

And the women students were on some other portion of the field? --- Yes.

And the police were moving onto the field, some of them were moving onto the field? --- Yes.

There was police evidence here that at that stage the policemen moved - some of them - moved onto the field as it were between the groups of students? --- Yes.

And you agree with that? --- Yes, I agree.

And then at that stage as you say you were on the field? --- Yes. 10

Now shortly after that you heard a shot, and then the students started running away followed by policemen? --- Yes.

Now, there has been some police evidence, and there was at the Commission of Inquiry some other police evidence to the opposite effect, but in this Court there has been some police evidence that the students on the bank started to throw stones at that stage at the police. Now surely if the students had thrown big stones at the police at that stage onto the field from the bank, surely you would have seen those stones would you not? --- Yes I would have seen 20 them.

Especially if a number, a considerable number of stones had been thrown, you would have seen them? --- Yes I would.

If bottles had been thrown by the students from the bank, onto the field and aimed at the policemen, you would have seen them would you not? --- Yes.

In fact you were not aware of any such stone-throwing at that stage? --- No, I was not.

And when you saw the students running and the shots had been fired, you yourself ran away in some fear? --- Yes. 30

And then you said in your evidence that : I started running / ...

running, you said, and then you said in your evidence-in-chief: I could see a dog running freely from the eastern side, do you remember that? --- Yes.

I just want to know what you mean by running freely, do you mean it was not on a lead or what do you mean by running freely? --- I could interpret it that it was not on a lead, because otherwise ..(Mr. Pitman intervenes)

I cannot hear you? --- It has not got any chain or something like that, otherwise it was a longer chain and somebody was standing there and leaving it running down, 10 that is possible, but the way it was running it was a distance away from the police.

In other words, what you mean and I think what the word freely means is that it seemed to be not under control? --- I could put it that way.

And at that stage you said you ran faster? --- Yes.

And then you saw Peter - is it Tsi? --- Yes.

You saw him caught by the dog? --- Yes.

The dog bit him? --- Yes.

And he fell down? --- Yes. 20

And you watched that? --- Yes.

And you saw him struggle upwards? --- Yes.

And you saw him standing in a sort of a manner, or you said he managed to stand at one stage? --- Yes, and the dog was still gripping him.

The dog was still going for him? --- Yes.

And did he go down again a second time, or not? --- No, he did not, just it remained gripping his trousers, the dog.

Did you go on watching that situation? --- Yes.

Up to that stage you had seen no stone-throwing or 30 bottle-throwing at all? --- Nothing.

Did / ...

Did you watch the policeman come up to Peter? --- Yes.

And grab him and take him to the van? --- Yes.

And just tell me, had you seen this Peter Tsi earlier before the dog was chasing him, or had you not been aware of him at all on the field? --- I was aware of him, when I ran directly to where he was, I could see him right ahead of me but he was not running.

That is before the dog went at him? --- Yes.

Had you noticed, had he done anything at all, Peter Tsi, as far as you could see? --- He did nothing. 10

If it is suggested by the police or anybody else that he had already been throwing stones before the dog went for him, would you say you disagree with that? --- I disagree.

In fact you say he was not even running at that stage you first looked at him, or was he, I am not quite sure? --- He was not running, it looked like he was not aware of the dog.

He appeared not to be aware of the dog at all when you first saw him? --- Yes.

This Ismail Nkabele, you said that he was hit by a policeman? --- Yes. 20

By rubber truncheons - or something long, or a fist or what? --- Something short.

With some instrument that was short they were striking him? --- Yes, it was something like a baton.

At that time that he was being struck was he sitting down, lying down, standing up, walking, what was he doing? --- He was walking.

You say he is a cripple? --- Yes.

What is the matter with him? --- He has one artificial 30 foot.

Was one policeman hitting him? --- Yes.

Did he fall down while he was being hit? --- Yes he did fall down.

Now, do you know, had he done anything provocative before that? --- No. I think he was not even aware of the police, the way I could see him, he did not even look back, then he hit him, and when he realised that he fell down.

He was walking away from the policeman and your impression was that he was not even aware of the policeman coming up behind him? --- Yes. 10

Can this man run, do you know, is he able to run with that artificial foot or is he not able to run? --- I have never seen him running.

Did you see this incident with Nkabele before or after the dog incident with Peter Tsi? --- Before the dog incident.

At any rate later when the stone-throwing came, you were perfectly aware of the stone-throwing? --- Yes.

Now I just want to go to another incident and that is the ousting of the SRC. Is it in fact - the question of as it were throwing out the SRC - something that happens at 20 universities from time to time. Do you know, do SRC's get thrown out of office and so on from time to time? --- You mean at our university?

Yes? --- Well it was the second SRC I had since I got there, the first one was suspended ... (INAUDIBLE)

COURT: I got the impression that you said the SRC was thrown out because of the way they handled Africanisation, that is correct, you said that did you not, they prepared a memorandum? --- Well, yes, it was not the only point, it was the point of primarii, that dissatisfied students. 30

MR. PITMAN: What I really want to know is are you aware of a previous / ...

previous occasion upon which there had been a previous attempt to oust the existing SRC, do you know about that one?

--- Yes.

There had been a previous attempt to oust the SRC?

--- Yes.

Similarly because of dissatisfaction at the way it conducted itself in office? --- Yes.

Now on that point, you mentioned a moment ago that there had only been two SRCs since you had been there, is that because the authorities had not allowed an SRC at certain times? --- Yes, since they suspended the SRC in 1972, there was no SRC until late 1973. 10

Now at one time the authorities had also not allowed a SASO to have a branch on the campus? --- Yes.

As you said in your evidence? --- Yes.

Now there was evidence from you that there was this meeting to survive SASO, but off the campus? --- Yes.

And is the position clearly this, that there was nothing there was no university regulation or rule to prevent you belonging to SASO, it only related to the fact that SASO was not to have a branch on the campus? --- Yes. 20

In other words there was nothing to prevent you having a branch off the campus? --- No.

The university had no power upon you when you operated off the campus? --- Yes.

COURT: How would that work, having a branch off the campus, did it in fact happen, was there a branch of SASO off the campus? --- Well it was since formed, but it never functioned, but it was just formed that it will work off the campus, but it never functioned. 30

It never functioned? --- No, no, there was never a

SASO / ...

SASO meeting thereafter until the SASO branch was recognised on the campus.

MR. PITMAN: In other words a branch was formed and it was in fact the Mankoeng branch of SASO? --- Yes.

Which is nearby to Turfloop? --- Yes.

And then shortly after it was formed the university said that SASO could operate on the campus? --- Yes.

So that particular branch, the Mankoeng branch then operated on the campus? --- That is right.

It was still known as the Mankoeng branch was it not? 10
--- Well - pause -

Or don't you know about that? --- Well I would not say that.

Where are you held at present by the police? --- At Erasmia police station.

Are you still there at this moment? --- Yes.

Did you sleep there last night? --- Yes.

Are you at present in a cell by yourself? --- Yes, I am alone.

Are you being held there in so far as you know, by 20
the Security Branch or the ordinary S.A.P.? --- By the Security Branch.

Who is in charge of you, do you know? --- I think the people who are running that police station, the ordinary S.A.P.

