

BY THE COURT: What made you change your mind? --- This is because I decided during my detention that detention is, to use his own words, a two to one chance, either you come back or you do not.

CROSS-EXAMINATION: (CONT.) Explain that please? --- I decided that rather being locked up for a long time and if they say to me this is what happened and it is not so and they tell me I am not telling the truth, that I have to tell - when they said to me that I am not telling the truth, that I would be locked up for a longer time. 10

Who told you that you were not telling the truth? --- This was said during my interrogation.

How many times did they tell you that you were not telling the truth? --- Whenever a question was put to me and my answer was not satisfactory, then they would say I am not telling the truth. 16

Now please give us a few examples of what they said you were not telling the truth about? --- I was being questioned about Masabata at one stage and I said to them me and Masabata had made a certain appointment, then they said, if that is the position, why then did she write my address. 20

Yes, they wanted to know why she wrote your address, which means - do I understand by that that you did not tell them - that originally you did not tell them that your address was written down for the purposes of military training? --- Yes.

What did you originally say your address was written down for? --- I was denying knowing Masabata and then the next question was, how did it come about that she had my address if we did not know one another. 30

Then/.....

Then you told them that you had made an appointment?

--- Yes, I said so but they caught me out again.

What did you say the appointment was about? --- Well I said we meet - I had at this stage said to the police the question of military training was still to be discussed during this appointment, this was before I told the police that I had already agreed to undergo military training.

So in your first verbal statement to the police you never said anything about your being requested to undergo military training? --- Initially not. 10

You said that you did not know Masabata? --- Yes.

They told you that you were lying? --- That is correct.

Did they tell you how they knew that you were lying? 17

--- Well whilst I was talking I became hesitant with my replies, I was shocked and I was shivering at this particular incident. 18

You knew that unless you agree that Masabata had told you to or asked you to go for military training, your changes would not be two to one anymore but zero to one or something like that? --- Well I decided to talk. 20

I know you decided to talk in order to improve your changes of release? --- Well after deciding to tell the whole truth which is in my statement I did not become scared of anything.

No, let us come back to the evidence that you gave earlier. You say that you knew that unless you told what the police wanted you or what they believed to be the truth once they accused you of being lying, that you had two to one chance? --- Yes.

The police, when they told you that you were lying, 30
when you said that you did not know Masabata, did they tell
you/.....

you that they knew that you knew her? --- Well I said to them I do not know Masabata so long, it was only between the period that I mentioned that I knew her.

But you already told us that you told them that you did not know Masabata and they told you that you were lying? --- When the police asked me whether I knew Masabata, initially I said no but after it was put to me that I was lying, I said to them I know Masabata from that day we met in the house where we had taken refuge.

Now did you then tell them that the meeting at the house was an innocent one and had nothing to do with military training? --- If you would repeat the question. 10

Did you say to them, after you admitted that you met Masabata at this house where you took refuge, did you then tell them that it was an innocent meeting at which military training was not discussed? --- Ultimately I admitted.

Originally, we know that ultimately you admitted it because you made a statement to that effect but originally, did you deny it? --- No, what I told them is that me and Masabata made an appointment at that house and the appointment was that we would meet somewhere else. 20

Did you tell them that nothing was said about military training at that house? --- No but I mentioned in my statement that military training was discussed there.

Yes but this is in your eventual statement, originally? --- Initially yes.

Initially you told them that there was no talk of military training at the house? --- But they did not ask the question as you are putting it now.

I am sure they do not ask the questions the way I ask them but did you originally deny that there was any talk

of/..... 30

of military training at the house? --- No, I am trying to explain, the question was not put at the council is now putting it, the question was from the police did she tell you about military training, I did not admit at that stage.

Was your answer to the question no? --- No, she did tell me and I said yes.

BY THE COURT: What was your reply to the police when they said that to you, what did you reply to the police, that is the question? --- I said to the police yes, she told me about it.

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CROSS-EXAMINATION: (CONT.) You said a little while ago just a couple of minutes ago you told us that initially you did not and they called you a liar? --- No, the police asked me if she had told me about military training, I said to them she did and I was asked if I agreed to undergo military training and that I denied initially.

That was not your evidence? --- Then I mentioned that we have made an appointment for the 20th.

You see, the way Mr. Bassy has written it out was the question was, did she tell you about military training and your answer was no and I did not admit. That was your answer? At that stage, you used those words, at that stage? --- But I have just given an answer to their questions direct and what I said.

20

You said that when they asked you whether Masabata had mentioned military training to you, you said no and I did not admit it at that stage, those were your words written down? --- No, my reply was that initially I did not agree to the police having agreed to undergo military training.

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BY THE COURT: I think this is according to how I understood/.....

stood his evidence on this point.

CROSS-EXAMINATION: (CONT.) Now, during your whole day in-
terrogation at Rivonia, was an interpreter used? --- No.

You spoke in English? --- Yes.

So the pace was twice as fast as we have been doing
in this court? --- More or less the same.

Because it did not have to be translated? --- Yes.

You complained about the length of my questioning and
I have much sympathy with you in relation to that but so
far your interrogation at Rivonia was twice as long as 10
the unfortunate experience that I have subjected you to?
--- It is so.

Did you find your interrogation at Rivonia more or
less confusing than your questioning here in court? ---
Although I understood what I was being questioned about
but the questions were confusing at Rivonia.

More confusing than what they are here in court? ---
There are confusing questions in this court as well.

Now on how many occasions were you accused of being
untruthful by the person who was interrogating you at 20
Rivonia? --- About once.

About once? --- Yes.

What do you mean about once? --- I mean once.

You mean only once? --- Yes.

You have been sitting with a security policeman during
the adjournment, have you not? --- Yes, one black security
policeman.

And as I was passing by I heard you mention the word
statement, I do not know what else you were saying in your
own language, I heard you speaking of the word statement. 30
Did I hear you correctly? --- No.

I/.....

I did not hear you say that. What were you talking about? --- We were talking about the change of surnames after one gets married.

Nothing about a statement? --- No.

But you see, before the adjournment you said whenever my answer was not satisfactory to the police they said I was not telling the truth, was that evidence true or false? --- I said so but I further explained that I was shocked and I was shivering.

Now just listen to me for a moment please, do you agree that when you say whenever my answer was not satisfactory to the police they said that I was not telling the truth, do you agree that you intended to convey to His Worship that this was said on a number of occasions? --- This was during the time when I was shivering, that was the only time. 10

Do you agree what you intended to say to His Worship that one more than one occasion your answers were not satisfactory to the police and you were told that you were not telling the truth? --- No, you asked me on how many occasions this was said and my answer was that it was said once and once was during that time. 20

Do you agree that that clearly indicated to His Worship that you intended to indicate that that was said more than once? --- This was said once.

Why did you express yourself in that way before the adjournment? --- In what manner, what did I say?

Whenever my answers were not satisfactory to the police they told me that I was not telling the truth? That is what you said? --- I also explained in what condition I was. 30

Just listen to me for a moment, this policeman that you were sitting outside with has been sitting behind you from time to time in court? --- Which one?

The one that you were sitting outside with during the short adjournment? --- No, he is not here.

Who is that policeman? --- I do not know what his name is.

Who brings you to court? --- He brings me to court.

On how many occasions has he brought you to court? ---
This is the fourth or fifth day. 10

Who takes you back home? --- He does.

How is it that you never found out his name? --- It is only that we do not discuss.

I am going to put to you that the only reason that I can think of why you change your evidence in relation to the number of occasions that you were told that you were not telling the truth by the security police at Rivonia is because something must have happened during this adjournment? --- If you would tell me what happened?

Perhaps you can tell us the reason why you changed 20
your evidence then if my suggestion to you is unacceptable to you? --- What I am saying now is the same as I have been saying before the adjournment.

Let me assure you that it is not. Can you give any other explanation why you changed from you being called a liar by the police during the course of your interrogation on a number of occasion, you changed it to only once. Can you please explain that, can you give any reason other than the one that I have suggested to you? --- It is still the same that this only happened on one occasion. 30

Now tell me...? --- What I said further was that they
kept/.....

kept on - what I do say is that this only happened on one occasion but that the police kept on repeating the same question and this that you are a liar was not only said once, it was said once during the same occasion, it was repeated you are a liar, you are a liar, you are a liar.

Are you sure of that? --- Yes.

Well that was not your evidence before lunch and I am now going to suggest that you have just contrived that answer because the question was on how many occasions did the police ^{tell} you that you were not telling the truth, it 10 was then, in answer to that question that you said whenever my answer was not satisfactory to the police, they said that I was not telling the truth? --- This was whilst I was explaining one question that they repeated that I was lying.

That is not what you said. You said whenever my answer was not to the satisfaction of the police they said that I was not telling the truth. Now you remember that you told us that you were afraid of detention, that you had a two to one chance? --- Yes.

Now tell us precisely what you meant by that again 20 please? --- But I have already explained, why should I repeat it.

Will you please answer my question? --- Were you then not satisfied with my answer when I replied to that question?

You know, His Worship is the person who is in control of the procedures here and I have asked you a question, please answer it? --- I have already answered that question.

Are you afraid to repeat your answer? --- No, I am not.

Well let us just get it over with, what did you mean 30 by that? --- If I did not tell the truth I would have stayed

in/.....

in prison for a long time.

And that the choice that you had was to agree with what the police believed to be the truth or stay in detention for a long time? --- But I ended up agreeing, I ended up telling the truth.

Did you believe that if you deny what the police believed to be the truth, that your detention would be much longer? --- I do not understand the question?

I will repeat it, did you believe that if you did not agree with what the police believed to be the truth, your 10
detention would be longer? --- This is what I thought, I
thought if I do not tell the truth that I would be detained
for a long time.

Now the suggestion that Masabata spoke of military
training first came from the police during your interroga-
tion? --- The question was, who was the person I spoke to
first at the house where we ran to, I told them. They
asked me who the second person I talked to was, I told them
who it was. They asked me what he or she was saying, I
told them. Firstly I denied having agreed to undergo 20
military training.

You have told His Worship the whole truth? --- This
is the truth as I have given it in my statement.

Is this the truth as to how your interrogation started
and proceeded? --- Yes.

When you were first asked who was the first person
you saw and who was the person you saw thereafter you gave
Masabata's name? --- As the second person?

As the second person you saw? --- Yes, they also asked
me who the first person was. 30

But right at the beginning of your interrogation you
told/.....

told the police that Masabata was the second person that you spoke to without their suggesting the name of Masabata to you or asking you any questions about it or anything else? --- Yes, immediately after they asked me who the second person was I mentioned Masabata.

