

MR N. NKOMO

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

CASE NO.: 18/75/254.

DATE: 16th JUNE, 1976.

THE STATE

vs

S. COOPER AND EIGHT OTHERS

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LUBBE RECORDINGS (PRETORIA)

THE COURT RESUMES ON THE 16th JUNE, 1976.

GESSLER MOSES NKONDO: still under oath:

FURTHER CROSS-EXAMINATION BY MR REES: Did it ever come to your notice that there were views expressed at your university that SASO should conscientise the areas near the border - let me put it this way: that areas near the border should be conscientised to identify themselves with freedom fighters?--No.

Would that come as a shock to you? -- Yes.

And that the question was discussed or mentioned that although resorting to arms, that is getting to the bush, (10) is a practical necessity in coming back persons might find themselves fighting an alien war with the people regarding them as terrorists and that therefore they regarded it necessary to prepare the minds of the people? -- No.

That never came to your notice? -- No.

Does that also come as a shock to you? -- Yes.

The words, 'spear and bullet, rifle and assegais' are things which one normally associates with violence, don't you? -- Yes.

What does the term 'Uhuru' mean? -- Independence. (20)

Do you know where it comes from and what ... -- No, I do not. I know it is a term that has been used in Africa, but I do not know where it comes from.

I want to just refer you to some of the evidence which you are recorded as having given at this Snyman Commission, but the Snyman Commission was some time after this case started and after the day of the rally. -- Yes.

And you were referred to Section 3 of the BPC Constitution and I am referring to the record at page 280 and it was read, the following: (30)

"The object of the convention is to

unite/...

unite the South African Blacks into a Black political movement which would seek to realise their liberation and emancipation from both psychological and physical oppression. The convention shall operate outside the White government created system, structures and/or institutions and shall not seek elections into these."

Now, you then said:

(10)

"Could I say this, My Lord, at this stage that I indicated that I am not a member of BPC and that I addressed them only once."

Is that correct? -- Yes.

"And if I may give my opinion about that, I am operating at the movement from - in the context of the government structure."

Then you said something ..(inaudible - background noise) (20)

Then you were asked:

"What? Your approach is what? -- Is not identical with that of BPC."

-- Yes.

Do you still stand by that? -- Oh, yes.

And the Chairman said:

"You do not agree with that? Is that what you are saying? -- Yes."

And Mr Krynauw put it to you:

"What is your approach then? -- I am trying to get - my approach as a tutor,
as/...

(30)

as a resident is that of dialogue,
of cooperation, of consultation with
the present government."

-- Yes.

Is that still your personal approach? -- Yes.

And you appear to have clarified your position at page
348 where you are recorded to have said. The question was:

"Mr Nkondo, the theme of this Semicon
was inevitable liberation and in the
context of that theme you had to discuss
on ways on how to reach the masses.

(10)

-- Yes."

-- Yes, I had to lead the commission.

"To accomplish the inevitable liberation
obviously. -- Let me put it like this:
I must submit, My Lord, that I went to
that conference purely as an educationalist."

Is that right? -- Yes.

"I must admit that I am not going to
accept some of the statements made in
that and I made it clear to BPC
executives that some of their approaches
and some of their subjects are unacceptable
to me."

(20)

-- Yes.

"I made a statement at the conference
that working within the system of
consulting dialogue is a more acceptable
way of bringing about change."

-- My own personal approach.

(30)

Is that what you said there? -- Yes.

"Working/...

"Working outside a system or defiance of a system can only lead to revolution."

Those are the views you expressed. -- I made a comment about my views now.

Well, let us just finish this and then I will give you an opportunity. Then you continue:

"These were my submissions at conference, it is in the record and it can be checked, at that Black convention held at Hammanskraal. The most effective way of bringing about reform in the country is working within the system via dialogue or education." (10)

Is that what you said and those were your views. -- Yes.

Now, you wanted to make some comment. -- Oh, yes, I want to make a statement about the approach of not working from within the system. I want to suggest that BPC might not be operating within the government structures, but the very fact that BPC is allowed to operate in this country, makes it in a sense a part of the system. I think the very fact that they are allowed to operate in my opinion, makes them an aspect of the system. The system accommodates them, the system accommodates their criticism. To that extent BPC is operating from within the system. Even if they do not operate from government structures themselves. (20)

Surely the government cannot just suppress every movement; it has got to give everybody an opportunity of stating their case. -- No, but then .. (intervenes) (30)

How else can you operate? -- But what I am saying is that to/...

to the extent to which BPC is allowed to criticise, to the very extent that BPC is an .. (inaudible) of the government in a sense. They are trying to institutionalise the criticism and I think this is how I see it. I think there is a very important distinction between working within government structure and being allowed - it can be allowed by the government structure to operate. I think there is an important distinction.

I do not follow. How does the government structure allow you to operate? -- Well, it has never .. (intervenes) (10)

BY THE COURT: What he is trying to say is that BPC is allowed to function and it functions as a pressure group and as a pressure group it is a feature of South African society. -- Yes.

MR REES: Is that what you intend? -- Yes.

BY THE COURT: Of course it has nothing to do with - well, it is a pressure group, it relates to the government some - well, indirectly. -- Yes.

MR REES: And at page 384 of the same Snyman Commission record you are asked, 384, lines 8 onwards: (20)

"And you have already explained that you do not agree with everything that SASO and BPC do. -- Yes."

-- Yes.

"You were referred to some of these placards which were seen on the morning of the 25th at the university. Do you agree that some of them that were read by my Learned Friend were grossly offensive?" (30)

-- Yes.

And/...

And you answered:

"Of course they were."

-- Yes.

"Of course, yes"

is the answer. The statement or this idea in various forms seems to have been made to the effect that whether there is going to be violence, violent or peaceful change depends on the White man. -- Yes.

What do you say to that? -- I think I do, because the White man has the power to change things. The African (10) can only request, he can only ask, he can only protest, but it is the White man who has the machinery to change things, the system.

I follow. I do not quite follow why you say whether there is going to be violent or peaceful change. -- What I am saying is that it is only the White man who can in fact change, but if he does not, if he does not, there is a great possibility that the African may lose his patience and take to violence.

Now, how must the White man effect these changes? -- He can do them through legislation. (20)

And is it that the White man must bring about a radical or fundamental change? -- I would say fundamental change.

What are the factors that makes you think that the Black man is likely to lose his patience and resort to violence? -- Oh, well, we have been talking to the White man for a number of years now and things do not seem to be changing. I mean there is very - and my opinion is that it is the political alternative that the government has adopted or the government policy is no .. (inaudible) to the South African problem and if this is not changed the African might lose his patience.(30)

Well, what will cause him to lose his patience? -- Well, I mean/...

mean the very fact that he would - might begin to lose confidence in the goodwill of the White man and I think perpetual frustration might make him to resort to violence.

What are the signs that you detect that the Black man may well go over to violence? -- Oh, well, I mean there are Africans who are operating outside this country. I mean, we read about the ANC, we read about PAC, and about so many other Africans who are not prepared to talk to the government any longer.

Well what causes these people to do so? -- I do not (10) know, but I think - I suspect that they have lost confidence.

Now, do you say they had been talking to the White man for a very long time? -- For a very long time, yes.

Without any effect. -- Without anything ever being said.

What makes you think the White man is likely to change in consequence of the activities of SASO or BPC? -- In consequence of that?

Yes, or don't you think that is likely to cause them to change? -- I would not say .. (inaudible) but I think this BPC as a political movement must now support, you know (20) in South Africa, up to a point where the Blacks can speak with one voice to the government. Then the government will see the need then for change.

I do not quite follow. How will that make the government see the need if talking now hasn't made them see the need? -- Oh, well, I mean there are so many voices in South Africa. Some talking in terms of the Bantustans, some opted for violence, some opted for consultation and some opted for working .. (inaudible) I mean there are so many voices and Pretoria I think is hard put to establish the fundamental (30) or .. (inaudible) voice of South African Blacks. And I think

BPC/...

BPC if it can muster enough support up to a point that the majority of the Blacks in this country speak in its voice. Then the government will find the need to listen to its submissions.

But any organisation, if it can muster sufficient support, it can pressurise the other side to listen to it, isn't that so?
-- Yes.

And it depends on the type of pressure as to what results you are going to achieve. -- Yes.

If you want the government to talk to you and if (10)
you want dialogue with the government, you have got to show it some signs that your objective is to talk to it and not to force or coerce it. -- Force or coerce?

Yes. -- Oh, yes.

Isn't it quite clear if a man comes to you and says, look here, Nkondo, if you do not do that I am going to knock your head off, that your response is: try and knock it off. Isn't that so? -- Possibly.

Yes, if a man comes to you and says: Mr Nkondo, will you please let us try and settle this matter and discuss it, (20)
you will say: yes, I am an intellectual, I would like to discuss it with you and find out what the problems are. Isn't that so? -- Yes, but it may not be their only strategy.

But if a man insults you daily and he insults you everywhere, you are not in the mood to talk to him, are you?
-- No, well.

And if also this man threatens you with violence then you have got to start making preparations to defend yourself. --
At the same time I may have to find out why this man insults me every day. (30)

Oh, yes. -- I may have to start to find out, to do a bit
of/...

of soil searching why does this man insult me every day.

Oh, yes, but you have got to protect yourself, you have got to ... -- Oh, yes.

Start buying yourself a weapon or seeing that you have got an assegai. -- Possibly.

Yes. Just have a look at this SASO E.1. I am sorry to get back to this Nana. -- Black Nana, oh, yes. I do not have mine.

Just get it again. Would you have a look at page 6 of the document, this is where this Black Nana appears. (10) Now there are a number of poems on that page, is that right, or at least more than one poem. -- There are two.

Two. -- Two, yes.

