They took the gun. I didn't hear that properly. They took the gun. Mr. Prosecutor, as a result I did not record your next question. What was that? Can you recall? The one after that? (10)

PROSECUTOR: My last question was: who took the gun? -- The Boers, sorry the Whites.

And who pointed out this gun to the police? -- Zamile and I.

When you drove to the house of Zamile, what did you tell the police about this gun? -- While we were in the motor car?

It doesn't really matter at what stage, but what I am interested in is did you tell the police that you hid the gun at the house of Zamile, or did you tell the police you handed the gun to Zamile, or what is the position? -- That was not asked by the police; they asked where the gun was. (20)

And what did you reply to that? -- It is at Zamile's place.

COURT: Did you say how it got there? -- That was not asked.

That is not the reply to my question. Did you say how the gun got there? -- No, I did not say.

PROSECUTOR: When you stopped at the house of Zamile, why didn't you tell the police "Look, I hid the gun, I know where it is, I'll take you there?" -- The police sprang at Zamile and did not ask me.

But if you had told him that you hid the gun there, they

wouldn't have gone to Zamile? -- I do not know.

COURT: It would seem to me that you did not volunteer any information? -- They were satisfied with what I gave them.

Again that is not a reply to my question. -- Repeat the question?

It is in the form of a comment but it calls for a reply nevertheless. I say it seems to me from your evidence that you did not volunteer any information, in other words you only replied to the things that the police asked you? You did not for instance say "I'll take you to Zamile's house and I'll take you to the exact spot where I personally hid the gun"? You merely said the gun is at Zamile's. -- When I was being asked, I could not have told them everything because I was being assaulted. (10)

PROSECUTOR: From the time that the police arrived at your house to the time that you pointed out the gun to them, they were assaulting you continuously? -- No, it is not like that.

Then why didn't you tell the police that you hid the gun there? -- I never thought of telling them. (20)

It wasn't because of the assault by the police? That you had no time to tell them? -- When we were in the motor car, that was not asked from me. They asked me about it when we were still in the house and they were busy assaulting me.

When you heard what the gun had been used for, did you know who had used the gun? -- No, at that stage I had not known.

When you arrived at the New Brighton Police Station? -- Yes?

There you were assaulted with ^a hose pipe - you told the court you were assaulted by means of a hose pipe? -- Yes.

Who hit you? -- Glen.

How many blows? -- I did not count the number of blows. (30)

Where did the blows strike you? -- Over my body.

Where/..

Where on your body? -- All over the body, not at a specified place.

If that is correct, he hit you over your back, over your chest, over your arms, over your legs, over your head, over your face? -- He hit me at my body but I cannot say exactly where he hit me.

Can you recall where any of these blows landed? -- Yes, the first one was over the shoulder.

Any of the others? -- I do not remember ?

Did he hit you more than 10 blows? -- I did not count. (10

COURT: What was now the object of this hitting? The gun had been found and it was in the possession of the police. -- I was being hit because I spoke to Zamilé.

PROSECUTOR: Did this hose pipe cause any marks, injuries? -- I do not remember.

When you saw accused no. 3 crying and coughing as you said, you don't know what had caused that? -- When he entered I did not know.

You also told the court that at the New Brighton Police Station, you were also hit with a whip. -- Yes. (20

Did he hit you with the whip?

COURT: Who hit? Glen?

PROSECUTOR: Were you hit with a whip? -- Yes.

Do you know the policeman who hit you? -- I do not know his name but I would recognise him when I see him.

Why did he hit you? -- He hit us asking us who our names were.

What did this whip look like? -- It was a shortish whip.

Where did the blows land on you? -- On my back.

I am sorry, I just want to come back to the description of this whip. What is made out of? -- ^Apiece of leather it

would, ..

would appear.

How long is it? -- That long as the witness is now --

COURT: The witness shows about 40 cm in length.

PROSECUTOR: What did this piece of leather look like? --
It looked like a whip.

COURT: Was this now a whip with a handle, or was it just a piece of material without a handle? -- Towards the handle it was hard.

There was a handle? -- Yes.

PROSECUTOR: What did the handle consist of? -- I do not know. (10

And how long was the handle? -- It was one thing and it got thinner as it went...

COURT: It wasn't a whip, it was a sambok. -- It was not a sambok I am used to.