Without the police mentioning the name of Masabata?
--- Without it being mentioned by the police.

You are not telling the truth because your evidence was that you were asked about Masabata and you first said that you did not know her, have you forgotten about that? 10
--- There you did not understand me clearly.

Who did not understand you? --- Council did not understand me.

But please believe you me that I have no difficulty in understanding you whatsoever? --- I said, I told you how the whole questioning started. Before asking me for Masabata's name they asked me the questions which I have just replied to, who the first person was I talked to and who the second person was.

Tell me, in relation to what did your interrogator 20
say you lie, you lie, you lie? --- This was when I denied having agreed to undergo military training and telling Masabata to write my name down.

Is that the only occasion on which your interrogator or anyone else whilst you were in detention said to you that you are lying? --- That was the only occasion.

But that was not your evidence before the short adjournment? --- If you would explain what I have said.

I will, they said that they told you that Masabata had written your name down and you said you did not know 30
Masabata and they said you were lying? --- This was during
the/.....

the same occasion, that is why I make it just once.

Now surely, surely. What is your standard of education again? --- I matriculated last year.

Well you are to be complimented on that but a person who has matriculated can hardly have failed to express himself so poorly if he was telling the truth? --- It is because of your questions, you ask one question then come back to ask the same question in a different manner, that is why my answers are not the same.

But if a person is telling the truth, why should that be a problem? --- Well if you ask me questions and my answers are not satisfactory, that is nothing which I could help.

You see, I am going to suggest to His Worship during the course of argument in this case that your change of evidence between prior to the adjournment and after the adjournment can only be explained on the basis that the fear that you had whilst under detention to agree with the police suggestions is present whilst you are in that very witness box? --- My evidence is the same.

Well what do you say about the fear? --- No, I am not scared of anything. 20

Well what do you think would happen if you tell His Worship something different to what you have said in your statement, that took the whole day without an interpreter to extract from you? --- Is your question what do I think would happen?

Yes? --- I do not think of anything that could happen to me, what I am telling this court is what I know of.

That is the reason, it is that fear and the conflict within you which is really making you whisper so that not even the interpreter can hear you? --- No, I am talking like/..... 30

like this because I am not used to appear in court.

Now tell me, except now on the occasion or occasions on which you were told that you were not telling the truth by your interrogator, did the interrogation thereafter go very smoothly? --- Yes, I thereafter started answering questions correctly and they had already got what they wanted.

But now your evidence in chief lasted, if my memory serves me correctly, approximately half an hour with an interpreter, why did it take over eight hours to interrogate you....

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BY THE COURT: No, I do not think your estimate is right, is it?

CROSS-EXAMINATION: (CONT.) From eight to four, why did it take the whole day? --- Why it took the whole day is they were asking me questions and at certain stages they would leave me there and later come back.

Just short breaks for tea and lunch? --- There were other breaks within those.

You remember that yesterday you said that you did not know that the length of your detention depended on the way you answered the questions or words to that effect, do you remember that? ---

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Could I amend that, I have been corrected by my learned friend, I did not put it quite correctly, could I amend that. What you said was, you were not told that the length of your detention did not depend upon the manner in which you answer questions? --- I decided to talk the truth to be released, not because anybody told me but this is what I thought.

It was not necessary for anybody to tell you because you knew? --- What did I know?

30

You/.....

You knew that unless you made a statement to the satisfaction of the police you would not be released? --- I did not know that.

Can you remember during the interrogation how the question about Seiko was asked? --- This came about during my explanation about what Masabata had said to me.

What questions were you asked about Seiko? --- The police asked me if I have knowledge of Seiko, what I personally know about Seiko, my reply was that I did not know anything about Seiko. 10

Is that what your answer was? --- That I did not know anything about Seiko was my answer.

So when you were first asked about Seiko you said you knew absolutely nothing about Seiko? --- Yes, except when I made the application - the explanation about what Masabata told me.

You told us that the police asked you about Seiko and your answer was that you knew nothing about them? --- When I was asked what I personally knew about Seiko, that was my reply but I explained to the police what Masabata had said to me about Seiko. 20

Yes, I know that you eventually made the statement but when you were first asked by the police about Seiko, you said you know nothing about it? --- I said I do not know anything about it.

Did they accuse you of being untruthful when you said you knew nothing about Seiko? --- Immediately after answering that question I told the police that Masabata told me this and this about it.

But that is a strange way to have expressed yourself a little while ago, if that is what happened. It was a very/..... 30

very chancy answer to give to a security police interrogating you, I know nothing about Seiko when you in fact had been told something about it as you say you were? --- The question was, do you know anything about Seiko or any other organisation.

What was your answer? --- My reply was, I personally do not know anything except what Masabata told me and what she said is this and then I explained to them.

At that stage you knew that your release depended upon your implicating Masabata? --- Well, these were questions 10 they were asking me and I was replying to the questions, I did not know that I would be released early.

Now tell me, what did you say to the police Masabata had told you about Seiko? --- I said to the police Masabata said to me the Seiko is an organisation that was formed outside the borders of this country, after the banning of the SSRC.

Anything else? --- And I also told them what she said to me about the period of training, between two and three months. 20

Was this in answer to questions or did you just volunteer all this? --- These were answers to questions.

Now what questions did they ask you about the formation of Seiko? --- The question was did Masabata tell you that Seiko recruits people and how was it formed, I then gave an answer to that question.

So that the very first questions that were asked of you, you realised that the police were really interested in Masabata? --- Well it depends on the police, whether they realised this. 30

No, we are talking about you realising it? --- Well
to/.....

to me, I did not realise it.

You know, what I want to suggest to you is this, that despite the fact that I was in a trial that lasted a number of weeks against my learned friend Mr. Swanepoel in which Seiko played some part and I heard it many times, it is a difficult name to come to terms with, to remember, to know how to write it, to know how it sounds, unless you hear it over and over again. Do you agree, that it is not an easy name on the mind or on the tongue? --- Well it is so but once I made the word stick in my mind, it was mentioned 10 and I thought in terms of physogology.

It sounded like physogology to you? --- No, not that it sounded like physogology but that is why I did not forget it.

It had an association of ideas? --- No, not really.

On how many occasions was Seiko mentioned to you by 16 the police before you told them that Masabata had mentioned it to you? --- It was only once when they asked me about it.

It was they who mentioned Seiko first? --- Yes. 17.

Now what did you think would have happened to you if 20 you said I heard nothing about Seiko, during the course of interrogation, what did you think would happen to you if you said I know nothing about Seiko and Masabata told me nothing about it. What did you think would happen to you in view of your previous experience? --- I told them, they were asking me and I told them what Masabata said and that I asked her to which organisation she belonged, that she told me and during the interrogation, that is where Seiko came in.

The question was, what did you think would have hap- 30 pened to you if you said I know nothing about Seiko and

Masabata/.....

Masabata did not say anything to me? --- Well they would have realised that I was lying.

And did you realise that if they thought you were lying you were less likely to be released? --- Yes.

Now tell me, did you know the names of the persons that spoke to you in that kitchen before the commencement of your interrogation? --- The people I spoke to introduced themselves to me and I knew who they were.

So are you saying that you did know their names? --- Yes.

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They were introduced - do you say that accused one introduced herself to you as Masabata? --- Yes.

Well I want to suggest to you that that was not your evidence? --- I said so yesterday.

Now tell me, have you given us the precise address of Pascal? --- Yes, I think so, yesterday.

What is it? --- 53 Ndeni North.

When did you last see Pascal? --- On Sunday.

What is your address? --- 413 Ndeni North.

Now I am going to put to you that there was no talk of military training at all, there was no talk of Seiko? --- If you would only tell me where? 20

In the kitchen? --- If there was no mention of it then I would not have known anything about it and I would not have mentioned it to the police.

But the police mentioned it to you first? --- No, that is not so.

Are you saying that military training was not mentioned by the police?

BY THE COURT:- This is not right, I do not think it is fair to put the question like that in that manner, he said it/..... 30

it was not mentioned first by the police and you are now putting it to him that he said that the police did not mention it.

CROSS-EXAMINATION: (CONT.) When did the police use the expression military training for the first time? --- It was during the questions about Masabata, when they asked me what Masabata had said.

What did they say about military training? --- The question was what did Masabata say to you, I then told them the question put by Masabata to me, namely do you not want to go for military training. It was then mentioned as M.T. 10

Now during the period of a week to ten days more or less that you were completely alone and before your interrogation, did you not contemplate the reason for your detention? --- I did.

And did you think that your conversation with Masabata had something to do with it? --- Yes, I saw the paper.

Where? --- At the time of my arrest I saw the people who were arrested together with me as the people who had been at that house and I knew that I would be questioned about them. 20

Do you remember that you said you saw the paper, I asked you where, what is the answer to that question? --- The list that I saw yesterday here.

EXHIBIT G? --- Yes.

Now the question was, whilst you were alone did you contemplate the reason and you said yes. Then you said I saw the paper and I asked you where? --- I made the mistake of aying I saw the paper but what I actually saw were the people who appears on the paper that I saw yesterday. 30

You see, I am going to suggest to you that it was not

a/.....

a mistake because during this lengthy interrogation when you denied you knew Masabata I would suggest one of the most natural things for an interrogator to do is to put the paper in front of you and say hey, how come you deny something that we found in her possession? --- No, I saw this paper for the first time here in court yesterday after seeing it the last on the 16th.

Tell me, where did you find out or how did you know this two to one chance in detention, where did you find this out from? --- It is just something that I thought of. 10

What experience have you got, you told us and we will accept for the time being that the police never explained it to you, where did you get it from? --- Well just like what happened in criminal courts, if a criminal knows that he has done something wrong, he usually thinks of admitting so that the sentence should be lighter.

I can understand that in relation to the courts but why should you admit to the police? --- For the same reason.

I can understand that but why did you or how did you know that the quicker you talk and you say what is going to please the police, the quicker you will get released? 20
Where did you get that from? --- Well it is something that I just thought of, even if I was detained for a long time at least I have told them what is right.

I am going to suggest to you, for a person having that knowledge of the two to one chance and what would happen in interrogation, is the sort of person who would not have wanted to have explain to him what military training was? --- I do not understand the question.

What I am putting to you is, is that a young matriculant from Soweto who went to Regina Moondie to commemorate the/..... 30

the 16th of June, did not require, whilst he was trying from teargas, a lengthy explanation as to what military training was?