But now the heading to that is: 'Black Poetry A Rage'. Do you see that? -- Yes.

Now what significance or interpretation, if any, did you attach to that? -- Firstly I thought there was a lack of understanding of what Black poetry is because I do not know at this stage what Black poetry - what they mean by Black poetry and why is Black poetry a rage, I cannot understand that one. (20)

You mean this was by the man who wrote it? -- Yes, I think he quite missed the concept of the poetry.

Did you ever enquire from the hierarchy of SASO what was the purpose of that lot of poems there under that heading? -- No, I have never enquired.

So perhaps they can tell us. -- Oh, yes.

If they are in a mood to do so. -- Yes.

RE-EXAMINATION BY MR SOGGOT: While you are on Black Nana please. You were yesterday asked a number of questions (30) in cross-examination about Black Nana. I am not sure you were given/...

given an opportunity to give your, as it were, integral criticism of it and an understanding of what you find incomprehensible in the poem. Do you think you can be of assistance to us to go through it now and deal with it as a poem as a whole? -- As I said it is very difficult for me to talk of the poem as a whole, but I can identify those areas which make the poem obscure to me. As I said yesterday, there are a number of lines like 'It still stands in the sky' and I do not understand what the significance of the 'it' is in the poem. There is the colour imagery in the poem which is confusing and (10) there seems to be a lack of integration in the main voices in the poem; whether there are four, whether there are five, who is ultimately Black Nana. 'I am the Black Nana', that is the final voice.

What does the word 'Nana' convey to you? Do you know that? -- Black Nana, the Black baby, that is how I took it.

In what language? -- I would not say, sorry.

You would not say. -- But I think it is one of the African vernaculars.

One of the African vernaculars. -- Yes. (20)

BY THE COURT: I do not understand about your colour imagery. -- The colour imagery White.

Oh, I see. -- White, red, Black devil, that is the colour imagery I cannot comprehend. And the general lack of development in the poem, lack of coherence and if it was a point, I cannot find any.

MR SOGGOT: Let me invite you to approach it in this way: purely as a matter of trying to understand whatever crudities or incoherence might be found in the poem, purely to try and understand what is this student trying to say. (30)

MR REES OBJECTS - not into the microphone.

MR/...

MR SOGGOT: Well, do you know Mr Glen Masokoane, do you know him at all? -- No.

You do not know him. Well, let us refer to him as a gentleman then. He may be a gentleman who is writing in SASO. Let us hear. Can you tell us? -- There would seem to be a feeling that the Black Nana there is a kind of allegorical figure reflecting the collective suffering of the race and the Black man is called upon to say now is the time for you to rely on yourself, to assert your sense of identity, of dignity. That is the general sense, the big sense of that, but (10) whether this is actually the case, it will be difficult to tell. But he says 'Arise, Arise', this is the moment for you to stand your full height as a Black man and please, if you can do that, this is what it means to be human. Assert your sense of identity, assert your self-confidence and this is the time; the moment to do that is now. There seems to be a sense of urgency in the poem. But it is the general things that seem to tell, to retaliate, you know, the whole poem. But whether this ultimately is what the poem is trying to get at, is very difficult for me to say. (20)

May I refer you to something specific. If you take page 7 .. (intervenes)

MR REES: M'Lord, I submit this type of analysis of the poem should have been done in his evidence-in-chief.

BY THE COURT: But you cross-examined him on an analysis of the poem and he is sort of trying to clear it up.

MR REES: But with respect, I submit my Learned Friend should explain to the Court why he did not do this at the beginning of the case.

BY THE COURT: Because you cross-examined on it. He (30) probably would have left it if you did not cross-examine on it.

IR/...

MR SOGGOT: The first column on page 7, if you look at the bottom of it, you see, although I might be committing the sin of taking out individual lines, you see it says there from about approximately a dozen lines from the bottom:

"Black Nana hates White man"

Have you got that? -- Yes.

Now that seems to be, as a line, reasonably intelligible or would you not say this? -- As a line, oh, yes.

As a line. I mean, it expresses the idea that Black Nana, whoever this creature might be, hates the White man. -- (10)
Yes.

Then it says:

"Arise ... Arise if you can
Spit them with Black venom
Rape them, (expletive) them, spoil them
if you will."

Can you understand the meaning. One does understand the spitting and the raping and the expletiving. Can you understand how 'spoil them' comes into that? -- No, I cannot, I do not know what. (20)

'if you will

Black Nana arise, arise Black

Nana

The white god is out of my heart'

Now again that line, taken in isolation, appears to have a clear meaning in English, not so? -- 'The white god out of my heart'?

That is right. Or don't you think so? -- Oh, well, here it means some - I mean it is - I mean it seems to make sense gramatically, although I do not understand what it means (30) in this poem.

Now/...

Now, are you capable of relating the concept of a white god to any other theme or imagery in the poem? -- It is very difficult for me, I must say. But for instance is the concept 'white' in the poem does not seem to have a clear-cut significance.

You see, I am not suggesting anything to you because I do not know, but if you take the words 'Black Devil' which are in the as it were introductory portion of the poem, about the first 7 lines 'The Devil! You Black Devil' is there any intra-connection there? -- Black Devil, uhm. (10)

Black Devil, White god. -- White god. All that I could say that the devil here is seen in, you know, I mean in terms of his blackness and that god is seen in terms of the White man.

Now how does this fit into a poem which ostensibly appears to promote the image of the Black man? One can assume this poem is not written by a man who is anti-Black. -- Is that in the English semantics it is true that the concept, I mean in the concept Black is associated with sin, with evil, with the devil, with ..(?) and the concept white is associated with virtue, it is associated with innocence, it is associated (20) with the angels. This I think is the traditional symbolism of the concept White and Black in English semantics. And perhaps he is trying to explore the semantic implications of these traditional concepts in English. I do not know, but it is possible.

But in all this what one might call logaria is there any theme which pulls these things, these concepts together? -- In the poem?

Hmm. -- Perhaps what he is saying that now after all these centuries of, I mean, self-contempt how the Black man (30) has been seen as somebody inferior, perhaps this is the time when/...

when he must stand his full height and he gets away, I mean, from the complex that that which is White is good, that which is White is divine, that the quality of the Black is a fundamental poverty of human quality. It might be that.

BY THE COURT: Before you leave this, 'Black Poetry A Rage' now, this is presented as part of Black poetry. Now to give a meaning to Black poetry one has to come to the conclusion that Black poetry means poetry which deals with the Black experience. Because if you look at the poems you will see that it purports to deal with the Black man. -- But I find it difficult (10) to be definite at this stage.

I am not asking you to be definite, I am suggesting to you that it is presented as Black poetry. -- Oh, well.

Are you prepared to accept that? -- I would not because there are other journals which refer to themselves as containing Black poetry and they do not reflect this experience. I mean there are journals in America .. (intervenes)

Unless it means poetry dealing with the Black experience, what else can it mean? -- That is what I am trying to investigate. (20)

Pardon? -- That is what I want to investigate.

Well, just read any of the other poems that are there. -- But this .. (inaudible) .. talking of poems which are called Black poetry.

That may be so, but I mean in this context here, 'Black Poetry a Rage' in this sort of column, so to speak, this rubric, can you say that it is not presented as Black poetry? -- I would say the poetry here reflects - seems to be reflecting the Black experience and if that is the case .. (intervenes)

Well now, if you would try and construe it in the (30) light of Black experience, can't you put meaning into it? I

mean/...

mean .. -- Oh, yes.

The person who, the editor who put the poem in this column under 'Black Poetry' he obviously wants people to read it as part of Black poetry dealing with, assuming for the moment, Black experience. Now, have you ever tried to read this poem in the light of Black experience? -- I cannot understand that there was - if I read it and I thought it was referring to some aspect of the Black experience .. (intervenes)

Did you try to read it - if it deals with Black experience then Black - if it had any meaning, it can relate to the (10) Black man or the Black experience. -- Oh, yes.

Have you ever tried to read it that way? -- No, in a vague sense I have a feeling that it is attempting to say something about the Black student.

MR SOGGOT: I think, M'Lord, he said that his starting point was that this appears to be relevant to the Black experience, but that is not enough for poetry. -- Except for the poem.

BY THE COURT: Well, I do not think we are interested in the poetic merit of this poem, we are only interested in what it purports to say. -- Yes, but I have already confessed (20) that I find it difficult to see exactly what it is about, I can only guess, but I cannot say now definitely what it is about. It seems to be reflecting the Black experience.

Well now, you have difficulty with Black and White, but I think you have told us 'Honkie' means the White man in America. -- Yes, the kind of colloquial term used in America.

So he is writing about a White man and then he uses 'Honkie' in relation to a pig, a White pig. You have already told us that you refer to a policeman as a White pig, a White man as a White pig. -- Yes. (30)

You know, I mean generally in America and in some sort of creeds/...

creeds. -- No.

MR SOGGOT: I do not think he said that. -- No.

BY THE COURT: I am sorry. -- No, I did not say that.

Have you come across the expression 'White pig'? -- Oh, I came across ... (intervenes)

.. the placard that they showed you. -- Oh, well, I saw it on the posters at Turfloop.

Well now, what did you think? That they were referring to a pig which is white? -- I thought that the pig in that context as a symbol of that which you detest, a symbol (10) of that which disgusts you.

MR SOGGOT: But referring to whom? -- You mean White pig?

Yes. -- In that placard?

Yes. -- I thought it was referring to the system of government in this country.

BY THE COURT: But why? I mean how do you relate it to the system of government? A pig is an animal and a government is an institution. -- Yes, but that is a metamorphical saying, I do not think by White pigs they were referring to individual Whites. They were expressing their attitude. There (20) was a system of government which is so disgusting and this government is supported by the Whites.

What is there in the poster which can suggest the government to you? Where is that poster? We can just see whether it gives any indication that it refers to a government.