I see. Do you have anything like a radio in your cell?
--- No, I haven't got a radio.

At the moment do you see any other people at all?
--- Yes I see them.

I take it you are being held in terms of Section 6
of the Terrorism Act? --- Yes. 30

Because the State suggested that you are a terrorist?
--- Yes.

Are / ...

Are you a terrorist? ---- No, I am not.

Have you ever partaken in any activities at all that you regard as terrorism? --- No, I have not.

You were merely a B.A. undergraduate at the university?
---- Yes.

And you were a SASO member? --- Yes.

Did you go into SASO with any terrorist motives or not?
---- I did not go into it with terrorist motives.

Why did you belong to SASO? --- Well I feel that I should belong to it because it is an organisation which is 10 doing what I like, uniting people, which is preaching unity.

Are you somebody who has felt the suffering of your people? --- Yes.

Did all the students belong to SASO at the university?
---- No.

Just those that wanted to belong to SASO? --- Yes.

Do you know how many members of SASO there were at the university? --- I do not know.

How many students were there, over a thousand students there? --- You mean the total? 20

Yes? --- About 1500.

Do you think less than a hundred were SASO or more than a hundred belonged to SASO? --- Well it may be slightly more than a hundred.

And the people that belonged to SASO, I mean you must have got to know them when you joined SASO, you got to know the others who belonged to SASO, is that right? --- Yes.

Were they people you regarded as students who actually cared more for their people than other students, or would you say they cared less? --- Well I would say they cared more. 30

Were they the people at Turfloop that you admired and liked / ...

liked to be associated with? --- Yes.

Would you describe them as terrorists? --- Not.

You see the State alleges they were all conspiring together to commit terrorism? --- They were not terrorists.

With you as well? --- I was not a terrorist, I am not.

Have you been told by the Security Branch when you will be released? --- No.

As far as you know will you be going back to the cell at Erasmia police station tonight? --- Yes.

Had they not told you that if you gave evidence satisfactorily - I am talking about the Security Branch - that you will be released? --- No, they never told me. 10

Have you ever been told when you are going to be charged? --- They never told me.

But you understood from some time ago I suppose that you were going to be a State witness here? --- Yes.

When were you told that? --- Quite recently it is not long ago.

In other words can we take it that up till fairly recently you really did not know whether you were going to be charged or whether you were going to be a witness? --- Yes, I did not know anything. 20

You just remained in solitary confinement? --- Yes.

You did not like that I take it? --- I did not.

Did you want to give evidence? --- Well - pause -

Or was it just that you had no alternative? --- That I did ..(Court intervenes)

COURT: The law compels him to give evidence.

MR. PITMAN: I accept that, but there is still the question as to whether he wanted to. You say you did not want to give evidence? --- No. 30

I think you said it was because you had no alternative, by no alternative I take it that you mean you had to give evidence, because if they say you must give evidence then you must give evidence? ---- Yes.

COURT: You are not very happy to give evidence in this case are you? --- I will not say I am happy.

MR. PITMAN: I just want to know, Mr. Ledwaba, were you in fact told by the Security Branch that you would have to give evidence in this case? --- Well they told me that I am going to give evidence.

10

They said you were going to? --- Yes.

Did you not say to them: well how do you know? --- I beg your pardon?

Did you not say to them: how do you know? --- PAUSE

In other words what do they mean by: you are going to give evidence, what they really meant was: we are telling you that you have to give evidence? --- Well I take it they are the people to tell people to do this or that.

You took it that they were the people to tell you to do this or that? --- Yes, I mean those who decide what we should do.

20

Did they ever ask you whether you want to give evidence? --- Yes they did.

And what was your answer to that? --- Because I told them I did not want to.

You said you did not want to? --- Yes.

And their answer was that: you are going to give evidence? --- Yes.

Did you ever ask to be released or to see a lawyer? --- Well I knew, I already knew a little about the effects of it, that I will not do anything, it would be futile for me

30

to / ...

to ask, I cannot do anything.

Mr. Ledwaba, let me ask you very directly, were you ever part of any conspiracy to create this situation that the Blacks should treat the Whites and the State as enemies, were you ever part of such a conspiracy? --- Well I am not aware of it.

Well I take it if you had been part of such a conspiracy then you would have been aware of it? --- Yes.

Were you ever part of a conspiracy, because it is alleged that you are, were you ever part of a conspiracy to 10 undermine the economic system of South Africa? --- No.

Tell me, what was in fact your idea at university, you took a B.A. what did you have in mind as an occupation thereafter, what did you think you would do when you left the university? --- I thought I would teach.

Did you have any kind of loan or bursary at the university? --- Yes, I had a bursary.

Were you in fact obliged to teach, or was that not a condition? --- No, it was not.

It was your intention to go and teach afterwards? 20
--- Yes.

And is it still your intention to go and teach? --- Yes.

And you will teach in some school where there are Black children? --- Yes.

Have you ever conspired to say that all Black people who co-operate with the State are traitors, did you ever enter such a conspiracy - put forward the idea that anybody who co-operated with the State in South Africa was a traitor? --- No.

Did you ever conspire to isolate the Republic of South 30 Africa from international community of nations? --- No.

If / ...

If it is said that that was your object in joining SASO would you be surprised? --- I would be surprised.

Now just going to this formation school, so much has been said about it, Mr. Ledwaba, I just want to get clear from you, when my learned friend for the defence was cross-examining you you told the Court what the commissions were, now I am not absolutely clear. You said there was your commission on Bantustans? --- Yes.

Then you said there was a commission on communalism? --- Yes.

10

And what was the other commission? --- It dealt with Bantustans, but I do not know - pause -

That is what I wanted to know. So in fact there were two commissions that dealt with Bantustans? ---- Yes.

The one presumably dealt with one aspect of Bantustans and one with another aspect? --- Yes.

Now, are you absolutely sure - I am not doubting it, I just want to establish it clearly, are you sure that Accused No.6 was in your commission on Bantustans? --- Yes.

And Accused No.7 was he definitely not in your commission on Bantustans? --- No, he was not.

20

And Accused No.8, do you know him? --- Yes.

Was he not in your commission? --- No, he was not.

And do you say that you were present the next day when the notes were read out to the whole formation school, of what had happened at these commissions? ---- I was present at the time when my commission reported.

And you were not present when the other commissions reported? --- No.

No further questions.

30

RE-EXAMINATION BY MR. REES: When you told the Court a moment

ago / ...

ago that you were kept in solitary confinement, will you just explain to the Court how in fact you were kept here at Erasmia? --- At Erasmia I did about a month then I was still locked in and later on they proposed that they should let me out for a day, during the day I stay outside.

And during this period did you write your final B.A. examination? --- No, I wrote it at the university.

And have you been away from Erasmia? --- Yes, I was taken to Pietersburg police station.

Yes, and who did you see there? --- On a few occasions 10 I was taken home and then taken back to the police station.

You were asked about a terrorist, what exactly is a terrorist as you understand it? --- A terrorist I understand is a person who goes about killing others.

I think you may have covered this before, but in an organisation such as SASO, who are the persons in SASO that lay down its policy? --- It is the GSC.

And who executes its policy? Is it the Executive Committee or somebody else? --- I do not know about that.