AANKLAER SPREEK DIE HOF TOE:

CROSS-EXAMINATION: (CONT.) I will amend it, what military training is for, this is what I really intended to ask? --- This was to be explained to me because firstly M.T. was mentioned and I did not know ^{or} expect to come across such a discussion.

The objection was well founded and it was conceded, 10
what I am saying to you is that it was not necessary for anyone to explain to you what the purpose of military training was? --- I did not know what military training was for and she explained to me.

What did she say? --- She said to me military training, one goes out of the country to undergo military training outside, he then comes back to fight the South African white government in order that we, the blacks should have the power.

Is this whilst your eyes were shedding tears from 20
the gas? --- Yes, we were together at the corner there.

She was in a similar state? --- Yes but she was writing my name.

So you not recall that accused number one was in a bad state from this gas, but that she had already been treated with all the home remedies in relation to this gas? --- Yes but she did write my name.

I know she wrote your name? --- And explained to me.

But that for whatever purpose you and Freedom may have gone outside, when you and Freedom came back you 30
had another dose of this gas? --- That is correct.

And/.....

And that is why Freedom asked Masabata, accused number one to write the names down for her, Freedom's purposes? --- But what was explained to me by accused number one is an explanation to me by her.

And that no explanation whatsoever was given by accused number one?

NO FURTHER QUESTIONS BY MR. BIZOSG:

CROSS-EXAMINED BY MR. COALKER: When you found EXHIBIT W in your letterbox, there was a reference in it to Monday and Tuesday, June the 15th and June the 16th, do you remember? --- Yes, I remember. 10

There was also a suggestion that on Sunday, June the 16th you could go to Ndeni St. Matthews Anglican Church? --- I do not remember everything that was on the pamphlet.

Will you take a look at the original EXHIBIT W. Now if you look at that document you will see that there is a little heading underneath Azikwela and the words please remind your neighbour so that he must not say I did not know? --- Yes, I see this.

Below that you see Sunday, June 14th, 2.00 p.m. 20
Ndeni St. Matthews Anglican Church? --- Yes, I see.

And after that Regina Moondie and then the word forward? --- Yes.

Did you on June the 14th, Sunday, go to either St. Matthews or Regina Moondie? --- No.

What is your own church in your area, Ndeni? --- I belong to the Methodist Church.

Then immediately after that under the heading Tuesday the 16th, you will see, following the word forward suggestions of a whole lot of different place, one is Regina 30
Moondie and the next one is Modise Obotsi in Diepkloof?

Yes/.....

--- Yes.

What is Modise Obotsi, is that a church? --- I do not know what it means.

The next one, I cannot read clearly off my copy, it looks like AHWA or MHWA Centre, Lenasia? --- I do not know this.

Then after that you have Sansuzi Kliptown? --- Yes, I see it.

What is Sansuzi? --- Sansuzi is the cinema, bioscope.

The next one is Sefokeng, Meadowlands? --- Yes. 10

What is Sefokeng? --- It is a building, I do not know whether it is a hall or a church building.

And then the next one is the Methodist Church in Dobsonville? --- It is a building yes.

Is that anywhere near to where you live? --- No.

Then finally of these churches there is the Church of Christ the King, Coronationville? --- I can see but I do not know the church.

But you know there is a church of that nature? --- I am seeing it for the first time. 20

I see from this EXHIBIT people were called to the ten gatherings at seven different places? --- Yes.

That is on the 16th of June? --- Yes.

And on the 14th to two different places? --- I got EXHIBIT W on Monday morning, I did not know about this service on the 14th.

Now I want you to look at the last line at the bottom of that document, you see it says issued by the Anthock Anti Republic Committee? --- I can see this.

Have you any idea what organisation has that name? 30
--- No, I have no idea.

Has it anything to do with either Azapo or Azanu? ---

I cannot say.

You have no possible means of saying whether it has anything to do with Seiko? --- I have no idea.

You have no personal knowledge about Seiko of your own experience, have you? --- No, except what I was told by Masabata.

You have never been to any meeting called by Seiko nor have you joined that organisation, have you? --- No, I have never been to a meeting of Seiko, nor did I join the organisation. 10

Apart from what other people have told you, you had no means of knowing from your own knowledge who are the members or executives? --- If you would explain to me what you are talking about?

I am saying that you cannot know anything about who is one the committee and who holds the various offices for Seiko, except for things that you may have been told by number one? --- This is correct.

You have already told us that you never discussed Seiko with anybody else? --- Except when the police asked me about it. 20

So have you had information about Seiko from the police? --- No, from Masabata. I mean the only time I discussed Seiko was when the police interrogated me about it.

On the 16th was anything like one single word said to you about Seiko by the girl called Freedom? --- No.

You know full well it has been put to you by my learned friend Mr. Bizosg that accused number one's attitude is that she had no discussion with you but you had your whole discussion with Freedom? --- The only discussion I had with 30

Freedom/.....

Freedom was when she told me that as I see the police are on duty, she is also on duty and before she could explain further teargas was thrown and we ran away.

Look at EXHIBIT W. Before you went to that meeting at Regina Moondie, did you read through this material on the back as well as that on the front? --- Yes, I have.

Now what caused you to retain that document and to set fire to the other pamphlet that you got? --- The other one was a bigger document and as I said yesterday, the reason for burning it was to avoid the teargas fumes. EXHIBIT W 10 was not with me at the time, it was at home.

Did you burn the other document in the kitchen of the house where you took shelter? --- No, inside the church.

Was there a fire already burning there or did you just it with a match and burn it? --- The person who was next to me had his pamphlet lit and I just lit mine on his burning pamphlet.

How long after the meeting started did you become aware that teargas was being thrown? --- It was a long time, I did not estimate how long. 20

According to this pamphlet the meeting is due to start at 2.00 p.m.? --- Yes but they did not start at two, we came there about eleven o'clock and there were people already inside the church building although the service had not started.

So you were there at seven o'clock in the morning? --- Eleven.

At that stage was the meeting already started? --- No, it had not started.

Were there a great many people there or just a few? 30
--- There were very many people.

At that stage you had already seen the police standing some distance away but fully armed? --- Yes.

About when did the service followed by the meeting start? --- I would estimate at about twelve, I did not have a watch with me.

Now who started the meeting as such? --- The person who was the master of seremonies, I do not know who he is.

At what stage did you first go outside from the church? --- I had gone to the toilet, this was before the police came.

10

Before the teargas began to be seen or smelled?--- This is correct.

Did you go out to go to the toilet or for what reason? --- I had gone to the toilet.

After that, did you go back in again? --- Yes.

At that stage, was there no sign of any teargas? --- There was no sign of teargas and the people had started making speeches inside.

Have they finished singing songs and shouted slogans? --- At that time people were quietly listening to speeches, 20 the singing and the shouting of slogans was before the speeched were made.

You mentioned that you saw but you did not hear one Bishop Tutu, is that right? --- Yes, I saw him there and at the time I saw him he had a wreath.

How do you know his name, have you seen him before? --- You mean Bishop Tutu?

Yes? --- Yes, I have seen him before.

Was his name announced at this meeting? --- He was standing in front and he had this wreath

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Did he say any prayers? --- No, just a moment of silence was/.....

was held.

You mentioned that you heard somebody called doctor Motlana? --- Yes, he was there.

Who was he? --- Doctor Motlana is doctor Motlana.

Does he belong to any particular organisation or movement? --- Yes, he does belong to some organisation, I am not clear on the name, I do not know what it is called.

Is it possible it might be Azapo or Azanu? --- I do not know, as I say, I am not clear about it. 10

You never heard who are the members of the Athcock Anti Republic Committee? --- No.

And you mentioned that you saw somebody called Mr. Mthembu of the organisation Azapu? --- Yes, I did.

Did you hear him make a speech? --- Yes, though I did not listen to his speech, it was a lengthy speech.

Then you mentioned that you heard somebody called something like Mthlele, I think what you said was Kethla Mthele or Mthlela perhaps? --- Did I mention it?

When you were being cross-examined by Mr. Bizosg 20
you said you heard him but not very clearly? --- Yes, I said so.

Who is he? --- He is the president of Azapo.

Did you see anybody there whom you know to be some sort of an officer of Azanu? --- No, I did not see anybody.

At about what stage and about what time did the people in the church get disturbed by teargas? --- This was towards the end of Mthembu's speech.

Can you remember the time? --- I did not have a watch.

I take it must have been the middle afternoon, when 30
it was getting dark? --- Yes, it was in the afternoon.

were/.....

Were any teargas containers actually thrown into the church building or was it just coming in through the door and the windows? --- The fumes came in through the windows and the door.

Was ther a wind blowing that day? --- The doors were open and the windows and it came in and people were busy running out of the building.

Did it make the building almost uninhabitable because it was so thick and heavy? --- Yes, people started running out of the building.

10

The majority of people ran out of the building? --- Yes.

And you went out? --- I also ran out yes.

When you first ran out, did you ran out alone or with a group? --- There were many of us running out.

Did you form up any sort of a group and say come with me, we will go together, or anything like that? --- No, we were running, not in groups, everybody was running away, whenever one saw a policeman coming in his direction, then you would chance direction and run towards where he regards 20 it as being safe.

Now you mentioned in your earlier evidence that you had to climb over a fence, I do not know whether it was a wall or what? --- Yes.

Were the police waiting at the gates and the doors arresting people or what was happening? --- Well the police were all over there, I saw this point where I jumped the fence as being safe.

How high was the fence? --- It is the usual height of a security fence.

30

Was it made of concrete or wire or what? --- Made of wire/.....

wire.

Well for a security fence it would be something in the order of eight or nine feet high, would it not? --- No, the ordinary fences surrounding church buildings, about the height of where that line is across the court room.

BY THE COURT: Probably just slightly more than two metres high I would estimate.

CROSS-EXAMINATION: (CONT.) Did you partially have to climb up it before you could jump over it? --- Yes.

10

I take it you are not a high jumper who can jump over anything that height from ground level? --- That is the reason I fell on the other side.

On the other side you fell on your chin, as you told us in your evidence, you fell on your chin? --- Yes.

Did you break your jaw? --- No.

Did you bite your tongue or your cheek? --- My tongue yes but there was no bleeding from it.

Did you damage your lips at all? --- No.

Did you get a severe bruise on your jaw bone? --- No, 20 there was no bruise.

Did you have serious pain in your jaw after that? --- No.

Were you also shivering and weeping as a result from the teargas that you breathed in? --- Yes.

How did you join up with the group that took refuge in one house? --- It so happened that the kitchen door of that house was open and we all ran in there.