MR SOGGOT: I think the poster which he refers to as having 'White pig' is not identified by him here. There is a poster here which says 'Azania my love don't let pigs rape your children', something like that.

BY THE COURT: Let us rather first see the poster. (30)

MR SOGGOT: It is B.17. 'Azania my love don't let pigs rape your/...

your children'. Can he be shown that please?

BY THE COURT: Will you have a look at that poster? -- Oh, well.

Just read it out to us. I do not remember what the poster is. -- 'Azania my love don't let pigs rape your children'.

What makes you think that it refers to a system of government of any - or government? -- When I look at the word 'Azania' immediately it rings a bell to me that the Blacks regard this country as Azania, its original name is Azania. But because of colonial, you know, rule, it has been given other names. South Africa is a term which has been - I (10) mean, which comes from the Whites. But the Blacks regard South Africa as Azania just as people in South West Africa regard South West Africa as Namibia, Rhodesia .. (intervenes) (both speaking simultaneously)

.. South Africa don't let the White pigs rape your children. Now what puts you on a system in that poster? -- Oh, well, I mean South Africa is a concept, it is a local concept that is how I come to read an implication in that.

Yes, but this is a piece of land, how can a piece of land have children? -- No, but in this case Azania or South (20) Africa is not there just as a physical country, I think it is a political country, the entire world in which we live ... (intervenes)

That may be so, but it has got nothing to do with the system, it is a land with all its people in. -- Yes.

Then how do you arrive at a system? -- No, but as soon as you see Azania then you think of South Africa and then immediately you say why Azania and why South Africa and then immediately you have a political connotation, the eventual conflict in the terminology and the conflict is signifi- (30) cant in vocal(?) terms in this country.

What/...

What is the imagery of rape in that context? -- Rape?

Yes. -- Is that - the way I understand it do not let this government take away the fundamental humanity of your children of the Black peoples of this country. And I think Azania here is given a mother - I mean it is a mother in its image which gives birth to the children which we should protect them has a responsible - I mean, has the responsibility to harbour the children and defend them from any destructive forces.

But the only clue that you have for that interpretation is the fact that they say Azania. -- Yes. (10)

But here you have a lot of clues here in this poem here, 'White pig', you have a 'Honkie', you have 'White man', you have 'Master' and 'Master' relates to the White man and you say that you cannot relate it to the White man. -- No, I am not saying that, I am saying - I do not quite understand the meaning of the poem. I am not saying it does not refer to the Whites, I am not saying that; it does that, but what it actually means I cannot tell.

Yes, but now if it refers to a White man and it is dealing with the Black experience then Black must refer to the Black man. -- Oh, yes. (20)

Well now, with that premise can't you understand this poem? -- No, I think that the using of words in a poster and how they behave in a poem is different and I cannot.

Yes, but if you use imagery in a poster why is imagery different when it is used in a poem? -- In a poem it must establish, you know, various relationships with other parts of the same poem and usually in poetry .. (intervenes)

No, I mean the technicality of poetry prevents you from understanding the meaning of the words of this poem. (30)

-- .. (inaudible) .. the technicalities of the poem it does not seem/...

seem to hang together with the other parts of the poem. I mean that in their context here they do not seem to hang together, they do not seem to form an integral part of each other and this is what I fail to understand. But I think a simple poem like this Azania, I mean it seems to - I mean it does not have to belong to a more complex context and that is what it is easier from this to suspect the meaning of this. It is very difficult with a poem, because the verbal meaning tends to be intricate in poetry.

MR SOGGOT: If I may leave Black Nana. On the question (10) of Black poetry the problem has arisen, the question has been put to you what is Black poetry. Have you ever discussed that question before? -- Yes.

Before you came to Court. -- Yes.

I just want to understand your thinking and experience so that I can understand your answers. -- Yes, I was once invited by the students, I think some two months back to read a paper on the Search for the Black Aesthetic. I have been reading up on this. There is a lot of argument, you know, in Africa and America and the Caribbean that the Black experience (20) has received a certain type of attention from artists, from Black artists and because of the peculiarity of the Black experience, Black poetry might have a peculiar form, it might tend to take on a peculiar articulate expression. So the Black experience might have contributed towards poetics; a distinctive form, a distinctive expression and that when you study - I mean when you read a Black poem you cannot use the same poetic criteria that would use when you study Shakespeare or Homer, because the experiences, you know, which have inspired Black poetry, are not quite the same as those (30) which have, you know, inspired should I say Western literature.

So/...

So we must search for a specific Black poetic, a Black aesthetic and this I discussed with the students at Turfloop about two months ago and I ended by saying at this stage I cannot find the rational behind the Black aesthetic.

You cannot find it? -- Find the rational, I haven't been able to find the rational, the assumption behind the concept of the Black aesthetic and that is why I want to do a Doctorate on this.

That one can understand. What I want to ask you is this: the phrase Black poetry, it obviously has difficulties (10) for you because you see things with such precision and with your whole experience behind you, but have the words 'Black poetry' like 'Black theatre' not got a popular currency? -- Oh, yes, it has, it has.

What would you say Black poetry popularly express? -- Oh, well, it seems to me that type of poetry which reflects the experience of the Black man in South Africa, in Africa, in America, wherever it is.

Before we leave poetry, may I refer you to EXHIBIT Y, that is the Gumba, Gumba, which is on page 54. I do (20) not want to take you through this poem. What I want to ask you is this: in poetry what is the shall I say assumption behind a poem and its meanings? Is a poem supposed to be unequivocal, have many meanings or only one meaning or what? -- Usually poetry - let me put it like this: poetic discourse tends to be complicated, it tends to be oblique, it tends to use allusions, it tends to use ambiguity, irony, paradox and yet casual discourse tends to be direct, tends to be explicit. But poetry usually tends to move at various levels of meaning and it tends to be complicated. (30)

So would you find it unusual for different experts to have/...

have the same or different interpretations of a poem? -- My experience is that it is true that the appreciation of poetry is a subjective thing to some extent, but experts tend to agree on the relative value of a poem. I think there is this.

On the relative value. -- Value of the poem.

But as far as meaning goes... (intervenes - both speaking simultaneously) -- ... Yes.

BY THE COURT: But in English literature when you deal with poetry, don't you ask your students to paraphrase a poem or to give the message of the poem or to say what it really (10) tries to convey? -- Oh, yes, we do that.

Well then, it does have a meaning. -- Yes, it does have a meaning.

MR SOGGOT: But the question is whether anyone can have a monopoly of meaning. -- No. I mean there is what we call in English literature the competent reader.

The competent reader? -- The competent reader.

Now as far as this poem is concerned, you have indicated what one might call the like motif of the word 'struggle'.

-- Yes. (20)

Not so? -- Yes.

Now has that concept of struggle one or different meanings?

-- I think in this poem it has one meaning.

And how would you define that meaning? -- Oh, well, the anguish of the Black experience in this country, the anguish of the Black experience in this country.

Now, I want to say this, I have got a personal interpretation of the last paragraph which does not accord with yours, but I cannot put it to you. What I want to ask you ...

(intervenes) (30)

BY THE COURT: Why not? We are trying to find out what it means/...

means. I mean, if you right then we have the meaning.

MR SOGGOT: M'Lord, it is just another idea. I am just worried about my Learned Friend's attitude.

BY THE COURT: No, I welcome ideas on these difficult things.

MR SOGGOT: Well, let me put it to you this way: there is a reference to struggle which picks out different elements of anguish or suffering. Is that right? -- Yes.

And while we are about this, there was the word 'blue-eyed'. What does that refer to in your opinion? -- That is at page 56? (10)

It is page 56, it is the end of the first stanza there:
"Seen a man blue-eye his wife".

What does blue-eye mean? -- Well, I thought assault.

You mean black-eye? -- Yes, assaulting.

I think my Learned Friend seems to suggest look perhaps passionately or amorously with blue eyes. -- Oh, no, no.

BY THE COURT: I think he has already last time he said it was assault, a black eye.

MR SOGGOT: Yes. Now, in other words 'struggle' then relates to suffering or physical frustration, whatever it is. -- (20)
Oh, yes.

Now if you take the last line, the last stanza,

"You have seen struggle if you have
heard that a man bugger a woman old
as his mother, a child giggle ..."

and so on -

"heard a mother weep over her dead
son, that a foreman say boy ..."

Again these are the expressions of anguish or frustration or perhaps depression. Then: (30)

"Heard a bellowing drunken voice in
an/..."

an alley, you heard struggle.

Knowing words don't kill but a gun does, that's struggle."

Now what I want to suggest is that might mean that there is nothing the people can do in their struggle other than talk, that they cannot even express themselves in any other way. In other words, it is another knowledge of their frustration, that is, they can only use words, but they can do nothing about it. -- Possibly.

A wife cannot protect herself with a gun, you cannot (10) protect yourself from oppression with a gun. -- Ja, I think there again it expresses politics.

BY THE COURT: But there you refer to struggle as a domestic struggle as far as the Black man is concerned, his own problems. I mean, he refers there to his own woman and his own child.

MR SOGGOT: I personally would, I think, go further than that. I do not know whether my Learned Friend would want to hear what I have got to suggest, but it seems to me that it is suggesting struggle over and above the individual struggle and what he is saying is we are a Black people and we are frustrated (20) and there is nothing we can do and we know there is nothing we can do about it even physically, is struggle, it is part of our frustration. -- Oh, well, Dr Malherbe once wrote an article on this that the education of the Black man in this country tends to make him a talkie-talkie.

A talkie-talkie? -- Talkie-talkie.

BY THE COURT: I missed that. Will you repeat that again? -- Dr Malherbe once wrote an article in Optima where he says the type of education that the Blacks speak in this country, make them just talkie-talkie. They talk, that is all they (30) can do.