Do I understand you that it didn't have a handle which was separate from the... which was of different material from the leather which formed the part of the handle? -- Yes.

PROSECUTOR: What colour was this whip? -- I do not remember, it was somewhat brownish.

How many blows were you struck? -- I was struck once on (20
my back.

A hard blow? -- I'd say so yes, because I felt pain.

COURT: You say you were struck one blow only? -- With this sambok yes.

PROSECUTOR: Were you the only one that was struck with the sambok? -- No.

And then you told the court about an incident in a room.
-- Yes.

Where a pistol was used which caused you to cough etc.?
-- Yes. (30

Who was in that room? -- Myself and others who were also arrested/..

arrested with us.

Who were they? — Luzoko, Lungile, Patrick, Gideon, accused no.1, accused no. 2 and accused no.3.

Were they all in that room? — Yes.

It struck me when you gave your evidence in chief you never mentioned accused no. 1 as being one of the persons who were present in that room? — He arrived, perhaps I have forgotten to count him as well.

How would you forget him? You mentioned accused nos. 2 and 3. — It was many of us, there are others that I do not mention. (10)

COURT: Apart from the 8 that you have mentioned, there were others as well? — Yes.

PROSECUTOR: Who were they? — I do not know their names and I did not see them again.

You told the court that it was a White policeman who had the pistol? — Yes.

And how many policemen were with him? — There was one next to him.

Did these two policemen then come into the room? — (20)
They would peep at the door and shoot.

Did he only shoot once? — No.

So did he shoot and close the door? — Yes.

COURT: I am sorry, I may have missed some of this. Did you say — did he only shoot once and the witness said no.

PROSECUTOR: That is correct.

COURT: Oh. The next question was did he shoot and close the door?

PROSECUTOR: That is correct.

COURT: What was the reply? — Yes. (30)

PROSECUTOR: Did he repeat this or not? — Yes, he repeated it.

Once/...

Once this sort of lie down, then he would shoot again.

COURT: I didn't hear that? -- Once this seemed sort of lie down, then he would shoot again.

PROSECUTOR: And how many times approximately did he repeat this? -- I did not count.

But can you give any estimation? -- No.

You are not even prepared to say if it was more than five times? -- No.

COURT: What does that 'no' mean? Is he not prepared to say or was it not more than five times? -- I do not know as to whether it reached five times. I stopped counting at the second occasion. (10

PROSECUTOR: You see when accused no. 1 related this incident to the court in his evidence, he only told the court about this one time that a White policeman entered the room with a pistol and fired this smoke or gas or whatever it was? You see he never mentioned that the policeman repeated what he had done. -- Well, I still remember it; he repeated it.

You told the court that the Black detective then entered this room where you were and opened the window? -- Yes. (20

Did he open the window himself? -- I do not remember very well as to whether he opened it himself or whether he said we should open it.

But your evidence in chief was very clear that he opened the window. -- But now I say I do not remember as to whether he opened it himself.

But you remember clearly him coming into the room? -- Yes.

You see on this aspect your evidence and that of accused no. 1 also differs. Accused no. 1 told the court that a Black policeman whose name he mentioned Kettie knocked on the window from the outside and told you people who were

inside/..

inside to open the window. What do you say to that? -- I remember windows were opened, I do not remember as to whether it was done by us or by him.

COURT: That is not really the point of the question. The point of the question is whether a policeman had come into the room so that the windows could be opened, or whether a policeman knocked on the outside and did not come into the room. That is the point about the question. -- For me he simply entered the room.

PROSECUTOR: You told the court that your eyes were burning, (10 you were coughing and if I remember correctly, you said you had difficulty in breathing. -- Yes, my nose was also burning.

For how long did that effect you? -- I did not look at the time.

But did it have any after effects on you? -- No, I had no after effect.

Were you detained at the Jeffreys Bay police cells? -- Yes.

On the 18th of March? -- Yes.

You were booked in at the charge office at 2:30 that afternoon? -- I do not know the time. (20

But do you agree that it was round about there? -- I am not sure.

In fact you were taken to Jeffreys Bay with accused no.3? -- Yes.

Were you taken to the charge office? -- Yes.

There was a White constable on duty, constable Myburgh? -- I do not know him.

COURT: Was there a White constable on duty? -- Yes, it would appear yes.

I don't follow that. -- I think there was a White policeman.

