

C.C.

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

CASE NO: 18/75/254

DATE: 18 MAY 1976

THE STATE

VS

S. COOPER AND EIGHT OTHERS

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LUBBE RECORDINGS (PRETORIA)

THE COURT RESUMES ON THE 18th MAY, 1976.

MOSIUOA GERARD PATRICK LEKOTA (Still under oath)

MR. REES: I have no more questions for this witness.

RE-EXAMINATION BY MR. SOGGOT: Mr. Lekota, yesterday His Lordship put certain questions to you relating to the possible danger of your activities, and when I say "your" I mean SASO and BPC activities, creating a bloc or a group which eventually could become action orientated and hostile. Now you have replied to His Lordship, but what I want to put to you is specifically something of a different emphasis, and that is (10) your own perception of SASO, leave BPC out for the moment, of what SASO wanted to achieve and what it in fact was working for, and what consequences you imagined would happen from that? --- I would see the point this way My Lord, that from the point of view of SASO I think in so far as at political level, the only thing I think that we could have hoped to achieve would have been to - just a (*inaudible*) of our ideas, and in this way perhaps contributing to the fundamental change that we hoped for. We certainly saw ourselves for instance as a group of students articulating the grievances (20) and the feelings of the Black people, for instance the Black community, and therefore being in a way a sort of a valve ..

A valve? --- A valve.

BY THE COURT: A safety valve? --- A safety valve of some kind, because I think our view there was that if Black people were bogged down in this morass of despair, this kind of thing may lead them to perhaps let me say spontaneous eruptions of say cries of violence or riots, this kind of thing, but in this fashion I think we provided a kind of safety valve, that the people did find expression, there was a kind of a cathartic(30) process/...

process where one could empty one's feelings and empty oneself of one's frustrations.

Now just talking about SASO, the aspirations as you told His Lordship was that SASO wanted to achieve fundamental change? --- That is correct.

And made you people want a psychological and physical liberation? --- That is right.

What in the reality world did SASO hope to actually achieve itself? I am talking about SASO now...(Mr. Rees intervenes)

(10)

MR. REES: My Lord, I think these questions should have been put in examination-in-chief.

BY THE COURT: I think these arise out of the questions I put to him.

MR. REES: My Lord, but surely these matters are fundamental. He should have put them in his examination-in-chief. This is the second time my Learned Friend does this.

MR. SOGGOT: My Lord, with respect to my Learned Friend, I think that this has already been said but I am attempting to let this witness develop his answer, My Lord, in the context of the questions posed by Your Lordship yesterday. Yes, Mr. Lekota? --- My Lord, as I was saying I think in the reality world I think we could go so far as to perhaps effect some fermentation of some kind of ideas, say perhaps to influence the intellectual thinking of Black people.

(20)

Anything more than that? --- Well, nothing comes of moving in that direction, but certainly aware of avoiding a situation of tension where for instance people would, as I have already indicated, would because of their frustrations, would go on to perhaps rioting and things of that nature. I think also,

(30)

My Lord/...

My Lord, perhaps thinking about the real situation of South Africa, we know from reports and from some of the things that have been said by officials of the Government, we know that there are for instance organisations like the African National Congress who do campaign and get people to go and go for military training and so on, who would probably have seen this kind of thing as - I mean the frustration of the people would ^{be} probably seen as some kind of - creating a hot bed for people who would move for instance for a violent change, and therefore for them to be able to get a lot of (10) people who would be prepared, because of their frustrations, basically, to go out and take up violence. Certainly nothing in terms of what the State has alleged, that we were trying to build racial hostility.

BY THE COURT: The feelings expressed in the posters at Turfloop, are they not the result of the manner in which SASO was trying to conscientise people? --- I say no, because if My Lord will remember, when I led my evidence-in-chief I indicated that for instance when we resuscitated SASO on the campus of the University of the North we had something like (20) about four hundred students. That campus is a very big campus, My Lord, there are about 1,500 students there. I think at the time there were about 1,500 students and certainly we did not have - at least at the time I think we did not have a membership of SASO on that campus which would have been say beyond a thousand. There may be a lot of students who would have been followers of SASO but not certainly all of them, so that what I think I say about the situation at the University of the North would be that here is a group of students I think who are - because they have not been able to perhaps express (30) themselves/...

themselves or to do anything and so on, that would - that was in a way helping them to express themselves, because I think one also expresses oneself in the given activities, so that perhaps given this opportunity quite a lot of students who were certainly not members of SASO could have written placards of that nature. One does not have to be a member of SASO to write documents of that (Intervention).