They/...

They merely repeat what they hear. -- No, they just talk, I mean, they are not engaged in instrumental politics and the machinery of politics, they are just talking. But that is perhaps not for poetry, I do not know.

MR SOGGOT: The only thing I want to really ask you is this: this book here 'To whom it may concern' is something you find on the shelves. -- Oh, yes.

Of bookshops. -- Oh, yes. Oh, well, I think so.

MR REES: - not into the microphone.

MR SOGGOT: Mr Rees has had his turn, he cannot cross- (10)
examine you. You do not have to bother about that.

BY THE COURT: But I mean you suggested, I mean, as far as his own problem is concerned, I mean even words.. (intervenes)

MR SOGGOT: That is right. And that knowledge that words cannot help you and that is all he has got, is part of his frustration like being blue-eyed. -- Oh, well.. (intervenes)

BY THE COURT: He may shoot himself.

MR SOGGOT: That may be, be a kamikaze. -- In fact, Lewis Nkosi did an article again on this that where life fails for the Black man, words take over. (20)

If not alcohol. -- Or words.

BY THE COURT: Or shooting.

MR SOGGOT: Finally if we can perhaps just pay a brief visit to Turfloop. You were asked a number of questions yesterday on this incident involving the professor who drove the Peugeot. -- Oh, yes.

Now what I would like you to do is indicate with precision - if you could indicate with some precision where your car was at the stage when - what would you like?

BY THE COURT: He wants a photograph. -- Photograph that (30)
shows the gate of the university, the western gate, next to
the/...

the post office.

BY THE COURT: Before we leave the poem, I mean we have been airing views here, but what does Mr Nkondo say about the gun there? Well, you say it is a good poem and you read it to your class, but can the gun mean there that well, words cannot save this poor man, I mean perhaps the gun can save himself. -- Words don't kill but a gun does.

"You see struggle if you have heard a man bugger a woman old as his mother, heard a child giggle at obscene jokes, heard a mother weep over her dead son, heard a foreman (10) say boy to an oupa(?), heard a bellowing drunken voice in an alley, you have heard struggle. Knowing words don't kill but a gun does. That's struggle." Can it mean a person is so tied up in his own problems that words cannot bring salvation to him, perhaps - but a gun can, well, that is struggle, knowing that you are really entangled in your own plight and words cannot help you and you know that the only way is to commit suicide, well that is struggle. -- It is difficult to give an interpretation.

Pardon? -- It is difficult, if a gun here was an (20) image that suggests certain forces .. (inaudible) ... which the African it is ugly. I think this is what is meant. But whether it was a suggestion that you must take the gun to solve a problem, that I never.

It is not a suggestion, this man is contemplating his own position. -- It is difficult for me to say.

It is desperation, all those things are there and words cannot help him. Perhaps it may deal with different aspects of the complexities of his life. I mean, even in his home or in his area where he lives and in his community he is (30) concerned with struggle. -- It is possible but I cannot realise that/...

that, but it is possible.

MR SOGGOT: I would just like to understand with precision your interpretation of those two words, those two lines: knowing words don't kill but a gun does. Can you just give your explanation again please? -- That is sort of knowledge, I mean, to have knowledge of the actual nature of your suffering, that I think is not destructive, I think it is a creative thing to be able to know exactly the nature of your struggle and the quest to know this, the quest to know this is part of the struggle and you also know that in your world there are (10) guns, there are destructive forces. This you must know and knowledge of this is part of the struggle.

BY THE COURT: This really is cataloguing his plight or the factors which give rise to his plight and then he says well, words cannot help him, but guns, I know that a gun can help me but that is struggle.

MR SOGGOT: Or it may mean that a gun can keep me where I am, that is struggle. I think this thing is rich in ambiguities. It seems easier to be a poet than to be a lawyer. On the question of - just look at that photograph please. (20) Does this photograph enable you to identify your position at the stage when you heard the sound of stones or whatever it is? Have you got a pen there. I wonder if you would, with His Lordship's permission, mark it with a Y, there does not seem to be a Y on here.

BY THE COURT: At what stage was your motor car where Y is? -- I think it was at about four o'clock, I cannot remember actually when.

So that is on your return. -- Yes, at about 4 o'clock, yes.

MR SOGGOT: M'Lord, may we have sight of that Y. I (30) wonder, just for identification purposes there is a building just/...

just above the Y and to the right, slightly to the right. Is that the post office? -- No, that is the house of the hostel superintendent, Prof. Legela.

I wonder if you would put a dot on the post office just so that we know where we are.

BY THE COURT: Is the post office near the gate? -- Yes, just outside.

That would be the western gate. -- Yes.

Where you saw the poster. -- Yes.

MR SOGGOT: Just for the record, that dot which is (10) slightly to the right and above the Y on the photograph is the post office. Now where were you - you were at the stage point Y, not so? -- Point Y.

And is that a macadam road leading from the post office into the campus? -- The campus, yes.

Now was it at that stage when you say that you heard the noise? -- Yes.

Now at that stage, what could you see was going on? -- Well, I saw the car reversing back and quite a ^{number} / of students next to Block M.B, M.D. just next to the stoep. (20)

Is M.D. the one to the west of M.B.? -- Yes, M.D.

BY THE COURT: Is it the first one to the west? -- Yes, the first one to the west, yes.

And was the car coming from that road which joins the road where the bus is? -- Yes.

From this building. What do you call the building? M? -- M.B.

M.B. I know is the first building. -- And the second one is M.D.

And what is the next one? -- M.D. (30)

Now this car was on the way to M.D? -- No, it was on the way/...

way to the university.

Which way would it go then? -- To the university it would go eastwards.

Past the bus? -- Yes, past the bus.

MR SOGGOT: In other words, coming to the photographer? -- Yes.

BY THE COURT: But then Y is on a road where your car was. --Yes.

It is on the road on RALLY B.54 as you pointed out. So that should be shifted to the road.

MR SOGGOT: Now I just want clarity at this stage. When you heard the noise, you say you saw students in front of (10) M.D and M.B. -- Yes.

And where was the Peugeot at that stage? -- The Peugeot was moving close to this lonely tree.

The Maroela? -- Yes.

Near to N.2? -- Yes.

And was it moving forward or backward at that stage? -- Well, it was moving backwards, it was reversing.

It was moving, reversing backward. -- Reversing, yes.

Now was this your first view of it? -- Yes.

I want to be quite clear in time. -- Yes. (20)

So it was reversing backwards and I think you have told us it was reversing quickly. -- Yes.

Now, again still as it were, freezing events at that moment, what were the students doing at that stage in front of M.D. and M.B.? -- They were shouting, they were just shouting.

Did you see any stoning? -- No.

You did not see stoning. -- It had ..(inaudible) .. but I did not see any stoning.

And at what stage - you must have seen the Peugeot coming towards you. -- Yes, I pulled out of the road. (30)

And where would you say it passed you? -- There where it had/...

had the Y, I just pulled off the road and stopped and allowed it to go.

You pulled out of the road and stopped? -- Yes.

Where was that? -- At Y.

And then when did you go again? After he had passed you? -- When he had gone past me then I moved and there were a number of students shouting there.

At the stage then when you set off from Y were the students still there? -- Yes.

Did you see what person or group of persons were responsible for the stoning? -- No. (10)

Who did you think was responsible? -- Well, I thought the students were milling around there.

Those in front of M.D. and M.B. -- Yes.

Then you wait for the Peugeot to pass you at Y and you then go forward. -- Yes.

Now can you give His Lordship an estimate of the distance of Y to let us say where the bus is on the photograph? -- It is slightly over 100 yards.

You say slightly over 100 yards. -- Yes. (20)

Now at that stage could you see faces of individual students? -- From point Y?

Yes. -- No.

Now would you tell us what happened as you were travelling along. Just step by step please. -- As I travelled, well, I got scared in myself because they were shouting and I did not know exactly what was happening.

BY THE COURT: What were they shouting? -- I do not know. They were just making a lot of noise. So I moved there past them quite fast. (30)

MR SOGGOT: You moved past them quite fast. -- Yes.

Yes/...

Yes? -- And then I then stood next to lecture hall A.
It does not appear on this photograph.

Is that still proceeding with the road to the university?
-- To the university, yes.

To the lecture theatres. -- The lecture theatres, yes.

You then parked there. Is that correct? -- Yes.

And then when did the police come? -- That I cannot tell exactly how long, but just as I stopped to look at what the students were doing, at that point I saw a convoy of police cars coming in. (10)

From what direction? -- From the same direction as Y.

Past the post office and that? -- Yes.

And then what happened? -- Then the students on seeing the police, ran into their rooms and disappeared.

Now at that stage when the students ran off, where were you standing? -- Lecture hall.

And how far would you say that was? Just let us identify it. Which lecture hall? -- A.

It is not here? -- It is not here.

How far were you standing from the bus? -- Again (20)
over 100 yards, slightly over 100 yards.

Slightly over 100 yards. -- Yes.

Were you standing at the lecture hall A? I just want to know in topographical terms where you stood. -- At the parking bay where we park our cars.

Is that in front of lecture hall A? -- Under.

Under? -- Under lecture hall A.

And could you see the students from there? -- Yes.

Could you from there identify individual faces? -- No, I could not. (30)

And where were you standing at the stage that the students ran/...

ran away or where were you walking? -- At the parking bay.

You were still there? -- Yes.

THE COURT ADJOURNS FOR TEA. THE COURT RESUMES.

GESSLER MOSES NKONDO: still under oath:

FURTHER RE-EXAMINATION BY MR SOGGOT: You were asked during the adjournment in the presence of my Learned Friend to have a look at the record in the proceedings before Mr Justice Snyman. -- Yes.