Do you know one Rubin Hare? --- Yes I know him. 20

Have you come across him? --- Yes.

Where? --- At the University of the North.

What was his position in SASO?

MR. PITMAN OBJECTS: M'lord, I do not know that this arises out of any cross-examination at all, if it has some relevance, perhaps my learned friend will explain.

COURT: Yes, perhaps you could indicate the relevance?

MR. REES: With respect, M'lord, it arises directly out of cross-examination, my learned friend has asked these people about the policy, he asked him, not half an hour ago, this 30 witness was asked every day, but not half an hour ago ..(Court

intervenes/ ...

intervenes)

COURT: I think Mr. Pitman merely wants you to indicate how this is relevant and arises out of cross-examination.

MR. REES: M'lord, they asked this witness about how the policy is formed, who forms the policy, and he said about the GSC, and he spoke about the Executive Committee and that type of thing, that is the line I am following up now. What position as far as you know did Rubin Hare hold on the SASO Executive? --- He was the vice-president.

COURT ADJOURNS

10

/VMD.

COURT RESUMES

JONAS L LEDWABA, still under oath.

RE-EXAMINATION BY MR REES (continued)

You were questioned about the statement you made to the Police, do you remember that? -- Yes.

And will you tell the Court firstly whether or not in the statement you made to the police, you were influenced to say anything that was not the truth or whether in that statement you told the truth only? -- Yes, I told the truth.

Did the method of questioning have any effect on you at all? That is, was there any suggestions to you to say things which were not correct? -- No, there was nothing. 10

And there was the question of - which seems to suggest that you were in fear of Major Strydom, were you ever in fear of Major Strydom? -- Well I wouldn't say.

You wouldn't say what, you wouldn't say yes, so you wouldn't say no. -- At the beginning I was.

What made you afraid of him? -- Well the (inaudible)

The fact that you had been arrested and that he was a policeman or anything else? 20

BY THE COURT: I think if you pull up the microphone a bit closer to your mouth, it is easier.

MR REES: Speak louder so that they can hear at the back of the hall. -- I think what frightened me is in the first instance it was my first time that I was detained and the way, the subject matter which they asked me is what frightened me.

What was the subject matter they asked? -- I mean those were the general things I have been asked about. 30

Now you say you had previous knowledge of Section 6?--No.

Of 83 of 67? -- I had none.

Where did you first learn of Section 6? -- I learned about it at the campus.

Perhaps I might just have misunderstood a question one of your replies. You were asked various questions and it was put to you that Major Strydom had suggested to you that B.P.C. or SASO or the Black Consciousness necessarily involved violence.

MR ALLAWAY: I think what I put was ultimately, ultimately.

MR REES: What necessarily, ultimately involved violence. 10

Is that so, could you just expand and tell the Court what exactly the major said to you in that regard? If he said to you anything at all. -- He didn't say exactly, directly that it wanted violence but the question put to me was whether the way of putting questions, the way I could interpret it was that he sort of tried to push me into agreeing that it ultimate..

I don't want to know what your conclusions were, I want you to tell the Court what exactly...

MR ALLAWAY: My Lord, this is his witness, he is now 20
cross-examining him with respect.

MR REES: If My Learned Friend would stick to his former statement in saying that he would mind his own business when I was cross-examining....

MR ALLAWAY: I object to my Learned Friend's questions, I object from the bar standing up, I don't object sitting down as an aside. What I am objecting to is with respect, what appears to be a process of beginning cross-examination on an answer my Learned Friend doesn't like, that is what I am asking about, My Lord. 30

BY THE COURT: Well you may not cross-examine the witness.

MR REES:/...

MR REES: I am aware of that, My Lord, perhaps my Learned Friend would wait until the cross-examination comes. Yes, now what you are supposed to tell His Lordship and - is the fact understand, and not the conclusions that you drew. I want you to tell His Lordship what exactly the Major said to you from which you drew these conclusions. -- I can think of a question such as, what is your interpretation of revolution.

Yes? -- And when I started explaining that revolution means change, the way he doesn't like it means that it doesn't mean - I mean the way he doesn't like my answer to him that revolution means change, that necessarily revolution means violence, I could interpret it that way also. 10

Yes, it is your interpretation, it is not what he said? -- No, when I said it means change, then he says, nonsense, it is not that way.

What does he say then? -- No, then I kept quiet. Then he left.

BY THE COURT: Are you trying to say that when you gave that reply he didn't agree with you and he was thinking that you were not really giving your true interpretation of a revolution?--Yes, that is what I thought. 20

MR REES:
You said in reply to my Learned Friend that SASO decided to hold its own rally and at a later stage he said - I beg your pardon - you said in your evidence that the SRC decided to hold its own rally. Do you remember? -- Yes.

And then at a later stage of the cross-examination you said that SASO was to be kept right out of the Turfloop Rally. Do you remember that answer? -- Yes. 30

Now when was that decided? -- What I said or what I meant is, the S.R.C. decide independently, it automatically means that any other institution on the campus is not involved in the whole thing.

Now why was that decided? Is the effect of your evidence as you said here that SASO was to be kept out of the Turfloop Rally. My Learned Friend asked you that specifically and you said yes. -- That is right, I interpreted his question in this way that if the S.R.C. decides, it decides that it will like it decides to do any other thing, any other institution like SASO or like the Law Society or any other Church Societies, not, we only then decide whether it should be done, it automatically will start, because this is independently the decision of the S.R.C. 10

I see. -- That is how I interpret it.

Now who decided that SASO was to be kept out of it? Was it the whole S.R.C. or just you or just somebody else or what?-- Perhaps is that word decision that what I meant is, if the S.R.C. decides it means that SASO - we didn't call in to help us in deciding that, which means that it is out of the decision. 20

There was also either a question or an answer by you to the effect that SASO was to take no part in the organisation of this thing is that correct? -- Well I wonder if there was such a question because it was suggested that we could get manpower from the SASO Local Committee in organising it but we didn't. It just was a suggestion made but then we did not go for such manpower.

Now who made such a suggestion? -- This suggestion was made at the SASO Local Committee Meeting and that suggestion/... 30

suggestion was made that SASO people could be - I mean people from SASO Local Committee could help, I mean manpower in organising the rally but then when we got to the S.R.C. now to decide, that aspect was just ticked off because we realised we are efficient enough to do the whole thing without their - actually going for their help.

Do I summarise your evidence correctly that you say that SASO Local Committee decided to help and then the SRC didn't accept their offer of help? -- Yes, that is what I... 10

There was another question that I didn't quite understand, my Learned Friend put to you. You had dealt with the decision or the communication to you by accused No. 7, that it would be a good idea to hold a rally. This was after the SRC had been constituted, is that right? -- Yes.

Now you were asked a question whether we, and you seemed to agree to that, we as SRC have agreed in principle to hold the rally. Now would you just explain exactly what happened when Sedibe first expressed this view of a rally, about a rally? -- After he expressed it, after he mentioned it there was a good response, I mean from the new SRC applauding his idea, his suggestion. 20

Yes? -- Which is what I can take in principle all agreed.

BY THE COURT: What you want to say is you thought it was a good idea? -- Yes.