PROSECUTOR: Did a White policeman take you in the cells?

-- I/....

-- I do not remember as to whether it was a Coloured policeman who took me to the cells or a White one, but there was a Coloured person as well.

In any event, when you arrived in Jeffreys Bay, I take it you still had these marks on you and you were still in pain and discomfort? Your lips were still swollen? -- I had marks on my body but I had clothes on, they could not see them. They could see the mouth.

COURT: You mean they could see your swollen mouth? --Yes.

PROSECUTOR: You see - in any event, did Constable Myburgh (10 obtain any details from you? -- No.

In any event, Constable Myburgh will say that you had no injuries. -- I say I had.

And you had no complaints? -- I never made any complaint to him.

Were you asked if you had complaints? -- I do not remember.

The following day, the 19th of March, Warrant-Officer Jonker who is the station commander at Jeffreys Bay visited your cell at approximately 11:30 a.m.-- I do not know that constable; perhaps if I could see him perhaps I'll know him. (20

COURT: He is the station commander, a warrant-officer. -- I do not know him.

PROSECUTOR: You see he will also tell the court that he specifically asked you if you had any complaints and you said no? He will also tell the court - (interrupted)

COURT: The witness hasn't replied yet. -- I had no complaints. I told him nothing about complaints.

PROSECUTOR: He will also say that he never saw any injuries on you.-- He can say so.

On the 20th of March, you were detained at the Patensie (30) Police cells. -- Was it on a Monday?

Yes/..

Yes. -- Yes.

You were seen at the charge office by Constable Nsakatya.

-- Yes.

Did you still have any injuries on you when you arrived at Patensie? -- No, I do not remember.

In any event, if necessary, he will also tell the court that he saw no injuries on you. And the following day - (interrupted)

COURT: He hasn't replied yet.

PROSECUTOR: I beg your pardon, sir. -- Perhaps he'll say so. (10)

The following day - (interrupted)

COURT: I am sorry to interrupt, but the reply doesn't really mean much and I don't think the witness realises it. When you perhaps he'll say so, do you mean by that that you had no further visible injuries, or that you had the injuries and he would not be telling the court the truth? -- I have already said the only part you could have seen of me was the mouth, but that was now the third day. I am not sure as to whether it was still swollen by then.

PROSECUTOR: On the 21st of March, the Station Commander (20 of the Patensie Police asked you if you had any complaints? And you said no. -- Yes.

Why didn't you tell him that you had been assaulted and your body was sore, you had marks on your body? -- When I complained about the porridge at Patensie, I was told that that was a gaol and I would eat what was given to me. I then thought any complaint that I make would not be accepted.

To whom did you complain about the porridge? -- I do not know the names of those policemen.

When did you complain? -- I complained after I had been given porridge to eat.

When was that? -- I do not remember the day. You/..

You had arrived there on the Monday which you clearly remembered. -- Yes. On Monday I was still full with the food I had from Jeffreys Bay.

COURT: So when were you given the porridge? On the Tuesday -- I was given porridge on that Monday but I did not eat it.

When did you complain about it? -- I am not sure on which day I complained about it.

How many days after you had arrived there, surely it shouldn't be too difficult to remember that? -- I think it was on a Tuesday. (10

PROSECUTOR: What time of the day approximately? -- No, I do not remember.

Was it in the morning, in the afternoon or that evening? -- I do not remember.

Who did you.. you said you didn't know who you complained to. -- Yes.

You see because the Station Commander, Warrant-Officer Fouche visited you on the 21st of March, which was a Tuesday, at ⁸ a.m. and you agree that he visited you? -- I remember police would come there, I do not know which one you are referring to. (20

COURT: The Prosecutor is referring you to a visit by the Station Commander on Tuesday, the 21st at 8 in the morning. In other words, on the second day of your detention at this specific place. -- I remember police did come there to me, but they would not say who they were.

Neither am I asking you to do that. I am merely saying that the question which is being put to you is that the Station Commander came to your cell on Tuesday, that is the second day of your detention at this place, and he came to your cell at 8 in the morning. And the Prosecutor I see is referring/.. (30

referring you to an earlier question which was the following: on the 21st of March, the Station Commander asked you whether you had any complaints and you said no and to this you replied yes. The Prosecutor is taking your mind back to that previous reply of yours. We are making no headway at all if your reply to just about each and every question is "I don't remember, I don't remember names". You are not being asked to remember names.