And see if there are any passages there which you feel should be brought to His Lordship's attention, bearing (10) in mind the cross-examination. -- Oh, yes, I indicated that somewhere in the evidence there is a statement that the megaphone which was used by Major Erasmus was faulty. If you look at this record, page 223.

BY THE COURT: Is that the Snyman record? -- Yes, the Snyman record, my evidence-in-chief. Just when I said that, recording machine faulty - inaudible. So apparently those words should have been - if you look at - he had the megaphone to his mouth and again he seemed to speak to them and almost at the same time then there is the recording machine is (20) faulty and I think this is where it should have appeared.

I am sort of out of the picture here.

MR SOGGOT: I think he is saying that the critical moment when he said that .. (intervenes)

BY THE COURT: The machine was out of order.

MR SOGGOT: Not the major's machine, but the recording machine. -- The recording machine in court.

BY THE COURT: Yes, but now what is the point? -- That I could not hear what Major Erasmus was speaking partly because the megaphone was making a droning sound and when .. (30) (intervenes)

But/...

But you say you did say it but it was not recorded. -- Yes. And if you look at page 223 'recording machine faulty - inaudible'.

MR REES: We seem to have problems with machines, M'Lord.

MR SOGGOT: I think we all do. Is there any other passage you want to refer to? -- No.

BY THE COURT: Mr Small expressed more or less the same views as you did. He said on his campus there was a certain amount of impatience amongst the students as far as the system was concerned, because the change was too slow to their (10) liking. Now, I mean, would you say the same about your campus? -- Yes, I think so.

And I think it can be inferred from your evidence that you say that the ANC and the PAC were formed because of the same sort of thing. -- No, I never said that.

Well, I think you did mention it - you call it Pac. -- Yes, I said ANC and PAC they are operating from outside the country.

Yes, they are operating from outside, why do you say why do they operate from outside? -- Well, since they are banned in this country. (20)

Pardon? -- They are banned in this country. They are banned organisations.

They are banned in this country. -- Yes, and from ... (inaudible) they are still operating outside and using, I mean.

Why do you say why do they operate from outside? I mean what do they want to do inside? -- Well, they want to emancipate the Africans in this country. That is how I see it.

Isn't that also an indication of their impatience and that they contemplate perhaps methods through which the system does not approve of and that is why they are banned? (30)

-- Oh, yes, if I may just make a general statement that for a very/...

very long time they used the method of consultation, of dialogue, of cooperation, protest, please, but at a certain stage they seemed to have lost confidence in that strategy.

And then I think you also said that the Black man has been talking to the White man for a number of years and if the White man is not careful the White man will lose the confidence of the Black people and the goodwill of the Black people. -- Yes.

To a certain extent the existence of SASO and BPC also stems from that or don't you agree with that? -- Stems from what? (10)

The fact that they want change and they feel that they have to do something for the change. -- Oh, yes.

Now, doesn't that account for the hostility on the campus at your university? -- I would not say hostility, I would not call it hostility, but I think that the students are highly critical of the government as it manifests itself in the type of university in which I am and the various conditions of staff and students at that university. I think there is this very critical attitude and an amount of impatience among the students. (20)

And would you say it was aggravated by the Tiro incident? -- I would not say aggravated. I think that the Tiro incident highlighted the problem. I would not say it aggravated, it highlighted the problem.

If one looks at the posters, now don't they also show the type of hostility that there was amongst the students at the university? Well you call it students' pranks, but isn't there a sort of an under-current of hostility which is reflected in the posters? -- Hostility?

Yes. -- I would not say. Because as I said when (30)
if I went about looking at the posters with some of my
colleagues/...

colleagues, I mean, there was a general bout of amusement, people laughing, giggling at how some of the posters, you know, were formulated, but I did not smell out hostility on the campus.

Yes, but now if you are right that the Black man is becoming impatient or that change is too slow for the Black man wouldn't they find expression for their feeling in posters? -- Oh, well, they might.

But don't you see it in the posters? The State is going to argue that SASO is responsible for that hostility. (10) -- I would hardly establish the connection because I think SASO is a highly critical body and it has a program, it has a philosophy and this philosophy does not reflect hostility and their activities as far as I know them, did not reflect hostility and I would be hard put to find the link between their program, the changes(?) of SASO with some of the posters. Even the amusement that prevailed that day, I do not think it could be associated with anything of SASO or the problem in this country.

Let us put it differently. Wouldn't the Black (20) man, as a result of his Black experience, be fertile soil for a person who wants to encourage or foster .. -- I would not say so, I would not say so. In my experience, O.K. we may feel very deeply the pain in this country. At the same time we tend to reflect on the complexity of the problem and how we must go about solving it and I do not think we are material for any revolutionary talk, but because we are aware of the imensity of the problem in this country we earnestly are trying to seek a solution to it. If somebody came to me and said kill Vorster tomorrow I will tell him but this (30) would .. (inaudible) and I will put the problem. If you

appreciate/...

appreciate the .. (inaudible) the problem you are not going to opt out for such a slap-dash solution.

Tell me what do you say is the solution? -- The solution is that the White government must just accept that the Black man is an integral part of South Africa, that he has a common loyalty to this country Black and White. And he must not tell me that because I am Shangaan I must go and stay in ..(?) and lose my loyalty, you know, to the great, I mean, to the whole country. I say that this is not the solution. I have a very strong attachment to the country and not to some semi-(10) arid homeland somewhere. I think that this is the point.

What are the implications of your statement that the government must accept the Black man? -- I think the government, through legislation must just allow the Black man to be party to the running of this country, and this can be done through legislation. We must belong to a common .. (inaudible). We must stand together, think out the best way of organising our multi-racial society, but it must be together. If we come together and suggest that we must have Bantustans but it must be a common responsibility. But this time the Bantustans(20) are not the responsibility of the Blacks, we are being shunted into this thing.

So what are your views about minority groups? Now forget about the Whites as a minority group, I am referring to (intervenes - both speaking simultaneously)

.. you understand the Black man much better than I do. What do you say about minorities? -- Minorities. I would say in the type of society that I envisage, there will not be a problem about minority group because the larger over-riding dimension of the South African group which has a loyalty (30) to South Africa. I think if an over-riding dimension the

South/...

South African group we have in this country a morbid conception of a group.

Yes, but doesn't that rather presuppose a lot of honest politicians? -- Of course, yes.

But now a politician is dependent upon his vote and if he wants a good vote then he associates himself with a group from which he will get the vote and then well, I do not profess to know anything about Zambia and Kenia, but I get the impression that the people in power there are people from a particular tribal group. I mean, you know probably better than (10) I do. -- Oh, well, not necessarily, if you look at the composition of the government, they come from various groups.

But doesn't that really again bring to the fore the minority groups, if you find that your politicians ultimately represent a group? -- But I do not over-emphasize, you know, the racial differentiation anywhere. It is there, we belong to different ethnic groups, but at the same time I think a good politician must give direction to his electorate. You cannot always be depending on the popular electorate of your group. You have the responsibility as leader to give direction (20) to your group.

As a learned man, as a man who has travelled, can you tell me where that sort of thing happens? Where the politicians give leadership to such an extent that these group interests disappear? -- Oh, well, .. (intervenes)

I do not want you to refer me to a homogeneous society, I am referring to a heterogeneous society and perhaps Africa is the best area to look for the example. -- Oh, well, look at Tanzania for instance, if you look at Malawi for instance, if you look at Zambia for instance. They have their (30) problems but they have an over-riding link there .. (inaudible)

it/...

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it/...

it does not mean that .. (inaudible) (intervenes)

Well now, you have mentioned Malawi. Have they got a democratic system in Malawi? -- Well, from my ... (inaudible) there seems to be. They are doing well.

Yes, they are doing well, but doesn't President Banda decide everything in Malawi? -- Is it possible for one man to decide everything in a country?

What will happen if he dies? -- Oh, somebody is going to think of - the people will find their leader. People tend to find their leader. (10)

But then you are not thinking of a democratic society if you say that. -- No, but in which way is Malawi not a democratic society?

I do not profess to know exactly what the position is, but isn't he the person who really decides policy and everything in Malawi? -- But as far as I am concerned, there is no discrimination in Malawi.

No, but you emphasize discrimination, well I am thinking of government, good government. -- Well, I am not quite sure .. (intervenes) (20)

... a democratic government, you must see whether it works, where you have a heterogeneous society. -- I am not quite sure that Banda is a dictator, but as I say, I mean I depend on newspaper reports and general discussions with people from Malawi who told me that .. (intervenes)

You mentioned Tanzania. Now would you say that Tanzania is a democracy? -- I think so.

Have they got a parliament? -- Yes.

Well, they only have one party. -- But the people have decided to have one party. (30)

Well, they have one party so they decide who the members are/...

are and you just vote for the members and if you do not want the members, well, you do not have those members but you do not get other members. -- I know, but they decide whom to elect and whom to dismiss. The ... (inaudible) .. if there are four parties or one party, the fundamental point is that the people decide on one party, two parties or three parties, those people must decide.

But how can a democracy work with one party? -- It is history, if it is in fact the common will of the people then it is a democracy. (10)

No, but if you are not allowed to have a different party. In other words, if we have the Tanzania system here then SASO or BPC or the United Party or the Progressive Party cannot exist. -- But if you come together as good South Africans and decide on one party, that would be democratic, but we are no different(?) all of us.

Yes, that is what I am asking you. Where does it work? Where has that happened in the world? -- It is happening in Tanzania, it is happening in Zambia.

But with one party. -- But that is the common will (20) of the people in Zambia or Tanzania or Malawi.

But then if you have started a common will, it means that the majority of the members of the one party decide that they will not have the other parties and therefore they do not have the other parties. -- No, no, no. The sovereignty of the people ... (intervenes)

You do not know how Zambia became to be one party? -- Oh, no, I would not like to express an opinion on this because I do not know the details. I will not even work out the general principles, because I do not know the details. (30)

But when it decided to have one party, didn't the members
of/...

of the other party go to jail? -- Oh, well, perhaps they did but they were then moving against the majority wish of the people.