MR REES: Was there any decision taken then? -- No, there was no decision. 30

I follow. This Formation School that you spoke about/...

about, very briefly, what was the object of this formation?

-- The object was to come and get - to come with problems which are put forward by the Regional Director. So to collect the general idea about the distance from the students so that this could be put forward to the C.S.C.

I just want to digress for a moment. How many C.S.C.'s did you attend? General Students Council meetings? of SASO? -- I attended one.

Where was that and when? -- At Hammanskraal, in 1973.

Were you a delegate from Turfloop? -- No.

10

You on your own? -- Yes.

Who were then elected as office bearers? -- The Executives?

Yes. -- No, it was Tiro and Isaacs and Ben Langa, and I cannot remember.

Was that in 72? -- 73.

About what date was that? -- July.

July. And what part did you take in this C.S.C.?

-- I was just an observer.

Observing for who? -- For myself.

20

I see. And where did you get your knowledge of the activities and the policy of SASO from? -- I got them from newsletters.

Newsletters published by whom? -- By SASO.

Yes, and what, how else? -- And I think the only - except in the case where the policy itself is read by someone at a meeting.

Where the policy is read by someone at a meeting?-- Yes.

Just anybody or a member of the Executive or whom?-- I remember at the Formation the existing Local Committee.

30

Yes? /..

Yes? -- The one which was formed late last year. It was read just by somebody, just by Dennis Makudu who was just an ordinary person, but he was simply given a newsletter from which he read about the policy.

About the policy? -- Yes.

Could you just tell the Court what is the general method adopted by SASO to make its policy known? You have now spoken about the SASO newsletter. What happens with the minutes of the C.S.C. -- I am sorry I have got no knowledge exactly what...

10

You don't know. What is the function of the Chairman or President of the Local Branch, what is his function? In connection with disseminating the ideas of SASO. If you don't know, just say so. -- Well I don't know.

You told the Court that at this Transvaal Regional School of SASO on the 21st September to the 22nd of September there was a programme? -- Yes.

You saw it or didn't you? -- I saw it.

And also you told the Court that notes that were made of your commission, that is a Commission on Bantustans, is that so? -- Yes.

Those notes were read out on the Sunday morning is that correct? -- Yes.

And you were present and who was the man who read them out? -- Mr. Ramaphosa who was in fact...(voice drops)

I want to know about those notes, Did they reflect the general views of your Commission or was that just the views of that particular Secretary and yourself? -- Of the Commission.

I would like you to have a look at the EXHIBIT SASO 01, 30 and I pass copies thereof to my Learned Friend. Is that

front/..

front page of that document is that in fact the programme of that day? Take your time and have a good look at it.

MR PITMAN: My Lord, again I want to just ask whether this arises out of cross-examination. I have been handed here a document which appears to be about 20 to 30 pages long. Glancing at it, it doesn't appear to arise out of the cross-examination.

BY THE COURT: Mr. Allaway asked quite a lot about the Formation School as to what happened and how the Commissions worked, and what they discussed. 10

MR PITMAN: It just appears at first glance that some new evidence is being introduced at this stage, My Lord, that is why..

MR ALLAWAY: My Lord, may I clear this matter up. As I understand I certainly cross-examined about the Formation School etc and referred to a programme and having had a chance to look at the document that my Learned Friend has handed in SASO 0.1, is a programme plus several apparently reports. Now, My Lord, these reports certainly don't deal with anything touched on in cross-examination. 20

BY THE COURT: Yes, well you asked them what they discussed and how they set about it and now he is showing...

MR ALLAWAY: My Lord, the easiest thing to do is not to ask any objections and let the matter go in and if we need to cross-examine we will ask My Lord to do so.

MR REES: Thank you My Lord. Right, is that the programme? The front page of that document? -- Yes.

Now I would like you to look at the last two pages. The last two pages they are numbered 21 and 22. My Lord, and for my Learned Friend's peace of mind at this stage 30 that is all I am putting to this witness. These documents will /...

will be proved through other witnesses as well. The last two pages. Have you got them? Just lift them let me have a look at them. My Lord, I see they are not all numbered but it is 151 and 152.

BY THE COURT: Mine is 151 and 152.

MR REES: Those are the pages I refer to My Lord. Just first of all look at those pages. Is that the document that you referred to that was read out by Ramaphosa at this Formation School?-- Yes.

Is that the one? -- Yes.

10

Now would you mind reading that to the Court please?

Will you read it loud so that we can hear it. -- Because it is not my handwriting.

Shall I read it and you can check whether it is right, that may save us a lot of time My Lord?

BY THE COURT: Yes.

MR REES: The heading is "Infiltration of the High School." Now the word "High School" is scratched out and then there is "Training .. (Reads SASO 01 pages 151 and 152)

Now would you just tell the Court, look at page 151, that is the first page that you have got there. "Teacher Training Institution should be of top priority, target of infiltration: The Commission notes the sanctions that have been and will be laid down by the enemy." Who is the enemy that is being referred to there? -- That is referring to the Government.

And what are the sanctions that it would lay down? -- The sanctions here are the laws and and when the rules and regulations which are controlling teachers and does not participate in any form - not participate in the struggle.30

What struggle have you in mind or what struggle did they /...

they have in mind here?-- For instance like banning such organisations as the B.P.C.

And what exactly do they mean by they should ruthlessly infiltrate the institutions? -- This is just what Mr. Nefolovhodwe spoke about. It was unfortunately that the Secretary didn't do his job there because it is what he said that we are not infiltrating, we are going publicly and preach our beliefs. He was virtually referring to this infiltration..

I don't quite understand what you are saying now. 10
Just repeat slowly and tell the Court exactly what you are trying to say. -- I am trying to point out that this infiltration as appears here, is what Mr. Nefolovhodwe stood up and spoke again. In fact clarified us because we thought that it is right infiltration as it is, and he clarified us that we don't know it that way, infiltration goes with some secret movements but we are not going secret we go straight and therefore infiltration is irrelevant in this case.

Now will you just tell the Court - now you have told 20 the Court that you had - this report of yours was read out. -- Yes, it was.

And what was the reaction to it at this Formation School? Was it adopted or rejected or what did they do? N.B.
-- Well it was just left so that it could pass to the C.S.C.

Why did you leave that Formation School, why did you just make your report and leave? -- I will say that I was trying to, because on that Sunday we had a Church service there, a Catholic session at Doornspruit at the Mission, so I was trying to - I rushed to keep this and I tried to get 30 transport to go there, because my Catholic colleagues

were /...

were moving to that place. Although I stayed, I didn't go.

Now my Learned Friend in his cross-examination of you suggested that the reason why people didn't arrive, because they were drunk. Did you appreciate that question... They had drunk the previous night, My Lord, they had headaches, there was a party he suggested and people didn't arrive because lots of them had headaches. Now that means in plain English these people had over-imbibed the previous night. Did you find any people who had - any of the people connected with this Formation School, who had been drinking too much the previous night. 10

BY THE COURT: Do you know why the attendance was low on the Friday morning? -- No, I don't know.

Now when you were delivering your report, you and your secretary, can you remember who was there? No doubt Mr. Phokoejoe must have been there? -- Yes, Mr. Phokoejoe there. Well I didn't see one of these gentlemen there.