Did you run in separately or together? --- Separately, we went in all of us running.

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I take it these were not people that were all friends of/.....

of yours but mostly strangers? --- This is correct.

- COURT ADJOURNS -

COURT RESUMES:

L.M. MAHLANGA: still under oath;

CROSS-EXAMINATION: (CONT.) Now you did say that the people who ran into the kitchen to take cover were being treated with water and other things to try and cure them from the effects of the teargas? --- Yes.

Did you receive any treatment? --- I was given water 10
to drink.

Did Freedom receive any treatment? --- Yes, she did,
she was treated by the people.

You say she was quivering or shivering at times? ---
Yes.

And you say that she had paper and she had a pen but
she wrote nothing? --- This is so.

And did she pass that paper and pen over to accused
number one? --- When I stood with accused number one to
talk to her, she already had the pen and the piece of 20
paper, whether this was handed over to her by somebody I
did not see.

Now when did accused number one come into the kitchen?
--- I do not know because so many of us went into the kit-
chen running.

When you went outside with Freedom, did you see number
one there already or did she come later? --- I saw her later
when I came in from outside.

So she may have been asked to come in by Freedom? ---
I do not understand that? 30

Well from the time at which she appeared, is it not
possible/.....

possible she may have been requested by Freedom to come into the kitchen? --- I do not know but when I saw her she was in the kitchen.

She may have had the paper and pen handed over to her by Freedom? --- I do not know about that, I did not see.

But is it possible? --- I can not give any evidence to this, what I know is that Freedom had a pen and paper and when I went to talk to number one she had a pen and paper, whether this had been handed over to her I do not know.

10

You will recall during your cross-examination by my learned friend, Mr. Bizosg, it was specifically put to you that accused number one had no discussion with you but merely wrote down the names at the request of Freedom? --- Yes, I remember this being put to me but the person I talked to was accused number one.

Is it not possible that you were recruited for military training by Freedom but were later persuaded by the police that you must testify that this had been done by Masabata? --- No, the person who talked to me about this was Masabata, Freedom was talking to me outside but before she could explain further we were as I said disturbed as I have explained.

20

Have you not got your mind thoroughly confused as a result of being kept in solitary confinement in a cell? --- What could have confused me.

Being kept in solitary confinement is what I am asking you about? --- No, it is not so.

You remember my learned friend Mr. Bizosg put it to you that in a condition like a kitchen with ten or twelve persons present and under those sort of circumstances, nobody/.....

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body would have been prepared to discuss military training and nobody would have made admissions about Seiko or his office bearers in those sort of conditons. Do you remember that being put to you? --- Yes, I remember this being put to me.

And you reply was if it had not been said then you would not be here today? --- Yes.

May I suggest to you that if you had been recruited for military training and your name had been written on a peace of paper with regard thereto but if you had only admitted that fact and you refused to testify against accused number one, you would not have been here, you would have been in the dock now as one of the accused? --- Yes, it would be so. 10

And I put it to you that as soon as the police said to you during the course of the interrogation that your suggestion that accused number one had not said anything to you about military training meant that you were telling an untruth, must have made you realise that you were likely to be charged if you did not testify? --- Yes, it is so but they did not suggest to me what to say. 20

But you remember that you perceived that if they said what had happened and you denied it, they would detain you for a long time? --- Possibly yes.

I suggest to you that you must have realised that in addition to that they would have charged you as one of the accused? --- Yes.

You remember you said that the police told you you were not telling the truth whenever facts were put to you and your answer was not to their satisfaction? --- Yes, I remember saying so. 30

I suggest to you that clearly indicates that facts were put to you on a number of points by the police? --- If the police had suggested anything to me I would have said it in this court, now whatever I say here comes from me.

It is clear from that reply is it not that they were answers that you gave on a number of points that were not to their satisfaction? --- Those questions were asked me during the time the police wanted to know whether I had agreed to undergo military training and I was denying it and I was shocked then and shivering. 10

Were you not so shocked and shivering because you thought they might be able to prove that you have been recruited for military training and you might find yourself as an accused and not just as a witness? --- No, the decision was made by myself to talk, to say everything.

And you remember what you said that when you first spoke to accused number one and you were asked about accused number one, you said that you simply made an appointment later and you made no mention ever of anything to do with military training? --- 20

BY THE COURT: I do not think it is correct, he did say although he did not repeat this as fully lately in some of the other questions but he did say in reply to that question initially that he had told the police that he had made an appointment with accused number one to discuss the military training only at a subsequent meeting.

MR. COALKER ADDRESSES THE COURT:

BY THE COURT: Yes, he had said that also but he had as I have indicated explained that aspect in his reply. 30

CROSS-EXAMINATION: (CONT.) I am suggesting to you that when/.....

when you attribute the whole question of military training to accused number one, you are just complying with something that you thought the requirements of the police to hold from charging you personally and I am suggesting to you that you may have been recruited or were recruited if at all by Freedom? --- I have answered this question on a number of occasions, I told this court what Masabata's words were to me and what Freedom's words were to me and the person I talked to was Masabata.

You say that Masabata told you that she was a member of the organisation Seiko? --- Yes, she told me so. 10

Did Freedom tell you what she was a member of? --- No, the only thing Freedom said to me was, as you see the police are on duty, so am I on duty.

Well I must formerly put it to you that I am instructed that it has never been a policy of the organisation Seiko to recruit any persons for military training? --- Then it would mean Masabata was not telling me the truth.

It might mean that you were recruited for some other organisation? --- Well she did not say that to me, what she said was that she was recruiting the youth here to go across in order to come back to fight here. 20

Did she not say anything about recruiting you for a specific organisation? --- Though she did not say so specifically but she must have been recruiting me for Seiko, the organisation she had spoken of.

As I say, I put it to you formerly on instructions that I have from accused number two that it has never been the policy of Seiko to recruit for military training? --- If that is the position then what Masabata told me about the organisation was not true. 30

Now, I want you to tell me about one other matter, that document, EXHIBIT W announcing meetings on the 16th of June, you say you found in your letterbox? --- Yes.

Had it come in an envelope with stamps on or had it just been pushed into the letterbox? --- It had just been pushed into the letterbox.

Was that the letterbox at your parents house? --
Yes.

Was there just one copy of it or one for each of the young people? --- Just the one copy. 10

Now where did you leave that in your parents home?
--- In my bedroom.

You mentioned that when the police came to you to arrest you, you were asked about pamphlets? --- No, they did not talk of it, they searched the house and inside a photo album they found it.

Where was that photo album? --- On a table, a small table next to my bed in the bedroom.

In the bedroom or dining room? --- The bedroom.

Did they find anything of that sort anywhere else in the house? --- Just the two pamphlets. 20

Which two was that, EXHIBIT W? --- One of them was EXHIBIT W.

What was the other one? --- The other was was the Freedom Charter.

I thought you told me the Freedom Charter you had burnt in the church? --- No, not the Freedom Charter, the one I burnt in the church was quite a bigger pamphlet, I did not even have the chance to read that one.

So were both those things put into your letterbox? 30
--- The Freedom Charter I got at the church building.

You/.....

You brought it back with you? --- Yes.

Incidentally, why did you put those two pamphlets into a photo album? --- Just for safe keeping, that is all.

Did you not think it might be unsafe to be found in possession of a Freedom Charter? --- At that time I did not think the police would come there.

NO FURTHER QUESTIONS BY MR, COALKER:

GEEN HER-VERHOOR DEUR AANKLAER:

AANKLAER SPREEK DIE HOF TOE:

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DEUR DIE HOF: Dat sy nie bereid is nie?

AANKLAER: (VERV.)

DEUR DIE HOF: Is jou name Jeanette Mautota Thedingwane?

GETUIE: Ja.

DEUR DIE HOF: Meneer Swanepoel vir die Staat sê aan my dat jy vir hom aan gedui het dat jy nie bereid is om te getuig in hierdie saak nie?

GETUIE: Dit is korrek so.

DEUR DIE HOF: Meneer Swanepoel, u wil haar roep as getuie?

AANKLAER: (VERV.)

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DEUR DIE HOF: Verstaan jy dat as jy versuim of weier om te getuig sonder voldoende rede, het u miskien die Afrikaanse Artikel daar, ek het ongelukkig net die Engels en ek wil die presiese woord vir 'just cause' hê asseblief?

AANKLAER: (VERV.)

DEUR DIE HOF: Ja, as jy nie 'n voldoende verskoning het daarvoor nie dan is jy strafbaar in hierdie soort saak met gevangenisstraf van hoogstens vyf jaar.

GETUIE: Ek verstaan.

DEUR DIE HOF: Meneer Swanepoel sê ook aan my dat jy vir hom aangedui het dat jy graag 'n regsvertegenwoordiger sou

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wou/.....

wou spreek in verband met hierdie probleem?

GETUIE: Dit is korrek.

DEUR DIE HOF: Sal u dan reël dat dit gedoen word vir haar?

AANKLAER: (VERV.)

DEUR DIE HOF: Nou daar sal dan gereël word vir jou om 'n regsverteenwoordiger te sien en dan sal jou aangeleentheid weer op die 3e Maart aan gebring word.

TOLK SPREEK DIE HOF TOE:

DEUR DIE HOF: Nie in aanhouding nie? 10

GETUIE: Nee.

DEUR DIE HOF: Goed, dan moet u weer die 3e Maart hier wees, hoe gaan u haar verteenwoordiging reël in die omstandighede?

AANKLAER: (VERV.)

DEUR DIE HOF: Nou goed, dan moet jy net die adres van die betrokke regsverteenwoordiger by Meneer Swanepoel kry en dan kan jy die persoon gaan sien en dan moet jy die 3e Maart nege uur die oggend weer in hierdie hof verskyn.

Is dit in orde ? 20

GETUIE: Ja, wanneer sal meneer Swanepoel in staat wees om die adres vir my te gee?

DEUR DIE HOF: Wag maar net so 'n bietjie, dit sal net-nou wees hoor.

AANKLAER SPREEK DIE HOF TOE:

MR. BIZOSG ADDRESSES THE COURT:

MR. COALKER ADDRESSES THE COURT:

OUMA SARAH SENKEPENG MOHLABAKOE: beëdig verklaar;

ONDERVRA DEUR AANKLAER: Ken u vir Freedom Mazebukho? ---

Ja. 30

Het sy ooit met u gepraat oor enige organisasie? ---

Ja, sy het.

Oor watter organisasie? --- Oor Seiko.

Wat het sy vir u - toemaar, dit is nie belangrik nie.
Het u 'n vergadering by gewoon van Seiko op enige stadium?