But now you say we must be like Zambia. -- Oh, yes, but I mean even in this country, if it comes to matters that we are going to have one party, there will always be people who want to move against the tide and those people will go to court, but the people must decide. It does not mean that if some members were arrested and put in jail in Zambia then Zambia stops being a democratic country, it does not mean that. (10) It does not mean in a democracy people do not violate the law, they do. It does not mean that a country stops being a democracy.

Well, I am not thinking of violation of the law, I am thinking of oppressing people. How does one have a system where you do not have oppression? -- When you allow the people to decide, that is not oppression.

No, if the people decide to oppress the minority group, what happens then to the poor old minority group? -- Now we are getting back to the old dilemma. As the people (20) themselves constitute a group, I think this is the basic dilemma. I am talking of people who may be different ethnically but then they form one dominant political group and if there are people whether they organise say on tribal lines or on inter-tribal lines who tend to go against the majority wish then those must be arrested.

You see, I agree with you that would be a very nice system, but then politicians work in a strange way. They like to have the support of a particular group and then if they have the support of a particular group they see to it that they (30) retain the support of the particular group and eventually they
just/...

just work for that particular group and then all the other minority groups become oppressed. -- No, I would not like to ... (intervenes)

You do not think it will work out that way? -- I do not think I would agree with you on that. I do not think so. I mean you have England, people come from Wales, people come from Scotland and then the English and then well, Harold McMillan came from Scotland, he was the prime minister.

Then the trade unions take over and they decide what the people must do. -- But the thing you know, it is just (10) a democratic institution, although there are some other bargaining power to bargain with the management.

How can it be democratic if the trade unions sort of say well, we are not going to work, if they are in the minority and they say well, we are not going to work if they do this and that and then ... -- .. (intervenes - speaking simultaneously

.. the economy they do what the trade unions ... -- No, but that is just strategy to focus attention on a problem. They are trying to tell the management look, there is a big problem and you are not solving it. I think strikes, (20) boycotts, those are just strategies to bring attention.

But where does democracy then come in if you have to comply with a strategy of a minority group which is in a strong position that can really wield power? -- But it is said - I mean trade unions are not based on ethnic lines, trade unions as far as I know them in England.

No, I am not really confining - I am referring to minority groups. -- But why minority groups?

They may be trade unions, they may be anything. -- But why emphasize the minority group and not a political group (30) whether it can be tribal or inter-tribal. Why this obsession with/...

with minority groups?

Because the minority group is always oppressed. I mean you can go to any country which you can think of. -- Oh, no, but the minority group in this country are in charge.

Yes, well you see, that is the point. -- I mean and they are oppressing the others.

Well, what do you say? -- I say let us come together and be a common parliament and talk about these things and find our problem there.

I do not think we can solve the problem. -- No, I (10) think I have a lot of confidence, I can solve the problem.

You think you can? -- Yes.

Well, I hope you are right. Thank you. -- Thank you.

NO FURTHER QUESTIONS.

MR SOGGOT: I call my next witness, M'Lord, he is on the Durban rally.

RALPH MGIGIMA: sworn states:

EXAMINATION BY MR SOGGOT: Would you tell His Lordship, you are a student at UNB, is that correct? -- That is right. (20)

What are you studying at the moment? -- Medicine.

MR REES: What does UNB mean? -- University of Natal, Black Section.

MR SOGGOT: Tell us, where did you matriculate? -- At Umtata.

And then did you start studying medicine straight away or did you do something else? -- I started medicine straight away.

At UNB? -- That is right.

And you say you are now a final year medical student? -- I am now a final year medical student.

Now, during the course - your course at university, (30) or during the course of your career at university did you become/...

become a member of SASO? -- Yes, I did.

The becoming a member of SASO was that an automatic act or was it a voluntary act on your part? -- It was a voluntary act.

What I mean is was the university one where there is an automatic membership of SASO or not? -- There is centre affiliation.

There is centre affiliation. -- That is right.

What does that mean? -- That means that all the students that are present at the university are members of SASO. (10)

Now when you tell us that you also - that you made a voluntary act, can you tell us what you mean by that please? -- Apart from being a member, I did positively partake in SASO activities.

And at one stage I understand you were chairman of the SASO Local Committee. Is that correct? -- That is correct.

When was that? -- This was in 1973.

Now I do not want you to go into any details, just some broad ideas of who you are. Were you also at one stage on the SRC? -- I have been on the SRC. (20)

Tell us when that was, what times and what your posts or positions were on the SRC? -- In 1974 I was vice-president of the SRC and in 1975 I was president of the SRC.

Now, I want to refer you to the rally which took place at Curries Fountain in Durban. Can you remember when you first heard that such a rally was going to take place? -- I cannot remember precisely but I think this was a week before the rally was supposed to be held.

And can you remember the source of your information? Who told you or where you found out? -- I cannot remember (30) exactly who told me but I got the information at the SASO offices/...

offices.

At the SASO offices. -- That is right.

What did you understand was the purpose of this rally? --
The purpose of the rally was to celebrate the independence of
Mozambique.

The independence of Mozambique. -- That is right.

And who did you understand was organising the rally at
Durban? -- The rally was organised jointly by SASO and BPC.

And BPC. Now, you yourself, did you have anything to do
with the organisation or preparation of the rally? -- I (10)
did partake in the organisation .. (intervenes)

MR REES: M'Lord, I think at this stage this witness should be
warned that he is not obliged to give evidence and that whatever
he does, he is doing so freely and voluntarily because it may
well turn out, if these people are convicted, that he is
giving evidence here which implicates himself. I think he is
entitled to exactly the same treatment as any other accomplice.

BY THE COURT: That applies to State witnesses. In his case
he can just refuse to answer the question.

MR REES: I think he should be informed .. (intervenes) (20)

BY THE COURT: He can refuse to answer your questions when
you put them.

MR REES: He can refuse to answer any questions. I think his
rights should be explained to him.

MR SOGGOT: I have never heard of such a procedure, with
respect.

MR REES: No person is obliged to come and incriminate himself
and he should be informed of what his rights are I submit.

MR SOGGOT: No one has obliged him to come to court, he has
been asked to come to court and here he is. (30)

MR REES: I think he can say so himself, not Mr Soggot. Because
if/...

if I should decide to prosecute him I cannot say it was said so and so by Mr Soggot, who said he did not hear it.

MR SOGGOT: I do not think my Learned Friend should make these perhaps threatening suggestions.

MR REES: It is not a threatening suggestion. This man admitted that he partook in these things and he is exposing himself to ^{possible} prosecution . It is not a threat.

BY THE COURT: Well, I think you are entitled to know your rights. You need not answer any questions which you think that may incriminate you. So if a question is asked you (10) and - and that is not confined to this case, it is confined to any crime that you may have committed. If they ask a question which relates to any crime that you may have committed, you need not answer the question. Do you follow that? -- Yes.

MR SOGGOT: Did you participate in the preparations for the rally at all? -- I did but not very much. I distributed pamphlets that were advertising the meeting.

Can you tell us - I think the problem is that you must please speak up a little bit and I am not sure that the accused can hear you, they are also entitled to hear what you (20) have got to say. Would you tell us where you distributed pamphlets and when? -- I distributed pamphlets on the Saturday and the Monday before the week of the rally, that is before the Wednesday.

And I want you please to be referred to two leaflets and tell us which one or which of them you were instrumental in distributing. RALLY A.4 and RALLY A.5. Which one is it? -- It is the one that has got RALLY A.5 on it.

RALLY A.5. -- That is right.

Now, apart from that did you do nothing else in the (30) way of preparation for the rally? -- Apart from that I did nothing/...

nothing else.

Before - may we come to Wednesday, the 25th September, that is the day of the rally itself. Did you go to the SASO offices in the morning? -- I did go to the SASO offices.

And who did you find there? -- I found only the typist that was present in the office.

Why did you go to the SASO office? -- I went there primarily to find out what was going to happen about the rally that was going to take place that afternoon.

That was going to take place that afternoon. And (10) did the typist then make a report to you? She told you something and as a result of that you went to BAWU offices. Is that right? -- She told me that the officers of SASO were in the BAWU offices.

So you then went to BAWU office. -- I then went to BAWU office.

And can you tell us what happened there? -- When I got to the BAWU offices there was a discussion that was taking place.

Now could I ask you to pause please. Would you have a look at the accused before Court and tell us which of (20) them you know, starting off with Mr Saths Cooper, accused No. 1, in the corner there. -- I know all of them.

You know all of them. Now tell us who was in the BAWU offices. -- Saths Cooper was in the BAWU offices, Muntu also was present.

Any other accused? -- There could have been one or two others, but I cannot remember.

You cannot remember. Did you talk to Mr Cooper? -- I did.

M'Lord, may I indicate now that it is my intention to ask him what the contents of his discussions were with (30) Mr Cooper and this will relate to their express intentions at the/...

the time. I do not know whether my Learned Friend has got an objection; he might.

MR REES: I would point out that this type of thing catches me completely by surprise. If my Learned Friend knew he had this witness some days already, he could have indicated to me and I could have considered the matter. I am at a loss whether to - I cannot say at the moment that I am going to object or I am not going to object. This is the type of thing that he could inform us and we could go into it and not waste the Court's time with objections or a failure to take objection that (10) should be taken.

BY THE COURT: Perhaps you could just skip the incident ...
(intervenes)

MR SOGGOT: I will, but there is a rather unfair innuendo. Throughout the State case, which lasted a long time, and I asked my Learned Friend who is your next witness, he said Buck Jones and I do not see why I should be more generous to him.