Now I want to know who you did see. -- Honestly I can't point out that who exactly I saw at that.. 20

Now will you look at the front page of this document again. No, the very front page, page, the programme. You see, it says there "Transvaal Regional Formation School. Proceedings are to start at 9,30 a.m. on Saturday the 21st of September 1974 at the University of the North." Is that right? -- Yes.

There was an opening speech by the Vice-President. -- Yes.

Who was the Vice-President? -- Mr. Ruben Hare.

Ruben Hare. Did you hear his speech? -- Well, I attended it, but I wasn't clear that I heard it because in the /... 30

the first place I came later in the hall and I realised too late that he had quite a faint voice, not easy. It wasn't easy really to get what he said.

Then there was a paper on "the activists in the rural areas by Mrs. Kgware." Did you listen to that one?

-- No, she didn't deliver it.

She didn't deliver it. Then there was "Breaking into Commissions!" You participated in that? -- Yes.

Then there was a talk on SASO Policy by N.M.Y. Kraai.

-- Yes.

10

Is that a woman? -- This came before the commission, instead of Mrs. Kgware who was absent, it was Miss Kraai who..

Cave the SASO policy. Can you remember what she said on the SASO policy? -- She simply read from a ..

SASO newsletter or a SASO pamphlet? -- Yes.

Then there is a paper on "Setting the pace and the Consummation of the Black Struggle by Mr. Mpiyake." What do you say about that one? -- I didn't attend this item.

Then there was another "Breaking into Commissions".

20

Then there is a paper "Freedom Struggles of the Past. What we can learn from them to enhance grassroots' involvement - Commissions." What do you say about that item? -- This item too I didn't attend.

Then Sunday the programme for Sunday seems to be "Regional Executive Council. Retional Newsletter and all its aspects." What can you say about that item? -- No, it wasn't...

Not while you were there? -- Yes.

And "Inter-Branch activities and Communication"?--

30

Well on Sunday I simply delivered that...

You / ...

You don't know what happened? -- I didn't know what happened.

And "Fund Raising" didn't they approach you in connection with the fund raising? -- No, they didn't.

You can close that thing now, I will hand it in please. You spoke about Black Consciousness, you were asked about Black Consciousness and what it means? Will you tell the Court very briefly in your own words what exactly Black Consciousness, you understand by Black Consciousness. But before you start, what is your source of information about Black Consciousness? -- The Newsletter.

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Also the SASO Newsletter? -- Yes.

Just give the Court in your understanding of it? -- I understand Black Consciousness as a way of life where a man accepts and feels happy of the fact that he is black, because I think this follows the time when most of our people because of the difficult situation in which we live, you find that most of our people are coming to the conclusion that it is perhaps they care to be black because why should we suffer this way. As a result this bringing into them a feeling of feeling inferior to other, as though they are an inferior race, and so that Black Consciousness tries to bring the human dignity.

20

And how do they set about doing that? Or don't you know? -- Well it is like - we can - I can say we do this through poetry, Black music.

How many SASO letters did you see, SASO newsletters did you see? Or before you answer that, how often are they issued? -- Quite/regularly, because they have to come from the Head Office and mostly they don't come and

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most/..

most of that, these were allowed to circulate on the campus, right from February to May 1973 then from there after the new Local Committee was formed. Otherwise in the meantime they were not allowed, to circulate because it was...

Yes, but I don't want to know how they were circulated, I want to know only for you to tell the Court the number of newsletters that you personally saw and about when they had been published. Of course if you can remember the specific volume and number so much the better. -- I am sorry I can't. I think I saw three

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Three? -- Yes.

About when did you see them? When did you see the first one, the second one, the third one. -- I saw two early the time when I arrived as a new student at the university.

Yes?

BY THE COURT: That is in 1972.-- Yes.

MR REES: Yes? -- And I then saw the one which was published at the time when we were expelled from the university.

20

I cannot remember when.

Can you just give the Court some sort of - something by which we can identify any of the newsletters that you saw. -- I have seen the smaller ones, the thin ones wherein there is a policy.

Yes? -- Then - the other one was the one where it had some newspaper report on top of it but that was the other one I cannot really think of something specific.

Good. You were asked about Black Theology, and about your and No. 3's understanding of that. What is your source of knowledge of Black Theology? -- I got it

30

through/...

through the newsletters.

Also through the newsletters? -- Yes.

Is that the only source or was there any other source?

--Well I can say it is the only source.

Right now you were asked by my Learned Friend Mr. Soggot about what No. 3 said on this subject of Black Theology? Remember that? Now as I recollect he gave various summaries and what not to which you said yes. Now I would like you to clarify the position and tell the Court in your own words exactly what accused No. 3 did say? -- Mr. Lekota spoke on the role of the Church which I say and this coming to the interpretation of the Gospel and he said that the Gospel so far is not well interpreted in which case he felt we are not worshipping the right God. 10

Yes? -- Because the God which we find in the Holy Spirit, in the Holy Bible is the God that stood with the children of Israel when they were under Egyptian oppression.

Yes? -- And so he said that if the Church can come to interpret that in the right way then they will be of use in the community. 20

Yes? Carry on. -- I think I can...

Is that all he said? Was that all you can recall?

-- Yes.

Right. Is the Government, as far as you are concerned, does the Government here consist of Whites? --Yes.

And is there any distinction between the Government and the Whites in this country?-- I beg your pardon?

Is there any distinction in your mind between the Whites and the Government in this country? -- Well because 30 it is the Government of the Whites I cannot say if there

is /...

is any distinction.

Now another aspect I would like you to clarify. At the rally what was the plan or the programme, people were to go into the hall, what was to happen there and what was to happen after the hall if anything. Just tell the Court very briefly. -- You mean in the place where the Police couldn't have...

Yes, there was no police arriving now. -- I see.

That's right. -- We could get into the hall and then different people speaking as the president indicated when he opened that. We didn't have a fixed - we don't have a fixed programme but then since it appeared that everybody is welcome to speak then those people could speak and thereafter, when there was no more anybody to speak we could sing around on the sports grounds.

I see. And when were the banners to be displayed? -- In that meantime when we are singing in the sports grounds. Yes, just tell the Court, you said at one stage that the women had become emotional. What made them emotional?

-- Their emotional state they became too much excited. 20

What made them excited? On this particular day was there any specific thing that made them excited? -- Well I wouldn't cannot exactly say what made them excited but it was a come together, they were happy and perhaps mostly because - perhaps they were quite frightened in the hall after the police arrived and realising that the situation was well handled, that there will no longer be a police attack, then they were happy, they went down to the hostels.

Now just tell the Court what is the general attitude or what is the general reaction of the students if they 30

see /..

see the Police coming onto the campus? -- You mean the general everyday..

Yes.-- Well it is not - the Police never just come to the campus unless there is a police van passing through to the Courts.

Yes, but what is the attitude of - the general attitude of the students towards the police?-- Well they don't like it.