--- Ja, ek het.

Waar was die vergadering gehou? --- By die D.O.C.C.
te Orlando.

Ongeveer wanneer was die vergadering? --- Dit was ge-
durende Mei maand van 1981.

Wie het vir u gesê dat die vergadering sal plaasvind? 10
--- Freedom het my gesê.

Wie het almal hierdie vergadering by gewoon? --- Dit
was ek, Chris, Freedom, Elsie, Stan, Tsepo en Joe.

Die persoon Elsie, is dit Elsie Matebedi? --- Dit is
korrek, Elsie Matebedi en Stan Mamabolo.

Wie was die persone Tsepo en Joe? --- Tsepo en Joe is
lede van Seiko.

Hoe weet u dit? --- Hulle het hulle self voorgestel as
sulks.

Was daar enige aanleiding gegee of hulle - waar van- 20
daan hulle kom? --- Hulle het ons nie direk gesê waar hulle
vandaan kom nie.

Waar presies by die D.O.C.C. het die vergadering plaas
gevind? --- Buitekant die gebou van die D.O.C.C.

Is daar 'n poskantoor daar rond? --- Ja, die D.O.C.C.
is reg oor die poskantoor

Wat het die persone Joe en Tsepo te sê gehad by die
vergadering? --- Hulle het gesê dat ons moet aansoek doen
vir paspoorte om Botswana toe te gaan. Hulle het ook gesê
dat ons militêre opleiding sal ontvang van ongeveer drie 30
maande maar hulle het nie gesê wat ons met die genoemde
opleiding/.....

opleiding sal doen nie. Hulle het one nie in alle besonderhede gesê hoe hierdie militêre opleiding Suid Afrika sal help nie, om haar eie woorde te gebruik, 'to benefit South Africa', in Engels. Hulle het verder gesê dat ons moet probeer baie ander mense as lede van die organisasie moet werf. Ons is ook mee gedeel dat die kommunikasie tussen ons sal per brief wees.

Is daar gesê waar hierdie militêre opleiding sal plaasvind? --- Hulle het nie gesê nie.

Het hulle enige iets gesê oor die doelstellings van Seiko? --- Die hele vergadering het net 'n paar minute geduur, dit het ook gereën, ek dink dit is die rede hoekom alles nie in fynere besonderhede bespreek is nie. 10

So u sê hulle het eintlik nie gesê wat die doelstellings van Seiko is nie? --- Nee, hulle het nie.

Het hulle gesê wat die woord Seiko beteken, waarvoor dit staan? --- Dit is verduidelik ja.

Wat het hulle verduidelik? --- South African Revolutionary Youth Council.

Was daar enige bespreking nadat hierdie mense gepraat het? --- Ja behalwe dat ek toe gekies is as die persoon wat plek moet kry vir die volgende vergadering. 20

Waarom sou daar weer 'n vergadering gehou word? --- Die rede daarvoor was omdat daar niks verduidelik was oor Seiko se doelstellings nie en ons het belang gestel daarin om te weet waarvoor Seiko werk en hoe ons betrokke kan raak by Seiko sonder om ons studies te versteur.

Was daar enige iets gesê wie by die volgende vergadering teenswoordig sou wees? --- Nee.

Was u op daardie stadium 'n lid van Seiko of nie? --- Nee, ek was nog nie 'n lid gewees nie, ek wou nog alles duidelik/..... 30

delik hoor.

Was daar af gesprek wanneer die volgende vergadering gehou sou word? --- Nee.

Het u toe probeer om 'n plek te kry vir die volgende vergadering? --- Ja, ek het plek gesoek, ek het plek gekry maar ons was nie heeltemal seker of die plek beskikbaar sou wees nie.

Het u toe wel die volgende vergadering by gewoon? --- Nee, daar was nie so 'n vergadering nie, die vergadering was toe nie gehou nie.

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GEEN VERDERE VRAE DEUR AANKLAER:

NO CROSS-EXAMINATION BY MR. COALKER:

CROSS-EXAMINED BY MR. BASSY: Did I correctly hear you say that one Stan Mamabolo attended this meeting? --- Yes, that is correct, he was there.

Was that Sello Stanley Mamabolo? --- That is correct.

Because Sello Stanley Mamabolo has testified in this court and he testified that he attended a meeting at the D.O.C.C. hall, however he does not place you at that meeting? --- We were all there, seven of us altogether.

20

Stanley had testified in this court that he attended three meetings by Seiko and he said that at all these meetings there were only four people present, namely himself, Joe, Tsipo and Freedom? --- No, maybe he had forgotten.

Well, not only did he say that there were only four people but in fact in questions put to him by His Worship he said he was quite clear within his own mind that only four people were present at the first two meetings? --- Well I cannot really be very sure of what you are saying because Stanley is not present here.

30

You can take it from me that is in fact what he said?

Am I clear in understanding your evidence that you people wished to find out more about Seiko and how you could be involved in Seiko without it interfering with your studies, is that correct? --- Of course yes.

In other words, within your own mind and the mind of the people present at this meeting, the only issue they wanted to resort was the question of whether they could assist Seiko in any way, as long as they maintained that they could assist and still carry on with their studies? --- Yes, the prove of this was that this Seiko meeting took place during school holidays, the fact that we did not want it to interfere with our studies and the question of military training, that we would have received the following year, after completing our studies and the fact that it was only for three months, this was temporary and not permanent. 10

And when you were giving evidence when my learned friend asked you questions, did you tell the court everything that was said and discussed of importance at that meeting at the D.O.C.C.? --- Sure. 20

If I am not mistaken you said the following, Joe and Tsepo said that we must apply for passports to go to Botswana and they said we would receive military training for about three months but they did not say what we were going to do with the training, we were not told any particular benefit that the military training would have and they said we must try and get members for the organisation and they also said we must communicate between ourselves with letters and if I understand correctly other than the arrangements for the following meeting, which you were to organise nothing further was said? --- Letters and telephone. 30

Yes but it was not the two that were addressing the meeting who asked me to arrange for the next meeting, it was Freedom.

But basically that was the sum total of what was said at this meeting? --- Yes, this is what I recall, a summary of events.

There is no mention in there that there should be military training the following year, where do you get that or was that what you supposed? --- We talked about it.

Oh, what did you talk about it? --- We were told to undergo military training in Botswana but this was not explained in detail for instance how it would be used. 10

Yes but were you told then that you were to undergo military training in Botswana? --- Of course, prove of this was that we were requested to have passports.

But you are quite sure that you were told that you were to receive military training in Botswana? --- Yes.

And you were told that you would receive this training for how long? --- Three months.

Now when they said that, what did you say? --- We did not put questions, we were being addressed. 20

Was there any reason for not putting any questions? --- Yes because it was raining and we were outside the building.

So in fact, were you more concerned about the rain than the meeting, you yourself personally? --- Not only me but all of us, we then dismissed, all of us.

Was there any discussion before you dismissed about studies? --- Yes.

Well, that is interesting, tell us what was said about studies? --- This was discussed that we are not to disturb our studies and that going to Botswana for three months is temporary, this does not mean that we have to forget 30

everything/.....

everything about our studies, we would come back. It was also mentioned that this would be done, the military training would be done after completion of our matric, thereafter we would come back.

What year was that to be? --- 1981. Now this being 1982 this was supposed to be the year in which we were to leave.

Is that what Joe and Tsepo said to you? --- Sure.

Sure of that? --- I am dead sure.

Now as I understand your evidence subsequent to that meeting you yourself never attended any other meetings, is that correct? --- That is so. 10

These passports that you had to apply for, were they to be South African passports? --- That was also not explained.

It was just said that you have to apply for passports? --- Yes.

Was it said to you that when you had to apply for such passport or when it was expected of you to apply for such passports? --- No, this was not explained. 20

Did anybody make any mention that you could leave the country illegally or was it just simply said that you should apply for passports to leave? --- No, there was no mention of leaving the country illegally.

You see the reason why I am asking you all these questions is because be whatever the situation is as to who attended the meeting, the evidence given by Stanley as to the meeting he attended differs substantially to your evidence as to what transpired at this meeting? --- What I am talking-of here is what I recall. 30

Well I will tell you something, what you recall is also not/.....

not very good because you told this court in evidence in chief that the military training you were to receive was to take place in Botswana whereas when my learned friend led you in chief, you said that you did not know where the military training was to take place or you were not told rather where the military training was to take place? --- Why I am saying this is because, to use her own words, is for us to concede, the fact that we were told to take passports means that we would have received the military training at that place.

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Well if that is a true answer and not just an added piece of evidence which you thought up in the witness box now to try and explain away that contradiction, then you would have said to my learned friend in chief that the training was to be received in Botswana?

BY THE COURT: I want to point out that she had given this explanation earlier also, this is not the first time she gives this explanation for concluding that the military training was to be in Botswana.

MR. BASSY ADDRESSES THE COURT:

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BY THE COURT: Yes but she has given this explanation earlier, I am merely pointing this out, this is not an added explanation that she had just thought of now, she has given this explanation earlier also in her evidence.

CROSS-EXAMINATION: (CONT.) Well then I shall correct the question put, if the evidence which you had given is true that you concluded by the fact that you had to get passports that you would get the military training in Botswana, then you would have given that evidence to my learned friend in chief when he asked you where you were to get military training, you would have said in Botswana and you would not

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have said that you were not told where you were to get the military training? --- What made me draw these conclusions is because the discussion was general, it was not direct at me, they did not say to me specifically Ouma go and take a passport and go to Botswana but they referred to us.

Well the record speaks for itself, I am going to argue that that is not a truthful answer to the question in the light of your previous evidence. Did you yourself say anything during the course of the meeting, you yourself? ---

No.

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Were you baffled at this meeting, surprised in any way?

--- No.

Other than Joe and Tsepo, did anybody else say anything at this meeting? --- No.

Are you sure of that? --- Yes, sure.

Then who mentioned or who said - well, put it this way, how did it then come about that there was - how was it then decided that the military training was not to interfere with your studies, how did that subject get raised?

--- Stan spoke about it.

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So somebody at the meeting did speak? --- Stan asked the question, he said, since we do not want to disturb our studies, how then would we undergo military training.

That is Stanley Mamabolo? --- Yes.

How would Stanley be able to speak on behalf of the rest of the people, how would he be able to say we do not want to interrupt our studies if he did not clarify that with you during the course of the meeting? --- This was in the meeting and he could not just stand up to cross-question Joe whilst he was addressing, he had to wait for Joe to finish and it was thereafter that he stood up to ask
this/.....