PROSECUTOR: Did you complain about the porridge before or after the Station Commander visited you? -- I do not remember to whom I made my complaint and at what time. (10)

So you were more worried about the porridge, concerned about the porridge than your own health and condition? -- I knew that if I got decent food then I would be cured.

COURT ADJOURNS / COURT RESUMES:

WITNESS STILL UNDER OATH.

PROSECUTOR (Contd.) I want to conclude by putting to you that the police will deny assaulting you or ill-treating you in any way whatsoever. -- You know that they are going to deny it? (20)

I am telling you they will deny it. -- Do you want me to reply?

COURT: This is just a statement made to you. Is that statement correct or is it not correct? -- I do not know as to whether they are going to deny it or not, but what I have told the court is the truth.

PROSECUTOR: Nor that they ill-treated anybody else in your presence. -- If it is being said that they are going to deny it, I cannot reply to that. I do not know what is going on in their minds. (30)

There/..

There is just one other aspect I neglected putting to you and that is was it not one of the aims of the P.E.S.R.C. to assist people and recruit people to go for military training? -- No, there is no such.

No further questions.

RE-EXAMINATION BY MR. ALEXANDER: One answer you gave to my learned friend is not quite clear to me. You said that on the 19th, when you were at Jeffreys Bay, the Station Commander, Warrant-Officer Jonker, would say that he specifically asked you if you had any complaints and you (10) said no. Your answer as I noted it was: "I had no complaints". What does that mean? -- I meant that I did not complain to him although I had complained.

What was your reason for not complaining to Mr. Jonker? -- At that time I was not aware of the fact that lodging an assault complaint as the assault had not been affected out at Jeffreys Bay, still I could make a complaint in Jeffreys Bay.

I understand by that answer that you thought that if the complaint, if the assault had ^{not} taken place at Jeffreys (20) Bay, there was no point of complaining at Jeffreys Bay? -- At that time I was not aware of the fact that I could lodge a complaint at Jeffreys Bay.

Arising out of the very last question put in cross-examination about the aims of the P.E.S.R.C., I wish to ask you another question about their aims. There has been evidence that when the schools closed in Port Elizabeth, some children wished to seek their schooling elsewhere. Do you know whether the P.E.S.R.C. collected money to help them for that reason? -- While I was on the executive no such thing (30) happened.

PROSECUTOR: Could I ask one question based on the last question and reply by the witness?

COURT: What would it be, Mr. Prosecutor?

PROSECUTOR: Sir, the witness said that one of the aims - it was put to him that one of the aims was that they assist scholars to go to other places to further education. I just want to take that - (incomplete)

COURT: Is it really a new point, Mr. Prosecutor? What would your question be, can I ask -?

PROSECUTOR: Sir, my question would be if the P.E.S.R.C. (10 sent out pamphlets ordering students who had gone to other places to further their education, to return to Port Elizabeth immediately.

COURT: I will allow that question.

PROSECUTOR: Didn't your organisation send out pamphlets in the Black townships of Port Elizabeth, ordering or instructing students who had left Port Elizabeth to attend schools at other places to immediately return to Port Elizabeth? — While I was on the executive I do not remember that pamphlet.

Are you aware of those pamphlets that were distributed (20 in the Black townships? — No, I never saw them; I have no knowledge to that effect.

NO FURTHER QUESTIONS.

---ooOoo---

MR. ALEXANDER ADDRESSES COURT (Faulty recording) AND APPLIES THAT CASE BE REMANDED. APPLICATION GRANTED.

512.

ON 5th MARCH, 1979:

MR. BOWMAN: I call accused no. 2.

KOLEKA SYLVIA BOLI, s.s. (Speaking Xhosa)

EXAMINED BY MR. BOWMAN: How old are you? -- 26 years of age.

What standard of education do you have? -- Matric.

When did you pass matric? -- In 1976.

Did you then continue your education or did you stop? -- I stopped.

Have you started work, or had you intended starting work or what were your plans? -- I had not started work, I was going to work. (10

What work were you going to do? -- Nursing.

You have rather protruding eyes. Is that as a result of some physical condition? -- Yes.

And the scar at the bottom of your throat, almost encircling the lower part of your neck, is that related to that condition? -- Yes.