They don't like it. What I would like you to explain to the Court as you said under cross-examination and in your evidence in chief, you conveyed the idea that when you saw the Police come in, you realised that there may be some reaction. Just explain to the Court what gave you this idea and what reaction did you expect?-- Well I was personally shocked by the view of the Police coming. We were following the right sort of assurance that this thing could go on and the students were informed about that, so I felt shocked and I realised the students will be much more shocked, so it is better to make them aware that the Police have arrived. 10 20

Now these placards that were exhibited that morning, were those placards pro-White or anti-White? In general? -- In general they were anti.

Anti-White. -- Yes.

Did you believe that the police would do nothing at all or did you or any of these other persons consider whether there was likely to be a reaction from the Whites or the police or anybody else? -- Well I thought that - anyway I didn't think - for the time being I say I thought the Police may come but after the - I thought any time the Police might come the rector will inform us and we will know /... 30

know before the time that they will come.

I see. Now what is the difference between you say a demonstration and a rally? -- As I say a demonstration it is when you act, you are formed into a group and you show you have bad feelings about something. Whereas a rally, I take a rally as a form of a party because you only organise that for celebrating a good thing.

Now would you just tell the Court according to your view of the next, these placards that were exhibited, were they in the spirit of the rally or in the spirit of a demonstration? -- They were in the spirit of a demonstration. 10

My Lord, at this stage, I propose to put to this witness a contrary statement in terms of Section 286 of the Criminal Procedure Act. Would your Lordship require me to read the section or do I just proceed?

BY THE COURT: You must read the section.

MR REES: The section says -

"Any party may in any criminal proceedings impeach or support the credibility of any witness called against or on behalf of such party in any manner and by any evidence in and by which the credibility of such witness might on the 30th day of May 1961 has been impeached or supported by such party and in no other manner and by no other evidence whatsoever, provided that any such party who has called a witness was given evidence in any such proceedings, whether this witness is or was not in the opinion of the Judge or Judicial Officer presiding in such proceedings, adverse to the party calling, /may after the said party or the said /... 20 30

said Judge or Judicial Officer has asked the witness whether he has or has not previously made a statement with which his evidence in sufficient particulars of the alleged previous statement to designate the occasion when it was made, have been mentioned to the witness, prove that he previously made the statement with which the said evidence is inconsistent."

BY THE COURT: Well you first will have to prove the inconsistent statement.

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MR REES: My Lord, yes, that is why I am supposed to put the statement to him and indicate why it is inconsistent.

BY THE COURT: What is your attitude Mr. Allaway?

MR ALLAWAY: My Learned Friend is in charge of his witness. It is his witness, he is entitled to discredit him if it is proper to do so. If he puts the statement, the facts becomes available to us and that is it.

MR PITMAN: I wonder if my Learned Friend has a copy of the statement he is going to put. I would respectfully be entitled to see it.

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MR REES: My Lord, they are entitled to see it once I have put it. My Learned Friend, Mr. Pitman should learn not to try and jump the gun every time.

BY THE COURT: Yes, but now he will probably have a say whether it is an inconsistent statement or not.

MR REES: Oh, no doubt, no doubt.

BY THE COURT: That is why he wants to see the statement.

MR REES: My Lord, that is after I have put the statement. Now did you make a statement, will you have a look at the third page and the last page of this document I show you now and tell the Court whether that is a statement which

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you made to the Police? -- Yes, it is.

Now you said in this Court yesterday that SASO at no stage ever thought in terms of violence and you also said to this Court that you did not hear what Mr. Ruben Hare said at this opening address. Now I want to refer you to paragraph 48 of the statement which you have just identified. Sorry it is not 48 it is 46. Would you have a look at this page and then just tell the Court whether that is your signature at the bottom of that page? And I will read to you and you can tell the Court whether you said this or not. - 10

"I attended the opening of the SASO FORMATION SCHOOL at Turfloop at 2 p m on 21/9/74"

Is that correct? -- Yes.

"The National Vice-President of SASO Ruben Hare addressed us. He started by giving a short background of SASO and its aims."

Is that correct? -- Yes.

"He said SASO aims was to liberate the Black man from oppression."

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-- Yes.

"But he doubted the effectiveness of SASO at this stage to liberate the people."

-- Yes.

"He said SASO should resort to violence to revive the organisation and to reach its goal."

--- Yes.

"SASO should infiltrate the tsotsies in order to direct their activities against the White people."

Is that correct, is that what you said? -- Yes.

30

"He also explained capitalism, socialism,

communism/...

Communism and Communilism."

I will repeat that -

"He also explained Capitalism, Socialism
Communism and Communilism He said Communalism
is a way of life followed by the Blacks. It is
a way of sharing. He said Communalism is a form
of government SASO have in mind after the
Revolution."

Is that right? -- Yes.

"He said this Formation School must find how 10
Communalism can be applied in our economic complex.
He said the Formation School should also decide
how to deal with the Bantustans as they form an
obstacle in the way of liberation."

Is that what you said? -- Yes.

Do you wish to offer any explanation as to the difference
which I say there is between what you said here and what you
said in the statement? -- Yes, My Lord.

Yes, tell the Court. -- I would like to point out 20
here that when I met - when I made this, I made this when I was
interrogated by Major Strydom and I tried by all means to ex-
plain to him that I was not in a position to hear what actually
did they inform us of the speech made by Mr. Ruben Hare and
that as they were at the present that I should say something and
that there were some other few things I knew - I mean on a hear-
say level after we spoke about it. So I could just think of this
and that and what is more of course it is not the first time
I felt this that what he said is not what I heard. It is
what he said I didn't hear well. I think even yesterday My 30
Lord you pointed out whether I could say anything about what
Mr. Rees said and I explained to you that it is rather
difficult/...

difficult because what I say may be easily - I definitely wasn't sure of what he said absolutely and he seemed to be agreeing with me.

Well then perhaps you can explain to His Lordship why, when I asked you earlier, I am not cross-ex... I just want to give you an opportunity of explaining to His Lordship. I asked you earlier whether everything you said in this statement was the truth and whether you had been uninfluenced by the Police and you recall your own answer. Do you want to explain anything or don't you want to say anything? -- I think I will say this, I will say this relating exactly to what I said to Mr. Rees here yesterday, especially on that part so that I think that Mr. Rees already accepts that that part of Mr. Ruben Hare's - what I said about Mr. Ruben Hare, I thought Mr. Rees already accepts that that part of the thing ^{are,} which / that that's why I said that.

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Carry on, is that all you wanted to say? Thank you.

BY THE COURT: Well I notice in one of these statements, this document you have just handed in there is something here to the same effect - it may be a mistake, it also refers to "while we are intellectuals, the tsotsies are busy proving to be far more brilliant than us. If any interpretation is to be done, we must infiltrate the tsotsies." Well that is one of the reports that said that. That is, I mean they still have to prove that that is so, but I mean according to this document I have in front of me now did Hare say that or did you hear this from one of the reports? -- I beg your pardon?

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Did Hare say what you allege in your statement there or was it something that was obtained from one of these reports/...