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this question.

But I do not think you understand the question, how could Stanley have spoken on behalf of the rest of you people at the meeting, saying we and I emphasise we do not want it to interfere with our studies if he had not discussed it with you during the meeting, this question of military training must not interfere with your studies, if of course the question of military training was discussed? --- This question of his appeals to all of us, we are all students, this was a question he asked generally. 10

So you had not really had a discussion about it? --- No, this was a question that was asked after we had been addressed.

After you had been addressed by whom? --- Joe and Tsepo.

So it was questions put to Joe and Tsepo after they had made their little speech, questions to clarify that what was going on? --- Yes.

And Joe and Tsepo, what was their reply or whichever one that replied or was it that stage - when did the rain come down and interrupt this little meeting? --- The answer they gave was direct, it was that our studies would not be disturbed. 20

Did anyone then ask when are we going to apply for these passports? --- No.

Just finally, you have been in detention since, when were you arrested? --- 22nd of June, 1981.

You have been kept in solitary confinement since then? --- Yes.

Have you not shared a cell at all since then with anybody else? --- No. 30

And/.....

And am I correct in saying that basically you get 15 minutes a day to do excercises, during the course of detention? --- There is a small square outside one's cell where one goes to excercise.

You excercise 15 minutes a day, is that not so, that is basically all you get, for the rest of the time you are on your own in solitary? --- We do these excercises on our own.

Are you a or have you ever been a politically minded person? --- No.

10

Are you or let me ask you this, when you thought that you were going for military training, when it was suggested that you go for military training, did you think that it was legal South African military training? --- I had not gone there to think about military training, I had gone there to hear about Seiko.'

But you heard about military training? --- Yes.

When the military training was mentioned to you, did you think that it was military training for the benefit of South Africa or rather put it this way, that it was lawful military training? --- This was not explained.

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No, I appreciate that but what did you think, you said in your evidence it was not explained to you how the military training could be of benefit to South Africa, now I want to know whether you thought at that time that this was lawful military training? --- I am sorry but the question is now about my own thoughts?

That is correct? --- I was not concentrating on my thoughts, I was concentrating on what I was being told.

Subsequently thereto, did you think that it was lawful, at any stage did you think it was lawful military training/.....

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training, whether before the meeting or after the meeting?

--- The day I heard of this military training I did not frame my mind with military training.

Well then what did you mean, you said in your evidence in chief, you were not told all the particulars how the military training will benefit South Africa, what did you mean by that? --- This was not explained.

Do you understand my questions? --- If you would repeat your question.

My question to you was, when you gave your evidence in chief when my learned friend asked you questions, you said during the course of your evidence in chief, we were not told in all particularity how the military training would benefit South Africa. Do you recall saying that? --- Yes, I said so. 10

What did you mean by saying that? --- This is what I was explaining, that it was not explained to us what we would do with the military training after completing it.

And you never thought about what military training meant? --- As far as I am concerned, what one things does not concern this case. 20

Can you recall an incident last year on the 10th of July when you were taken to the doctor, approximately the 10th, do not worry but you were taken to the doctor? --- I do not remember when it was but I was taken to a doctor.

Do you remember seeing accused number two? --- Yes.

Can you remember that you said to him that you had no idea what you are being detained for seeing that you are a non political person? --- I did not discuss with him.

You did not say that to him? --- No. 30

Well I suggest that you did. Before I complete my cross/.....

cross-examination, do you know what military training is?

--- If you would elaborate.

No, I am asking you please? --- Should I explain what military training means?

Yes, as far as you are concerned? --- You mean as far as I know it?

Yes? --- What I know and this is my knowledge of it is that military training differs from training as a nurse I understand, that is your sum total of your knowledge of what military training is? --- No, this is how I differentiate between nursing training as such and undergoing military training. 10

Let me just ask you this, what kind of training is military training as you see it, as you understand military training to be, the concept? --- What I understand is, if a person wants to address me about military training, I would expect that person to train me as a soldier, this is the same as I understand about a person being trained as a nurse to understand medicines pertaining to a nurse.

And is that as you understood it at that specific time or is it something which you have learned since that time, when I say the time I am referring to the meeting at the D.O.C.C.? --- I am asking the council for the defence to exercise some patience with me because my mind is full of the cell. 20

Are you confused? --- Not confused, what I mean is as you are asking me, I cannot compare my mind on the day of the meeting with my mind as it is now.

Well I will simplify it for you, on the day of the meeting did you understand military training to be something which teaches you to be a soldier or did you not know/..... 30

know what it meant? --- Well I had read from books and I knew what one could expect from military training.

And you were prepared to undergo this military training? --- Everything had not been explained in detail and we had not - one did not have a clue about this military training.

Were you prepared to consider the receiving of training, military training? --- I did not know and it had not been explained how this would benefit me and one cannot have any intentions about something which you do not know about. 10

What standard were you in last year? --- Matric.

Are you telling the court then that as far as you are concerned you wanted to know how this military training could benefit you? --- Yes, I was interested in knowing much about this and as prove of this I went out looking for a comfortable place where the next meeting could be held.

That is what I want to ask you, why were you interested? --- It is an organisation and that is the reason why I wanted to know more about it. 20

So you were not interested in finding out more about the military training, you were only interested in finding out more about the organisation? --- Freedom, when she came to recruit me introduced me to an organisation and there was no mention of military training, she did not as such introduce me to military training.

- COURT ADJOURNS -

COURT RESUMES:

O.O.S. MOHLABAKOE: still under oath;

CROSS/.....

CROSS-EXAMINATION: (CONT.) Remember yesterday you testified that you are a person who was not interested in politics? --- No, I did not say so.

Well I put to you and I speak under correction yesterday you told this court that you were a non political person? --- No, I did not say so specifically, I did not commit myself.

MR. BASSY ADDRESSES THE COURT:

BY THE COURT: Yes, I have the same note, are you a politically minded person and the answer was no. 10

CROSS-EXAMINATION: (CONT.) So do you now say that you are a politically minded person? --- I would not say I am politically minded in that I do not understand everything about politics.

Are you interested in politics? --- I have the natural desire in politics.

And were you interested then in black political organisations? --- Once more, I wonder if it would be correct for me to quote exactly what she is saying, I do not get interested in organisations since I already said I have a natural desire in politics. 20

I beg your pardon, could you repeat that, I do not get interested in organisations? --- I do not get interested in organisations since I have said I have a natural desire in politics.

So you do not have any interest in black political organisations?

BY THE COURT: I wonder if we should not clear up what is meant by a natural desire in politics? --- By talking of a natural desire in politics I mean I am not excluded in this struggle, I am within the struggle, helping my black brothers/..... 30

brothers, this means I am not against my black brothers.

CROSS-EXAMINATION: (CONT.) I think that explains it but besides the fact that you are not against your black brothers and you are interested in your black brothers or whatever the situation is, you have no interest however in any black organisations? ---

BY THE COURT: Black political organisations?

CROSS-EXAMINATION: (CONT.) Black political organisations? --- By saying I am within the struggle I mean I am not against black organisations, I can be - I can give a hand 10 in a black organisation in order to help my black brothers.

Now when you were told about Seiko on this specific day, what kind of organisation did you think it was, when Joe and Sipo spoke to you, did you think it was a political organisation, a welfare organisation, a charitable organisation? --- A political organisation I thought.

Now you said that it was raining that day? --- Yes.

Can you recall what day of the week it was? --- No.

Can you tell us approximately what time it was? --- I cannot recall what time it was. 20

Was it in the day or in the night? --- It was between say six and seven.

In the morning or evening? --- The evening.

And you have told us I think that - when did this meeting take place, can you recall the month? --- May.

Are you sure of that? --- I am dead sure.

You were arrested on the 21st of June, is that correct? --- On the 22nd.

It was not a week before your arrest, was it? --- No.

So it was a substantial time before your arrest? --- 30 I went to this meeting in May and the police arrested me in

June/.....

June, it ends there.

You say that the meeting broke up because it started raining? --- Of course yes.

Is it not so that the D.O.C.C. hall is an open hall, it remains open until ten o'clock at night? --- I think you do not understand me, the meeting took place outside the hall, not inside.

Please, I understand your evidence, just answer my question, is the D.O.C.C. not an open hall that remains open until ten o'clock at night, that people can go into the hall? --- I do not know. 10

Are you being serious? --- I am sure.

The D.O.C.C. is a public hall, is it not? --- Yes, it is a public hall but I do not know how it works because I do not stay in Orlando, I stay in Meadowlands.

Does anybody stay in Orlando of the people that were present there? --- No.

Well in any event, if the D.O.C.C. hall was open, there would have been nothing to prevent you people to go into the hall, is that not so, to conclude this meeting? 30
--- The meeting was held outside and not inside the hall, I do not know how this hall works and what I know further is that it was a political meeting and a private one.

And you said yesterday just before we adjourned when you were recruited by Freedom, remember saying that, you were recruited by Freedom? --- Yes, I remember.

Recruited as what? --- A member of the political organisation.

Sure of that? --- Yes, I am sure.

Did you know where Freedom lived? --- Yes. 30

When the meeting concluded that day, where did you go?

It/.....

--- It is obvious that I went home.

Did you go with Freedom, did you walk with Freedom? ---
She stayed in Diepkloof, I stay in Meadowlands.

NO FURTHER QUESTIONS BY MR. BASSY:

GEEN HER-VERHOOR DEUR AANKLAER:

INTERPRETER ADDRESSES THE COURT:

BY THE COURT: Yes.

WITNESS ADDRESSES THE COURT:

BY THE COURT: Is that all you wish to say? 10

WITNESS: Yes.

ISAAC MOTSOENENG: beëdig verklaar;

ONDERVRA DEUR AANKLAER: Ken jy 'n persoon met die naam
van Tsipo Malinga? --- Ja, ek ken die persoon.

By watter ander naam is hy ook bekend? --- Hy is ook
bekend as Big Boy.

Is hy op die oomblik woonagtig in Suid Afrika of weet
jy nie? --- Ek weet nie waar hy tans is nie.

Het hy op 'n stadium hier in Soweto gewoon? --- Ja,
hy was in Soweto woonagtig gewees. 20

En het hy toe op 'n stadium die land verlaat? --- Dit
is korrek.

Weet jy ongeveer wanneer dit was? --- Dit was amper
by die einde van die jaar 1976.

Het u hom daarna weer hier in Suid Afrika gesien of
nie? --- Nee.

Het u op enige stadium briewe van hom gekry? --- Ek
het 'n brief ontvang van hom af.