I think it is commonly known as a goiter complaint? -- That is correct. (20

COURT: Thyroid.

MR. BOWMAN: It is a thyroid. It has to do with either an over-active or under-active thyroid gland, is that correct? -- Yes.

And is that scar as a result of treatment you underwent some time ago for that complaint? -- Yes.

Was the operative or any other kind of treatment you might have had successful? -- No.

And does this condition affect you in any way that you are able to tell his Worship just briefly? -- Yes, it does affect me. (30

In/..

In what way, Miss Boli? -- I am nervous and then I get some palpitations.

I think it is common cause that you were arrested on Saturday, the 18th of March, last year, 1978, is that correct? -- Yes.

Where were you at the time of your arrest? -- I was at home.

Where is that? -- At Kwazakele.

In Port Elizabeth? -- Yes.

Who do you live with? -- With my mother, uncle, brother (10 and sister.

Were they at home at the time of your arrest? -- My uncle was at home and my younger brother.

Is your uncle Simon Gedazi? -- Yes.

What time of the day were you arrested? -- At about 6 a.m.

Do you remember who it was who came to your house to arrest you? -- Yes.

Tell His Worship who the policemen were? -- Wilken, Roelofse and Makuduka.

That is Lieutenant Wilken, Lieutenant Roelofse and (20 Constable Makuduka? -- Yes.

The police came into your house. Who - if any of those three men - spoke to you? -- Wilken spoke to me.

Was he with anybody other than Roelofse and Makuduka? -- Yes.

Who was with him? -- Patrick Matsha.

No. 23 on the list of insight on the further particulars. Did Patrick speak to you at all? -- No.

Did Lieutenant Wilken speak to you? -- Yes.

What did he want to know? -- He asked me about a gun. (30

What did he ask you about the gun? -- He asked me where the/....

the gun was that had been given to me by Patrick.

Did he ask you if you knew Patrick? -- Yes.

And what did you say to that question? -- I said I knew him.

He asked you where the gun was that Patrick has alleged to have given to you, is that correct? -- Yes.

What did you say in reply to that? -- I replied and said I knew nothing about a gun.

What was Lieutenant Wilken's response? Did he repeat the question or did he leave it there? -- He did not repeat the question. (10

After your denial of any knowledge, what then took place inside your house? -- The house was searched.

Did you know what it was that they were looking for? -- No.

Did Constable Makuduka speak to you at all? -- Yes.

What did he say to you? -- He said.. he wanted documents relating to Poqo.

Did you tell him that you had any? -- I said I had none.

Who was it who in fact conducted the search of your house? -- Roelofse and Makuduka.

What did Lieutenant Wilken and Patrick do whilst they were searching? -- They were seated in the diningroom. (20

For how long did the search continue approximately? -- 30 minutes.

Did Roelofse have occasion to speak to you, or ask you anything? -- Yes.

What did Lieutenant Roelofse say to you? -- He asked me who occupied the front room.

What did you tell him? -- Yes.

Who was it who occupied the front room? -- My sister. (30)

Did he want to do anything in that room? -- Yes.

What/..

What did he want to do there? -- He wanted to search it.

Did he do so? -- Yes.

Did he find anything? -- No.

After the search had been completed, did anybody say anything to you about being arrested? -- Roelofse said I must dress on, I was going to go along with them.

Did you ask him why? -- Yes.

And what did he say to you? -- He said I'll hear later on.

Is it correct that you were then taken in a motor car to the New Brighton Police Station? -- Yes. (10)

Did you have any extra clothing with you? -- No.

Were you told to take any extra clothing with you? -- No, they never said so.

Did anything happen in the motor car on the way to the New Brighton Police Station? Did anybody say anything to you? -- Yes.

What happened in the car? -- Lieutenant Roelofse asked me where he knew me from.

What did you say to that? -- I said I do not know.

Is that all that was said in the car? -- Yes. (20)

What was your mental state at this time? -- I was severely shocked.

Were you crying? -- No.

When you got to the New Brighton Police Station, is it correct that you there saw some people that you knew? -- Yes.

Do you remember their names? -- Yes.

Who were they? -- Luzuko, Lungile, Raymond, Makaya. I do not remember the others.

Where were they when you first saw them? -- They were sitting in the charge office. (30)

When you entered did Lieutenant Wilken say anything to them/..

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