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reports. -- What I say is that Major Strydom asked me about what he said and I could think that at a certain stage I heard after that, and that he was speaking about tsotsies because this way it is easy to catch and he said what did he say about it. So I said well, I cannot remember, I cannot roughly / I didn't hear him and he said what did he say, then I said perhaps he mentioned, he meant that tsotsies should go about doing pick-pocketing on the street here. That is what I said, perhaps he said that. Then he said no he said that we should - that tsotsies should kill Whites, then I thought, I kept quiet, and that is how they, that was written in that statement. 10

Now there is just another aspect I would like to put to you also. You remember you said here in evidence that the SRC had decided to hold its own rally and then you repeated this theme again in reply again to a further question, you said SASO was to be kept right out of the Turfloop Rally and then I asked you to explain that and you kept to that theme as your answer. I want to refer you again to paragraph - to get the matter in its context, it starts at paragraph 17 but I am going to put to you a piece out of paragraph 20. In paragraph 17 it reads as follows - 20

"The meeting planned for 21/9/74 at 9 pm did not take place as a result of the SASO WEEK PROGRAMME it was not possible to get the members to attend. After waiting for a while it was decided to have an extraordinary Executive Committee Meeting on 22/9/74. This meeting took place at 6.15 pm on 22/9/74 and the following members/... 30

Members were present."

Is that what you said? -- Yes.

"Ledwaba, myself, Sedibe, Phaladi,

R h a l a h a g a n e"

is how you spelt it. Then you carry on and you say -

"Mr. Sedibe chaired this meeting and in opening the meeting he said we are going to discuss important matter of holding a rally, to express happiness with people in Mozambique. We cannot be excluded when people all over the continent is happy with the people in Mozambique."

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Did you say that? -- Yes.

Alright. -

"It was then discussed what form the rally should take, Ratlhagane said we should have placards. Placards should be carried at the rally. It was decided that the SRC would buy placard paper at the local bookshop and the students would get the paper from the SRC to draw placards"

Is that right? -- Yes.

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Then paragraph 20 you say -

"The question of speakers at the rally was brought up by me and it was decided that the following people would address the meeting. 1) Mr. Sedibe, President of the SRC on the historical background of Frelimo."

Is that right? -- Yes.

"2) The SASO National President 3) The SASO Local Committee Chairman."

Is that right? -- Yes.

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"And invitations should be sent to the Black

Academic/..

Staff
Academic/Association BASA to attend and request
its chairman to deliver a speech."

Is that right? -- That's right.

"An invitation should also be extended to the
Student Body to attend"

Is that right? -- That's right.

"It was also decided to ask the SASO Local
Branch to assist in organising the rally."

Did you say that? -- Yes.

That is what I put to you is a direct contradiction 10
to what you said here in cross-examination today.

MR ALLAWAY:

With respect, My Lord, the witness did not give
a contradictory answer on that aspect at all. He
explained in his evidence, I don't want to give explanations
which he might hear from the bar which might assist him but
I might remind my Learned Friend, My Lord, the evidence is
now fresh before us, of what the witness said in that
regard, without telling him what he said it is apparent
that there is no conflict on that aspect.

MR REES: My Learned Friend can have his time to argue 20
at the conclusion of the case, My Lord. I jotted down
what they said and then I questioned him again and there
is a clear distinction. Anyway it is for the witness to
answer, what do you say? Do you want to offer any expla-
nation about what I say is a contradiction. I will just
read the passage to you.

"An invitation should also be extended to the
Student Body to attend. It was also decided
to ask the SASO Local Body to assist in organising
the rally, and then the invitation should be
extended to the students in the dining halls

during/...

during the - dining halls and the minutes of the meeting will be put up on the notice board."

Now the passage I want to refer you to is this one -

"It was also decided to ask the SASO local Branch to assist in organising the rally."

Did you say that first of all to the Police? -- Yes.

Did that in fact happen? -- Yes, it did.

My Lord I hand in this statement, it will be

EXHIBIT RALLY C1. As it is a rally document it will be

EXHIBIT RALLY C1. That concludes my re-examination My

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Lord.

BY THE COURT: You see, I did get the impression from your evidence that you people had this Local SASO meeting and there the view was expressed that there should be a rally and help was offered and on your way back to the SRC hall there you people thought it was a good idea and then eventually you, when you decided on the 22nd of September to have the rally, you decided to have it independently of SASO. Now that is what you said. Now on the face of it

- I haven't read your whole statement, but on the face of it, it does seem to conflict with what you told the Police in that statement. Now can you explain that? ---

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Because the question as it came to me was whether, I interpreted the question as though it means a decision making, whether the S.R.C., when deciding - was deciding perhaps what SASO had already instructed in disguise to decide. That is how I interpreted it. The

question as I said SASO had nothing to do, it was an independent thing. It was an independent decision, but on running the matter on the administrative level, well they were involved. That is what I...

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Of course/..

Of course that impression that you told us here that you didn't want anybody from outside to come and have a say in the running of this rally, or the organisation of this rally. -- I mean outside..

Outside the campus? -- Yes.

Yes. -- But then we were referring to students who are on campus. I mean in that case, there are students, we asked students who are on campus to help, not from outside. For instance with our colleagues like Mangwathe for instance, S.A., although he is falling on both sides, 10 he can come with his colleagues, with the colleagues who are willing to help from SASO Local Committee. So they will be running things like distributing placards that was the type of help.

Was anything done in fact to get the assistance of SASO to have this rally? -- Of SASO Local Committee, no.

No steps were taken to get any assistance from SASO? -- No, no.

So as far as that is concerned it was a private effort of the SRC? -- Yes, they stated that it is a tentative 20 decision although it is falling under the - we were deciding this thing tentative depending on the circumstances will allow but on coming to SASO, SASO will say people who belong to SASO to get assistance from them, we simply take that out, we never had actually gone to them to help, except one student perhaps who could come and stay in the SRC it is well but offered assis-^{tance} /but not on an official level.

And the fact that you had your rally on the 25th of September, is that mere co-incidence the date when SASO, on the evidence so far, organised its rally. -- Yes, My Lord, 30 because this thing reminds me of what I said to Mr. Sedibe,

when Mr. Nefolovhodwe congratulated him as the President, he indicated that we even think of organising a rally on the 25th, before.. I beg your pardon?

You mean to say he said that if you should think to organise it? -- No, that the SRC is thinking, referring to the speech he had already made when we were constituting ourselves, so he told Mr. Nefolovhodwe that we are thinking of organising a rally on the 25th and then Mr. Nefolovhodwe informed us that they may have a rally organised by SASO.

And he thought it was a good idea to have one for that date at SASO, at Turfloop organised by you people? -- By the students, yes. Actually when he mentioned that it will be a good thing, it is before he indicated that SASO was also planning to organise rallies during the same day, so I say it is mere co-incidence that they did. 10

Yes. Now, EXHIBIT RALLY B53, will you look at it please, the groundplan of the campus; Now one of the witnesses said that he thought that the cinema building and the great hall building formed one big building, that they were not separate buildings. Now it is shown as separate buildings on that plan in front of you. Is that correct or incorrect? Have you got it? -- This is the correct one. 20

It is separate from the great hall. Have you got it in front of you? -- It is separated but I must point out that there is a canopy which is a connection there.

Awnings - the awnings or a proper canopy? -- It is an ordinary canopy but then there is, the great hall is an old hall built of plank and this one built of ordinary bricks, the cinema hall, hence I put this as a truly distant things because there is no exit. I mean the exit 30

disconnect them as an ordinary door.