Waar vandaan het hy daardie brief geskryf? --- Volgens
die brief was hy in London, Engeland gewees. 30

Wanneer het u daardie brief gekry ongeveer? --- Ek is
nie/.....

nie baie seker nie, ek dink dit was kort nadat hy die land verlaat het in 1977.

Ken u vir beskuldigde een, Masabata Loate of het u haar al gesien? --- Ek ken haar van sien, ek het haar die een keer gesien.

Kan u net aan die hof verduidelik by watter geleentheid u haar gesien het? --- Ek het haar gesien op 'n dag toe sy by my huis gekom het.

Wat is u adres? --- 443B Phiri.

Waarvoor het sy daar na u toe gekom? --- Sy het na my toe gekom en vir my gesê sy het 'n boodskap vir my van Big Boy af. 10

Het sy gesê waar sy hierdie boodskap van Big Boy gekry het? --- In Botswana.

Het sy vir u gesê wat sy in Botswana gaan maak het? --- Nee, dit het sy my nie gesê nie.

Wat was die boodskap wat vir u gegee was? --- Sy het gesê dat Big Boy wil vir my sien daar in Botswana en dat Big Boy vir my gou wil sien.

Wat het u toe vir haar gesê? --- Ek het haar gesê dat ek Maart maand in Botswana was en ek glo nie ek sal in staat wees om weer soontoe te gaan nie. 20

Het sy vir u gesê waar in Botswana u vir Big Boy moet gaan sien? --- Nee, sy het nie gesê waar nie.

Hoe sou u by hom uit gekom het as u hom nou moes gaan sien het? --- Ek sou met beskuldigde een, Masabata gegaan het want sy het so gesê.

Het sy gesê wanneer u saam met haar kon gaan? --- Sy het gesê so gou as moontlik as ek in staat is om te gaan.

Wanneer ongeveer was dit wat Masabata by u aan gekom het met hierdie boodskap? --- Dit was in April gewees. 30

Verlede jaar? --- Dit is so.

GEEN VERDERE VRAE DEUR AANKLAER:

MR. BIZOSG ADDRESSES THE COURT:

- COURT ADJOURNS -

COURT RESUMES:

I. MOTSOENENG: still under oath;

CROSS-EXAMINED BY MR. BIZOSG: There is in fact a conflict between you and accused number one, Masabata but what we will submit to His Worship not on a very material issue. 10
and I would just like to find out what it is that happened to you which might possibly explain this conflict between you and Masabata. I want to ask you firstly, did you receive a telegram? --- No.

Now you see, I am going to put to you that in fact you did receive a message from Tsipo Malinga, also known as Big Boy through Masabata who admits that she caused the message to be delivered to you but by telegram? --- No, this is something new to me.

Because you see, how the police really came to you 20
is that the draft telegram was written out by her on EXHIBIT F, could I show the witness a copy Your Worship. You see there is a draft, something in telegraphic style, Big Boy Malinga, Botswana, come urgently before month end, box 20169 and then the name of the township which I cannot pronounce and Gab for Gaborone. You see that? --- Do you mean this is the note I received.

No, not the note you received, I am putting to you that that is a draft telegram which Masabata will tell His Worship she went to the post office at Orlando to send to you 30
because on the other side of EXHIBIT F your address is writ-

ten down and that a telegram was sent? --- Now does that mean that she did not come to me.

No, let us deal with the question of the telegram first, did you receive a telegram in the form that it appears on EXHIBIT F? --- No, I did not receive any telegram.

Is the address that appears on EXHIBIT F as address number three the correct address? --- Yes, this is my correct address.

Now you see, can you possibly explain to His Worship why, if you can once accused number one admits that she did bring a message for you from Big Boy, why she would want to deny that she actually saw you personally as she does? --- I do not know her reasons.

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Do you see that your address has actually got a postal code, is that the correct postal code? --- Yes, it has got everything, it is true.

Were you taken into custody? --- You mean after this incident?

Yes? --- Yes.

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For how long? --- A month.

How long after you were detained were you taken into custody? --- How long?

How long after you were arrested did you make a statement, sorry? --- After the first 14 days of my detention, it was during the third week of my detention that I made a statement.

On how many occasions were you interrogated before you made your statement? --- The first was on the day of my apprehension at Protea.

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For how long were you interrogated? --- It was not a long/.....

long time, I think about an hour only.

Was a statement taken from you on that day? --- No.

Who interrogated you for an hour? --- There were three gentlemen, I do not know them.

Did they write anything down of what you had to say? --- Nothing was written.

That was on the first day, when were you interrogated again? --- This was the time I mentioned, during the third week of my detention.

For how long were you interrogated before you made a statement? --- The actual questioning was very short, I would estimate about thirty minutes, this is because the person only told me how I know Big Boy and also to write down how Masabata came to me. The rest of the time was when I sat down writing my statement. 10

Were you given a reason for your detention? --- No.

During that one hour of interrogation the first day, what were you being interrogated about? --- They were asking me about - questions such as, do you know why you are here, do you know why you have been arrested. My reply was that I did not know and in fact I did not know. 20

Yes, when you told them you did not know, what did they say? --- They said that I will know.

Did you ask them why? --- When they said so I asked them why and it was said to me how otherwise would they have come to me, how did they know to come to me. After some time he asked me if I knew Masabata and then I explained that I know Masabata, she once came to me with a message.

Did they write that down? --- No, not at the first instance. 30

Well that would have taken two or three minutes, what happened /.....

happened the rest of the hour? --- I was asked many other questions in general like which organisations do I belong to.

Now what else were you asked about Masabata? --- They asked me how I knew Masabata.

Did Masabata leave an address with you? --- Yes, she did.

What address did she leave? --- I do not know what address it was, I did not use it in that I.....

But do you remember the suburb or a portion of the location? --- I think it was Mlamlankuzi. 10

Any other details in relation to the address? --- There was a number and the suburb of the township.

What is the section of the township that you have mentioned? --- It is Mlamlankuzi, I do not know whether they refer to it as Orlando East or Orlando West.

But you never made a note of it? --- It was written by her, I just did not use it.

Where is it? --- I had the piece of paper, I think in my pocket, the fact that I did not use it, I do not know what happened to it, it could have gone to one of the dry cleaners with my clothes. 20

What was Big Boy doing in London? --- He said he was studying.

And if you have told us the truth up to now, you did not know where in Botswana to find him? --- That is so.

You did not know for how long he would remain there? --- I did not know.

You did not know whether Big Boy was still studying in London or whether or not he came to the warmer climate of Botswana? --- No, I did not know. 30

So/.....

So is that because you were not interested in the message that Masabata came to give you? --- The position is I realised I would not be in a position to go to Botswana so there was nothing I could do about that.

So you had no interest whatsoever in your friend Big Boy anymore? ---

BY THE COURT: On what basis do you make that assumption?

CROSS-EXAMINATION: (CONT.) You had no interest in the whereabouts of your friend Big Boy in Botswana? --- I knew him to be in London and not in Botswana and the position is he was a friend to me and he had left the country, he still remains a friend though I did not know where he was. 10

You made it quite clear then to Masabata when you say she came to see you, that you were not interested in taking up this request that you should communicate with him in Botswana? --- No, I said I am unable to go there.

Now so that there was no reason for you to communicate with this woman that had come to see you after she came to give you this message? --- No, there was nothing.

There was no reason whatsoever, there would therefore not have been any reason for her to furnish any address to you? --- Wyo are you referring to? 20

To Masabata? --- She just gave me the address and did not give me reasons for giving me such an address but I think because Big Boy was still a friend of mine and she thought if I wanted to give any message that I could contact her.

When you say that accused number one came to see you, did she suggest there was any urgency in relation to Big Boy communicating with you or you seeing Big Boy? --- Yes, she did. 30

She/.....

She told you that it was urgent? --- Yes.

Why did you not ask for Big Boy's address in Botswana?

--- It did not occur to me that I would want to communicate with Big Boy, it had been a long time that we had communicated and I had Masabata's address, if I wanted to contact Big Boy I would have contacted her.

Have you told us everything that had been said between you and Masabata? --- I think so.

Nothing else that you can remember that passed between the two of you? --- No. 10

You see would the natural questions of a person who brings an urgent message in relation to one's friend have been precisely where did you see him, did you ask that?

--- But she explained to me that she had been in Botswana and that she met Big Boy in Botswana.

Yes but precisely where? --- It was not necessary for me to ask because she said if I was interested in going she would accompany me.

But what about where is he to be found, at the other end of the telephone line? --- I did not ask her that. 20

What is the urgency, is he in good health, does he need money, are his parents in trouble? --- This did not occur to me, I knew Big Boy to be attending school in England and I thought that he was in Botswana only for a short time and that he would be going back to England and that he needed me during the few days that he would be in Botswana.

But do you agree failure to ask what the urgency is when a friend sends a personal messenger and you know that this personal messenger had seen your friend, natural curiosity would have prompted you to ask the questions that 30 I have suggested if this meeting had taken place? --- Well

I did not ask those questions.

But do you agree that natural curiosity would in the ordinary course of events have led an intelligent person such as yourself to ask these questions? --- Well it depends on the person's intentions, whether he intend going to see that friend or not.

All the more reason if you did not intend going to see your friend, that you would want to find out what it is that makes it so urgent for him to send a personal messenger to call you to go and see him? --- About the urgency of the matter I did not ask any questions, I decided it was not necessary because I was not in a position to go to Botswana. 10

What is your standard of education? --- Standard nine.

What do you do for a living? --- I am employed by Coca Cola as a despatcher, a despatch clerk.

When you were detained at Protea you were asked about Masabata? --- Yes.

Did you know or were you told that she was in custody? --- No, at the time we went in, that was at Protea I saw Masabata. 20

In custody? --- She was yes.

Did anyone point her out to you? --- No, I saw her.

Where did you see her? --- We were in a certain room at Protea, she and others were seated on the one side.

On what date was that? --- The day on which I was apprehended, I think it was on the 17th of June, I am not sure about that.

Now during - how long after you made your statement were you released? --- I think it was a week, I think before the week ended I was released. 30

Did/.....

Did you know that you were not likely to be released unless you made a statement to the satisfaction of the police? --- No, I did not know that.

Well what did you think your release depended on? --- What I was thinking was that I would be brought to court and for the court to tell me what I am charged with and that the court would then release me.

Did you not ask any of the police officers what it was that you were there for? --- I said I asked them on the first day of my detention and their reply was that I will know about it. 10

What about the other 29 or 30 days, did you not ask one of them then? --- No, the only time I saw them was when they brought me food.