MR REES: I never raised any points that I did not give them notice of, any of this type of point that was likely to be contentious. And the attitude of trying a tit for tat (20) is not exactly correct.

MR SOGGOT: My submission is .. (intervenes)

BY THE COURT: Oh, well, skip this part .. (interventions and laughter) ... We will come back to it.

MR SOGGOT: You had a certain discussion with these people. Is that right? -- That is right.

Or shall I say with Saths Cooper. -- That is right.

And you got certain information as to what was going to happen, what may or may not happen. Is that right? -- This is what I asked him. (30)

Then would you leave that. After you were in BAWU offices where/...

where did you go to? -- I proceeded to school to attend my lectures.

You went to school to attend lectures. And then that afternoon did you go to Curries Fountain? -- I did go to Curries Fountain.

Who did you go with? -- I went with another student, Norman Dubasana.

Norman Dubasana. And would you now tell us briefly what you saw and observed from the time you got there? First of all let us say .. (intervenues) (10)

BY THE CCURT: What time did you arrive there? -- I arrived there a little before 5 o'clock.

MR SOGGOT: And what was going on at that stage? -- There were about 200 to 300 people that were standing in front of Curries Fountain on the embankment.

On the embankment. Yes? -- There were also cars and vans immediately in front of the main gate of Curries Fountain. Nothing was taking place really, it was all quiet. After about 15 minutes the people that were in front of the crowd started to sing. (20)

Did you see who in fact started - what specific individual started the singing? -- I did not notice any particular individual.

Carry on please. -- Since we were standing at the back of the crowd, we proceeded to the front to sing along with the people that were singing there. The rest of the crowd joined in and we just continued singing one song after the other and some people were clapping hands and some were dancing.

What was the mood? -- It was a very happy mood.

A happy mood? -- That is right. (30)

How did you personally feel being there? -- I felt relaxed.

Did/...

Did this mood - we all know that subsequently there was a - the dogs came out. You know this happened later and people fled. Now up to that point, did the mood change at all? -- The mood never changed, it remained always the same.

Yes, carry on. You say that there was singing and dancing and so on. -- More people joined the crowd and as the number was increasing, we got on to stand on the road in front of Curries Fountain, that is immediately in front of the cars and the vans that were present there.

Were there any police there? -- There were a few (10) uniformed policemen and some of them were plainly dressed.

Yes, carry on please. -- We continued to sing until one of the policemen in uniform talked through a megaphone.

How far were you from that policeman at the stage when he talked through the megaphone? -- I do not really know, about 10 yards.

Was the policeman White or Black? -- He was a White policeman.

Did you hear what he said? -- He commanded the crowd to disperse, but we did not disperse. (20)

I am sorry, can I just ask you. Can you remember what time, if any, he gave you to disperse in? -- I would not remember the time, but I would say about three-quarters of an hour after I had arrived there.

Oh, I am sorry, you have misunderstood me. What I wanted to ask was in his announcement did he say you have got so many minutes in which to disperse? -- He could have mentioned minutes, but I do not remember.

You do not remember. All right then, we have this announcement by a White official, policeman. What happened (30) after that? -- This was shortly followed by another announcement from/...

from an African policeman. He also said the same thing in Zulu.

In Zulu. -- That is right.

Did you have any difficulty in hearing these announcements from where you were? -- I had a little bit of difficulty with him because I did not even see him, I just heard the voice.

You heard the voice. And he also then told you to disperse. Is that the position? -- That is right.

All right. Now, at the stage when these announcements were made, which way would you say the crowd was facing? (10) If you would take - if you would just accept notionally that Winterton Walk runs from east to west, that is east from the bus rank up the hill in a westerly direction. Have you got those compass points? -- I have.

At the stage then of the announcement what direction would you say the crowd was facing? -- The crowd was facing directly to the gate, that is it was facing in a northerly direction.

Would you tell His Lordship what happened after the two announcements had been made? -- After the announcements had been made we then began to move slowly in an easterly (20) direction.

Yes? Who were you with at that stage? Can you remember? Was anyone next to you that you .. -- I do not remember exactly who was next to me. We were changing positions.

Norman Dubasana what had happened to him? -- I had lost sight of him in the crowd. We did not stick to each other.

I see. Carry on. -- As we were moving in an easterly direction, later on I heard somebody scream behind me and when I looked I realised that there were many policemen who had uniforms, White policemen, each one was having a dog and (30) they were encircling the crowd.

Then/...

Then what happened? -- And then they charged at the crowd and we ran on to the embankment.

You ran away. -- We ran away.

That is what it amounted to. All right. Now, accused No. 2 did you see him that afternoon; that is Muntu? Did you see him there? -- I saw him.

Tell us when it was and where it was that you saw him. -- I saw him after the announcement had been made.

What was he doing when you first saw him? -- He was pushing himself into the crowd. (10)

From what direction? -- From the easterly direction going towards the west.

And what did he do? -- As he was pushing his way, he met some people that he talked to, that surrounded him.

Did you see who they were? -- I remember Colin Jeffries was one of them. The others I cannot remember.

You cannot remember the others. -- He talked to them for some time, for one or two minutes, and at some stage he joined in the singing and I remember seeing him making a fist and turning his back towards the - as he was coming he turned (20) around and he looked towards the east and beckoned the crowd towards the east as everybody walked towards the eastern direction.

Did he say anything that you heard? -- He did not say anything that I heard.

At that stage was there any singing? -- There was singing.

Can you remember what the song was? -- I think we were singing Shosholoza at that stage.

So you see him then going in an easterly direction and then what happened? -- I did not keep him in sight all (30) the time as we all were moving, but this was shortly followed

by/...

by the cry that I heard behind me and to the realisation that there were policemen and dogs.

Now I want you please to have a look at EXHIBIT RALLY A.10.1(aa) and may he also be given RALLY D.18. Have you got those two photographs in front of you? -- I have only one.

If you could just borrow mine. Now D.18 is a portion of the same thing, that is A.10.1(aa). Now, are you able to tell His Lordship at what stage of events the crowd was -- things were happening when that photograph was taken? -- I would say this was immediately before the dogs were let (10) loose on us.

At that stage -- let me ask you this: do you know where you were in that crowd? -- I can point exactly round about where I was.

Well can you do that perhaps? I wonder, I do not want to mark the photographs unduly. Have you got D.18 there? -- I have.

Well that is my photograph. Would you then just take a pen and mark the area or point where you say you were? -- Must I mark it? (20)

Yes, you can write on it. -- I have marked it with a cross.

BY THE COURT: You merely show a locality, you do not show yourself there. -- That is correct.

MR SOGGOT: You make an X pointing out the locality, is that right? -- Yes.

Are there any persons on the photograph which you can identify? -- I can identify Muntu.

Anybody else? -- I can also identify Norman.

I wonder if you would -- it is my photograph so it does not matter -- put an M over Muntu and an N over Norman (30) please. Not over the face, if you do not mind. Now, you have/...

have identified those two persons. Did you at the stage when they were there, actually see them there?

MR REES: M'Lord, if that is not a leading question I would like to know what one is and I object to it.

BY THE COURT: What is leading about it? He is just asking him whether he saw them there. -- I think I did see them at that position in which they are in the photo.

MR SOGGOT: And how long was that before you heard the voice or whatever it is behind you? -- I am sure it was immediately just before. (10)

Immediately just before. The voice or the photograph? I am not sure of your answer. -- The screaming behind me I heard after I had seen them in that position.

After you had seen them in that position. Did you see where Muntu went after you heard that scream? -- I did not see him during my running.

Did you see where Norman went while you were running? -- I did not.

Now I want you please to consider these propositions: while you were there that afternoon, did you ever see (20) any group making or executing or performing Zulu dance steps moving in the direction .. (intervenes)

MR REES: That is two questions. Perhaps we can get one of them disposed of.

MR SOGGOT: This is an episode in the State's case which I want to put to him.

MR REES: The question is did he see dance steps and did he see something else. Two distinct matters.

BY THE COURT: Did he see dance steps of people moving? (30)

MR SOGGOT: People moving making dance steps. In the direction/...

direction of the motor gate - I just want you to be clear as to what the motor gate is.

BY THE COURT: Did you see any dance steps at any stage? -- I did see other people dancing.

And what were they doing while they were dancing? Were they dancing in one area or what happened? -- They were dancing in one area.

MR SOGGOT: What I want you to consider is whether a formation of people in a bow or a horn shape or indeed for the purpose of my question any shape, made towards the motor gate (10) which is situated between or shall I say at the easterly extremity of the turnstiles? Do you know what I am referring to? I do not want you to be confused by my question.

BY THE COURT: To the left of the Volkswagen.

MR SOGGOT: That is so. -- I did not see .. (intervenes)

BY THE COURT:

Have you seen the Volkswagen there? -- I see it.

Do you know where the gate is? -- I know.

MR SOGGOT: Do you know the gate? -- That is right.

So then what is your answer? -- I did not see anybody moving in that direction or any crowd of people moving (20) in that direction.

Did you at any stage see Muntu moving in that direction? -- I did not see him move in that direction.

You did not. Now the charge took place and you dispersed. Now we know that the police came out at one stage with dogs. Did you before this at any stage see dogs? I am just talking about your own observations. What someone might have told you whether there were dogs there or not, I do not want it to be. I just want to know what you yourself saw. -- I saw them only after I heard somebody scream behind. (30)

Now, you will notice on D.18 that there is a photograph contains/...

contains on the right-hand side - let me show it to you.

MR REES: If the dogs are now being pointed out to him then I object. He was asked for an opinion. He said he did not see a dog and he said this photograph was taken before he heard the scream. So what is the purpose now of showing him the photograph with the dog on?

BY THE COURT: I did not follow the question.

MR SOGGOT: There is no intention to lead any evidence that he saw these dogs.