You see, one of the witnesses said - have you got that I think it is a red cross it is on the eastern side of the great hall. -- No it is not there.

Could we have the Court copy please? -- It's got a pen.

Let me see. Do you see that little cross there? Look at this one it has a red, it is an oblong next to it. -- Yes.

Do you see that? -- Yes.

Now one of the witnesses said that the door - that there is a door to the great hall there. Is there a door to the great hall there? -- Yes, there is.

Now he says that the meeting was in the great hall and that the Major entered at that door and spoke on a megaphone at that door. Now is that so? -- No it is totally not so.

Now where do you say that the meeting was? -- Pardon?

Can you show on that plan where the meeting was? -- The meeting was in that..

In that cinema hall. -- From this building, coming out of this(indicated)students coming out of this.. 20

The door. And where was the Major standing. The cinema hall seems to run from east to west. -- North South.

The cinema hall runs from east to west? -- No from north to south.

And the great hall? -- The great hall is east and west. They form a T.

Well lets assume that this road from Pietersburg runs from west to east. -- Yes. 30

Now if you accept that as the point of the compass, this /...

this road passing through the campus, from Pietersburg runs from west to east, then that cinema hall would then be more or less from west to east if the compass point which I give you are correct. -- No, I think this is - the orientation of this map is wrong.

Well you are a geography student, so don't be too particular about the.. -- No, no.

My purpose is that the - that east is where the road leaves the campus, this is the purpose of the point that I am going to ask you. -- The way I can explain it outside this map. If this is the great hall. 10

Yes? -- Moving this way, then the cinema hall runs from here that way.

Yes, and the road how does the road run? -- And the road stretches from that angle.

So it does not really run more or less parallel to the road? -- It runs exactly at right angles to that.

Now in relation to the road that passes in front of the cinema hall, where was the Major when he used the megaphone in the hall? -- It is hard for me to use this map because it is wrongly orientated, so I can't... 20

Now the tennis court..(inaudible) -- What I can indicate here is that where there are dotted lines to indicate students moving out of this hall.

Yes? -- Right opposite that door is the...

Would you call it the front door of the cinema hall? -- The cinema hall has got two double doors on the western side and two double doors on the eastern side.

Yes? -- So the students went out through the western door into the grounds. 30

--Then the major was standing on the opposite door.

The /...

The eastern door? -- The eastern door.

On your -- Yes.

Orientation? -- Yes.

Now if you look at this photograph RALLY B41. Now where would you say Peter Tsie was struck down. Well if you point out on the photograph. -- Somewhere around here.

To the right? -- Yes.

Outside the field of this photograph? -- Yes.

It is on the soccer field? -- Just outside the soccer field..(away from microphone)

I see, so it is on the terrace but at a point...-- .. 10
next to the..

Outside the photograph, next to the tennis court?--
Yes.

Now where did the dog attack the person that you mentioned? The man who was arrested eventually. -- Peter.

Yes. -- It is the place I am showing.

That is where the dog caught, well then you also said that there was another man that knocked down the cripple?
-- Yes. 20

Now where was he? -- He was somewhere here.

Is that the soccer field just before you reach the embankment? -- Yes, it was straight from the post he was moving to the hostel just at the time he could climb over..(inaudible)

Is there anything that arose out of cross-examination
MR ALLAWAY: My Lord, I would ...

BY THE COURT: ..this witness is now discredited.

MR ALLAWAY: Yes, My Lord, as far as the second basis for discrediting the witness is concerned, I can deal with
it fully now because the witness has given his evidence. 30

BY THE COURT:/...

BY THE COURT: Yes well I, personally, there is no point in arguing... (talking together) but you better re-examine him if you... and you can argue about it.

MR ALLAWAY: My Lord, I think the best thing to do with the whole situation vis a vis(intervenes)

BY THE COURT: .. discharge at the end of the case?

MR ALLAWAY: Yes.

BY THE COURT: And then Mr. Rees will probably ask me not to give him his discharge and then you people can argue it.

MR ALLAWAY: My Lord, may we have the statement which has been handed in because we are entitled to see it. There are no copies available. I think it is the best thing to do about the situation is I would like through My Lord to put questions to this witness about the programme that is arising out of re-examination My Lord and ... 10

BY THE COURT: But you did ask about the programme?

MR ALLAWAY: Yes, My Lord, I certainly asked about the programme but I merely want to put questions to him because I don't want the State to suggest at a later stage that the defence did not challenge his answers about the programme. And maybe suggest that we don't put matters that we have therefore not challenged what he said and may I do that with respect to clear that up. 20

BY THE COURT: I would like to know your attitude as far as his replies are concerned about the programme.

MR ALLAWAY: Yes, according to our instructions, as far as the programme is concerned, it was a programme, it was a loosely binding one and it didn't take place as per programme and I would merely like to go through that aspect with the witness. I would like to look at EXHIBIT 01 please 20

It is /...

It is SASO 01 it is the programme. Have you got that document in front of you? -- Yes.

Now thinking back to the day when the proceedings opened, you had said and I suggest you were correct in saying that this lady Mrs. V.M. Kgware, was the second item on the agenda, she didn't arrive, so she didn't deliver her paper? -- Yes.

Now you will find that item 3 involves Breaking into Commissions and Item 6 involves a Breaking into Commissions. -- Yes.

Would it be correct or incorrect to say that there was only one Breaking Into Commissions? -- That is right, there was only one. 10

Correct. Now you say that there was a talk on SASO Policy. Did that follow the opening speech? -- Yes.

So Item No. 4 on the agenda, that is became Item No. 2? -- Yes, it followed Mr. Ruben Hare.

Mr. Ruben Hare's speech, and where did he speak on the programme, as Item No. 1? -- Yes.

So Item 1 is correct, then Mrs. Kgware was not available to speak? -- No. 20

Was there a talk then on SASO policy. -- Yes.

Is that what happened? -- Yes.

And this paper setting the pace in the confirmation of the Black Struggle, when was that delivered, was it before or after the people broke up into Commission? -- I think it is after...(talking together)

If it was delivered at all? -- I don't know anything..

You are not sure about that right. And this other paper item No. 7 Freedom Struggles of Past, can you say 30

when if/..

when if at all that was delivered? -- That I should think..

I don't want you to guess I want you to be - if you can be sure just say so, if you can't then say so. -- I don't know about this, I don't know anything about it so I think it was after.

If at all? -- If at all, yes.

Now recollecting taking back, it is a long time ago I know, but at what stage did they break into Commission, after they would have done the speaking or before? When did the commissions break up, when did you break into commissions? -- Immediately after Mr. Kraai's speech to the audience.

That is item No. 4? -- Yes.

And all that preceded that was the Vice-President's speech and that was all, right? -- Yes.

As far as the Sunday was concerned, this Regional Executive Council, did you form part of it? The Regional Executive Council? -- No.

So did you have anything to do with the affairs of the Regional Executive Council on the Sunday? -- No, as I say that immediately after our commission, I tried to go to that procession. 20

You were going to a Roman Catholic gathering, alright.

BY THE COURT: Is this a convenient stage to take the adjournment?

MR ALLAWAY: It is, My Lord, may we with respect have sight of the statement and then deal with the matter tomorrow morning.

COURT ADJOURNS.

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