Did you refuse to make a statement on the first day? --- No, I did not refuse.

Could you see any obvious reason why what you had to say on the first day was not written down? --- I know of no reason.

Were you not perhaps told that what you were saying on the first day was not believed and that is why it was not written down? --- No. 20

NO FURTHER QUESTIONS BY MR. BIZOSG:

NO CROSS-EXAMINATION BY MR. COALKER:

GEEN HER-VERHOOR DEUR AANKLAER:

IKE MKHELA: beëdig verklaar;

ONDERVRA DEUR AANKLAER: Ken u beskuldigde nommer een, Masabata Loate? --- Ek ken haar nie so goed nie maar ek het al vir haar in die verlede gesien, ek herken haar. 30

Waar bly u, wat is u adres? --- Meadowlands 498B,
gebied/.....

gebied nommer sewe.

Die beskuldigde, het sy ooit na u huis toe gekom op enige stadium? --- Ja.

Wanneer was dit gewees? --- Dit was in Junie maand, die 17e.

1981? --- Verlede jaar ja.

Was sy alleen of was daar iemand saam met haar? --- Hulle was twee gewees.

Wie was die ander persoon? --- Die ander een is aan my bekend as Freedom. 10

Wat het gebeur toe sy en Freedom daar by u gekom het?

--- Op aankoms by my huis het hulle my in die kombuis gevind. Hulle het daar gekom en vir my gegroet, ek was daar in die huis gewees met 'n vriend van my asook die vriend se vrou. Ek het toe vir Freedom gevra hoekom sy daar is en dit is al so in die aand terwyl sy ver woon. Haar antwoord was dat sy met my wou kom praat. Ek het haar toe gesê ons moet na die eetkamer toe gaan. Ons kom toe in die eetkamer en Freedom het toe vir my gesê hulle wil akkomodasie hê vir vier mense. My antwoord was ek het nie komberse vir vier mense nie. Op die stadium het Freedom gesê ek is jammer dat ek die persoon wat saam met my is nie aan jou voorgestel het nie en sy het toe die persoon aan my voorgestel as Mary Masabata, die van vergeet ek. Toe het Masabata vir Freedom gesê hoe sal dit dan wees met twee mense. Toe het ek gesê dit sal reg wees vir twee maar ek het ongelukkig nie die komberse nie. Toe het hulle gesê dit is koud en dit is in die Winter. Masabata het toe gesê dit is reg, as hulle die mense bring sal hulle komberse ook saam bring. Masabata het toe vir my gevra of ek nie van 'n plek weet 30 waar sy 'n voertuig kan vind nie. Toe het ek gesê ek weet nie/.....

nie van 'n plek waar daar 'n voertuig is nie. Toe vra ek vir Freedom of hulle nie by Ouma was terwyl hulle op pad was na my toe om vir haar te sê dat hulle slaap plek daar by my kom vra. Toe het sy gesê nee, hulle was nie by Ouma gewees nie en sy vra vir my of ek hulle nie die guns kan bewys om vir Ouma te gaan haal sodat op hulle terug keer hulle Ouma daar by my huis kan vind nie. Toe het ek gesê ek sal probeer om so te doen. Toe het ek hulle gevra hoe laat hulle sal terug keer en toe het sy gesê ek moet vir hulle 'n bietjie tyd gee, ek moet hulle verwag tussen kwart voor agt en agtuur. Hulle is toe weg. Ek het gewag tot daardie tyd en tien oor agt is ek weg van my huis af, toe het ek na 'n shebeen toe gegaan en daar gaan bier drink. Toe ek terug kom het ek toe gaan slaap. Die polisie kom toe en hulle maak my wakker en hulle vat my uit, buitekant het ek toe die stem van die meisie gehoor wat vroeër by my was, sy het my aan die naam Ike geroep. 10

Watter meisie was dit? --- Masabata.

Het die polisie jou toe saam gevat? --- Die polisieman wat daar was het my gevra of ek die meisie ken, toe het ek gesê nee, die polisieman neem my toe na die voertuig toe en hy vra vir my of ek vir haar ken. Sy was nie meer aan getrek soos sy vroeër aan getrek was toe sy by kom nie en toe het ek gesê ek ken haar nie. Toe het sy, dit is Masabata, toe het sy gesê ek is die een wat saam met Freedom by jou was en toe het ek vir die polisie gesê ja, nou onthou ek. Hulle het toe vir my Protea toe geneem. 20

Op hierdie tyd toe die polisie by jou gekom het, was Freedom ook by die polisie of nie? --- Freedom was nie daar gewees nie, ons het saam die polisie na Freedom se ouer huis gegaan en vir haar daar gaan haal. 30

Het iemand vir die polisie gewys waar Freedom se huis is? --- Ek sal nie kan sê nie maar die posisie is die voertuig waarin ek was het agter die voertuig gery waarin Masabata was.

Nou watter tyd van die dag het Freedom en Masabata ongeveer by jou aan gekom om te vra vir die slaap plek? --- Ek is nie seker van die tyd nie, dit was in die aand gewees en dit was Winter, dit was net toe dit begin skemer word.

Het hulle gesê hulle wil die slaap plek vir die vier mense hê vir daardie nag of vir 'n ander aand? --- Vir 10 daardie nag.

Het hulle gesê of dit mans of vrouens is vir wie hulle die slaap plek soek? --- Hulle het my nie gesê nie.

Het hulle gesê waar vandaan die mense kom? --- Nee, hulle het my nie gesê nie, ek het self gedink wie dit kan wees, ek het gedink dit is skool vakansie, dit is miskien mense wat van koshuise af kom.

Die persoon Ouma wat u van praat, wat is haar van? --- Mohlabakoe.

Is dit Ouma wat se naam ook Sarah is? --- Ja. 20

GEEN VERDERE VRAE DEUR AANKLAER:

CROSS-EXAMINED BY MR. BIZOSG: Are you related to Freedom?

--- No.

Did you know her well? --- I know Freedom in that she is at school together with Ouma and Ouma is my girlfriend.

Did you see Freedom regularly, either at your place or at Ouma's place? --- No, it was not often that I saw her, it was at intervals that I saw her.

It was really as a favour to Ouma presumably that you 30 were prepared to put up strangers in your house, to give them/.....

them accommodation, as an act of friendship? --- I stay alone in this house and I thought it was because of Ouma that they had come to ask accommodation for these people.

NO FURTHER QUESTIONS BY MR. BIZOSG:

NO CROSS-EXAMINATION BY MR. COALKER:

GEEN HER-VERHOOR DEUR AANKLAER:

JOHN MOHLALA: beëdig verklaar;

ONDERVRA DEUR AANKLAER: Ek wil u net enkele vrae vra na aanleiding van daardie BEWYSSTUKKE O, S en T. Is dit korrek dat u is werksaam in die kantoor van die Kommissaris van Samewerking en Ontwikkeling in Johannesburg? --- Dit is so. 10

In watter hoedanigheid werk jy daar? --- Ek is by die afdeling waar aansoek vorms vir reis dokumente ingehandig word na voltooiing.

As u net kortliks vir die hof kan verduidelik hoe so 'n aansoek geskied, is dit korrek dat so 'n vorm soos wat u daar voor u het, BEWYSSTUKKE O, S en T word deur die aansoeker voltooi? --- Dit is korrek. 20

Wat maak u dan met die voltooide vorm? --- Nadat die aansoeker die vorm self voltooi het, dan gaan hy na die polisie beampte daar vir sy vinger afdrukke, dit word op die vorm gedruk en dan word die vorm na my toe gebring.

Stuur u dit dan na u hoof kantoor? --- Dan stuur ek dit Pretoria toe.

Dan reik hulle die reis dokument uit? --- Dit is korrek.

Dit kom dan weer terug na u toe, die reis dokument? --- Dit is reg so. 30

Nou as 'n persoon aansoek gedoen het vir 'n reis dokument moet/....

moet daardie persoon wat aansoek gedoen het dit kom afhaal of kan iemand anders dit kom afhaal? --- Hulle kan 'n ander persoon stuur om die paspoort te kom afhaal as dit mense is wat ons ken - as die persoon bekend is aan die aansoeker.

Aan die aansoeker? --- Ja, as die persoon aan die aplikant bekend is.

Wat was die posisie verlede jaar, Februarie, Maart, wie kon daardie reis dokumente kom afhaal? --- Die posisie was gewees, as 'n persoon in besit was van 'n kwitansie, die kwitansie wat agter aan die vorms is, dan kon daardie persoon die paspoort kry. 10

So enige persoon wat 'n kwitansie het, ongeag of hy die aansoeker was of nie kon dan die reis dokument afhaal? --- Ja, dan moet die persoon wat die paspoort afhaal sy naam op die vorm teken.

GEEN VERDERE VRAE DEUR AANKLAER:

CROSS-EXAMINED BY MR. BASSY: Next to those EXHIBITS that you have in front of you are certain receipts, would you have a look at that please. Those are the receipts that are issued by the Department for which you work? --- This is correct. 20

Now you will see in the right top hand corner there is a number there? --- Yes.

And on each of the forms that you have before you the numbers are different? --- This is correct.

Now the practise is it appears that each receipt is differently numbered, is that right? --- Yes.

And the later the receipt is issued the higher the number will be? --- Yes.

Now in your evidence in chief, initially you said to the court that if a person is known to you, then you will 30

be/.....

be prepared to give the passport to him or her? --- No, I said if the person is known to the applicant.

You are quite right, if the person is known to the applicant then you are prepared to give the passport to him or her? --- Yes.

Do you expect of people who come to collect passports that they explain to you, not the applicant personally, that they explain to you that they are a relative or a friend of the applicant? --- The position is, the person who comes to fetch the passport, his name is being asked 10 for and if it is different from the name which appears on the passport he would be asked whose passport he came to fetch.

So whether the person who comes to collect a passport has a receipt - well I am sorry, let me put it this way, if the person who comes to collect the passport is not the applicant or does not have the same name as the applicant, then you will ask him or her what relationship do you have with the applicant or what authority do you have to collect the passport, is that right? --- This is so. 20

That is done at a matter of course? --- It is.

Now you will notice, if you have a look at EXHIBIT O there is a name at the bottom of that application form? --- Yes.

That name is different from the name of the applicant? --- Yes, it is different.

So it is almost certain that that person was asked what her or his relationship was with the applicant? --- Yes.

Do you remember this particular application, I imagine 30 you deal with many and do not remember it specifically? ---

The/.....

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