BY THE COURT: Well, what is the question? (10)

MR SOGGOT: I am referring to these two dogs here and the question is whether he in fact saw them that afternoon. What is your answer? -- I did not see those dogs on the right-hand side.

You did not. The other thing I want to ask you is this: I know this took place over a very small space of time, but as the crowd was moving in an easterly direction, did you notice - I have got to be broad in my question, I cannot be more precise - did you notice the continuing in that direction or something happening? (20)

BY THE COURT: I do not follow the question. What continuing?

MR SOGGOT: I do not want to lead him.

MR REES: Ask him what he noticed. Surely it is easy enough.

MR SOGGOT: I will try it that way. People were moving to the east.

BY THE COURT: Do you know where the east is? Do you still remember? That is down the road. -- I remember.

MR SOGGOT: Did they - what did you notice as they were moving to the east? -- Do you mean after the?

BY THE COURT: You mentioned that when the people started (30) moving to the east. Did they continue moving to the east or did/...

did they change direction? -- They changed direction at the time when the dogs were charging.

I thought you said the dogs seemed to be behind you and you were in the locality which you point out with the X. Now what direction were you facing when you were at point X? -- I was facing the easterly direction.

You were facing east. So if that is so then the dogs must have been on the west, that is behind you. -- Those were the dogs that I saw.

Yes, and what happened then? -- And then as they (10) charged, people changed from the eastern direction into the south direction, that is on top of the embankment.

MR SOGGOT: And they went for ...(inaudible) .. -- Yes.

CROSS-EXAMINATION BY MR REES: Was there any particular reason - are you finished studying this document? -- I am finished.

What were you looking at there? What did you want to see there, because when I started questioning you, you were studying that document intently, weren't you? -- I was merely gazing at it, I was not studying it.

Why were you gazing on it? -- There is no particular (20) reason why I was doing so.

Could I have that document please. Did you have any particular reason to remember your specific movements on that day? -- To a certain extent I had reason to remember.

Why, what reason did you have to remember exactly where you were at any particular time? -- It was a rare occasion to me. I do not attend gatherings of that nature every day.

But aren't you a member of SRC and a member of SASO? Didn't you attend any of their meetings? -- I did, but they were not of this nature. (30)

Why were you then interested in exactly what position you stood/...

stood in, in what position people were? Weren't you interested in what was happening rather? -- I was.

Well, decide what were you? You were interested in what was happening or you were interested in exactly where you stood. -- I was interested in both.

Why were you interested in exactly where you stood? Did you want to tell it to your grandchildren one day?

MR SOGGOT: .. (inaudible - not into the microphone) .. a double question. Were you interested in the events or exactly where you stood. (10)

MR REES: I do not see what my Learned Friend's problem is.

BY THE COURT: (not into the microphone)

MR REES: And I got an answer to both.

BY THE COURT: What is the answer?

MR REES: The answer was he said he was interested in both.

BY THE COURT: But then you asked him again.

MR REES: That was not what my Learned Friend was complaining about.

BY THE COURT: I thought he complained about your last question. I do not think you got a reply to the last question. (20)

MR REES: Have you got any problems with my last question? -- I have.

What was the question? -- Whether I was interested in my position or in where everybody was.

That you have already told us. What is your problem with that question? -- I did not get the last question, you did not complete it.

Oh, is that your problem? Well, what did you hear of the question? -- I did not grasp what you were..

You did not hear it at all. -- That is right. (30)

Why were you interested in exactly where you stood? -- I must/...

must say I was not particularly interested in the exact position where I am.

Yes, I can understand that. Nobody is interested in remembering a year and a half afterwards exactly where he stood at a particular time. Now tell us why did you then tell the Court that you were interested in exactly where you stood? -- I understood the question to mean how I was interested in the whole occurrence of that event.

Oh, if you think I asked you that, tell us how were you interested in the whole occurrence of that event? -- I (10) do not get the question.

Didn't you hear it? Tell the Court then why you were interested in the whole occurrence of that event? I am using your own words. -- I will say I was interested because it was a rare occasion.

You were interested in what was happening and you were interested in where you were standing because this was a rare occasion.

MR SOGGOT: .. (not into the microphone) .. repudiated the suggestion that he was interested in where he was standing (20) and that answer my Learned Friend first got with a double question.

MR REES: Do you want to fall in line with what Mr Soggot has suggested now? Do you accept what he says? -- I do.

You do. What is it exactly you are falling in line with? -- That you had already asked the question and that I had in fact said that I was not interested in the particular position that I was in.

So the position is that you were not interested in the particular position you were standing in. -- That is true. (30)

Why did you tell us at first that you were? -- I have
already/...

already answered in that I took your question to be asking about events at that particular occasion, not to mean exactly the particular point at which I was standing.

So you cannot really at this stage tell us exactly where you were at any particular time during that day. -- I can merely approximate.

You say you were there. Isn't that the crux of the matter? -- I can go further and approximate exactly on which part of the crowd I was.

At any particular stage that day? -- I would. (10)

Weren't these very exciting events? -- Not so exciting as for me not to be able to remember on which part of the crowd I was.

Weren't these very exciting events? -- They were exciting.

You even had to run. Did you ever have to run away before? -- I have run .. (inaudible - witness is speaking very softly)

On such - I see - on occasions where police dogs were set onto you? -- No, I have not run under those circumstances.

That was the difference. Therefore it had been a rare occasion, wasn't it? -- It was. (20)

And it must have been very exciting or were you afraid? -- Was I?

Were you afraid or were you just excited? -- I was excited, I was not afraid.

Not afraid. -- I only became afraid when I saw the dogs.

Yes, so you were both excited and afraid that day. -- That is correct.

What excited you? -- I was enjoying the songs that were being sung there and I was partaking in them.

What was the first song that was sung when you arrived? What were they busy singing? Or don't you know? -- (30)

The/...

The first song that we started singing was the National Anthem.

Was that the first song. What is it called? -- Nkosi Zikalele I. Afrika.

Nkosi Zikalele I. Afrika. Yes, and thereafter? -- Thereafter various songs, I cannot put them in their order.

I would like to know. What was the one that followed after Nkosi Zikalele I. Afrika? Or don't you know? -- I cannot remember exactly which one followed Nkosi Zikalele.

In fact you cannot tell us the sequence of any of the other songs, can you? -- I would not. (10)

You would not. Can you tell us why you say Shosholoza was sung at a particular time? -- It is because it was the last song that was sung before we ran away.

It was suggested here that Nkosi Zikalele is a very solemn song. Is that so? -- It is true.

And it was also suggested here that that is a song that marks the end of a proceeding and not the beginning. What do you say to that? -- This is true in a situation where people are in a meeting, but there it was sung at the beginning. The people who were in front started to sing, I do not know (20) for what reason. They probably thought it was the end, I do not know.

They thought it was the end. But thereafter they ran straight into a lot of other songs. -- I suppose because people joined in then any other song was started and sung.

But that does not usually happen that after Nkosi Zikalele other songs are put in, is it? -- This is not usual.

This is most unusual. -- It is not usual in a situation where there is a chairman and it is an orderly meeting.

You say - tell the Court just exactly what happened (30) when No. 2 arrived. -- When he arrived, he pushed his way

into/...

into the crowd towards the western direction. I remember seeing him talking to a few people that were surrounding him.

Yes? -- I did not keep him in sight all the time, but I remember him again when I looked at him he was singing and he raised his fist and proceeded in an easterly direction.

How long did you lose sight of him? -- I cannot say.

You do not know really - you did not see who took these photographs, you did not see photographs being taken, did you? -- I saw people taking photographs.

You do not know who - you saw numbers of people (10) taking photographs. -- Quite a number of them.

RE-EXAMINATION BY MR SOGGOT: You say that you saw him - you lost sight of him. -- Yes.

Is that right. You said that. Now can you make an assessment as to how many seconds or minutes later thereafter you saw him again?

MR REES: The witness says he could not say. How can he now be asked to make an assessment?

BY THE COURT: I thought he said it was a minute or so. How long was - how long after you saw No. 2, did you see (20) him again? After you saw him for the first time, how long after that did you see him again? -- I kept on gazing at him and sometimes not looking at him. It was quite a period.

Over a period. For how long? -- He must have been there for about a minute or so.

Do I understand you correctly, you saw him pushing into the crowd in a westerly direction, but then you saw him being surrounded by people, including Colin Jeffries? -- That is true.

Did you see him again after that? -- I saw him again as he raised his fist, going in an easterly direction. (30)

When you saw him raise his fist and going in an easterly direction/...

direction, was he actually moving or was he about to move? --
He was actually moving.

And did he have anybody around him? -- He had people
around him.

Who? -- I think I remember seeing Norman as one of those
people.

Doing what? -- Moving in an easterly direction.

Did you see him again after that? -- I did not see him
after that.

But now when did you see him as reflected here on (10)
the photo? -- This could have been just before he raised his
fist.

But I thought you said when you saw him again he was
already moving and he had his fist raised. -- He was raising
his fist when I saw him.

But he is not raising his fist here in the picture if I
remember correctly. Did you see him as he appears on the
picture? -- This could have been just before he raised his fist.

But did you see him then? Because you said when you
looked at him again he was moving and he raised his fist. (20)
Was that before or after they started singing Shosholoza? --
When?

When you saw him with his fist raised. -- Yes, I saw him.

But were they already singing Shosholoza or had they not
yet started singing Shosholoza? -- They had not started.

But you say he was moving. -- That is true.

You say he says he put up his hand and he did this and
he started singing Shosholoza and then they started moving.
-- The starting of the song and the raising of the fist really
I think they occurred at about the same time. (30)

I think this is a convenient stage to take the adjournment.

Shall/...

Shall we adjourn until tomorrow morning. Does that suit
you?

THE COURT ADJOURNS.

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