That may be so, but the question I am asking you is whether the conscientisation - the conscientising programme, didn't that tend to give that type of feeling to the students? --- Well, if we look at the situation at the University of the North SASO ceased to operate on that campus in 1972, so we have got a whole period of about at least a year where there was no SASO operating on that campus, and we have got lots of new students who arrived on that campus during that period, who would certainly have noticed - well, perhaps not certainly, but who were very likely to have met SASO before they got to that campus. The point I am trying to make is that the fact that students express themselves in those terms at the University of the North certainly had nothing to do with Black Consciousness, with SASO. Because I went to the University of the North (Intervention). (10) (20)

You see, what I am trying to find out from you is whether that is not just a symptom of what really is happening, or what is the result of SASO propaganda? ---This is the point I am trying to point out that certainly that could not have been - one should not put the blame on SASO or the responsibility on SASO for what the students said there when they expressed themselves on that day. In 1974 alone, apart from the fact that - look, from 1972 there was no SASO on that campus, obviously/... (30)

obviously no member of SASO, from the Executive of SASO, went to that campus to address it. Now that gives it about one year-plus, before there was any member of SASO talking on that campus. I spoke for the first time at the University of the North in March. The only thing I talked about was the question of the resuscitation of the SASO local committee. There was no speaker in between on that campus of the University of the North from SASO and I came again in August and I addressed them there on the Day of Compassion, and I really - I talked about the question of the church? - I have already (10) given the court some synopsis of what in fact I talked about, which had nothing to do with what the students were talking about or expressing themselves about on that specific occasion. So that My Lord, I think that really saying that SASO was responsible for that is giving SASO a

I am not saying that, I am asking you, I am asking you whether ... --- Well, the point I am making is if anybody really would contend that it is because of SASO that students said so or expressed themselves in the terms that they expressed themselves on that occasion, I mean I think it has no basis (20) really.

Nothing of that is reflected in your writings? --- You mean in the writings of SASO?

Yes? --- I am sure nothing like that is reflected in our writings. We have never gone out for instance in any of - say the pamphlets that were distributed at the beginning of the year like SASO '72, like Saso on the Attack, there is nothing of that nature that suggests

Did you people get SASO writings on the campus in spite of the fact that SASO was not allowed on the campus? --- Well, (30)

the/...

the think that would have been distributed would have been the SASO Newsletter which would have reached the students from SASO and certainly I think from March 1973, there was no SASO Newsletter issued because we had some problems at the SASO head office, so we did not have any newsletters circulating at the time. There is hardly any document of SASO, in fact there is no document of SASO from, let me say roughly March 1973, or the beginning of 1973, that would have been distributed at the University of the North. And when I went out there to address the students, there was no (10) document that I was distributing around, except for the speech that I delivered to the students, which really was just a discussion on theology and nothing more than that, and the very nature of the papers, because of its nature, it was more a thought provoking paper than of anything that would have been inciting people to do anything.

MR. SOGGOT: Mr. Lekota, you have lived in a student milieu?
--- That is right.

Assume for a moment that SASO hadn't ever existed at Turfloop, what would you then say as to the possibility or (20) otherwise of posters such as "Cowards, we will chase you to the sea" being put up at Turfloop? ---(Mr. Rees intervenes)

MR. REES: My Lord, isn't this just purely an opinion?

BY THE COURT: He was a student, he can say what a student feels. --- Well, I have been at the University of the North, perhaps I can relate specifically to this, I have been to the University of the North. Now perhaps this is a norm that you apply to students anywhere. The point about is where you have a large group of students who may decide to undertake a project, say as the leaders of the project, but especially (30) on the/...

on the question for instance of writing slogans on placards like that, students perhaps get their own papers or they are given the papers by the SRC, specifically informed by the SRC that this is what we are about. But there is - certainly My Lord, one will find quite a number of students who write their own things and so on, who will do their own things and so on. Now this kind of thing is generally - as one of the witnesses indicated, some of the guys who are far behind who think that no, I can write this, and the rector will never know that I wrote this, or nobody will ever guess that I wrote this, and then he writes the thing there. They express themselves in their own way, because when you have got a group of students of one thousand and they have got to write slogans and so on, probably by the time everybody wants to write an individual slogan, he wants to express that which in fact feels, which may not necessarily have anything to do with what the leadership of the student body has said the occasion is about. So there is quite a lot of irresponsibility that can take place around a situation of that nature, My Lord. (10) (20)

Mr. Lekota, some odd points. Without referring you to the documents, do you remember L.1, BPC L.1? Mandla Kosi's poem? --- I remember that.

I just want you to tell His Lordship - I think you have already said you did not read it there, you just heard it, is that right? --- That is right.

What impression did that create on you, the reading of that poem? If you were asked when you came out of that hall what that poem is about, what would you have said? --- I think I would have said it is - that poem - well, I am trying(30 to think/...

to think back really. I think I would have said that the author was expressing himself on the issue of the death of Tiro. I would probably have looked at the poem, I would probably have found maybe some things which may have been agreeable, some which may not have been agreeable, but I would specifically have regarded it as a work of the man, his expression of himself, because he certainly does not - as far as I am concerned, that poem within that setting there was not - I mean the kind of situation where we had to adopt it and say now this is what we are going to do from (10) now on.

But the question merely is - I am not sure you got my question, I think the suggestion is that that poem has got a message. Now what message, if any, did that poem have for you? --- Oh, I see. Well, I think as I have already said, I think I understood this poem to be written in the biblical ideom of the words "because you came from the dust I am sure you will go back to the dust". Now I think what it - looking closely at the poem, I think it really says that all Black people who will want to articulate the grievances of (20) Black people, who will want to talk on behalf of the Black people, may end up just like Tiro ended up, because he was - I mean he was not a violent man, he was certainly not a terrorist, he was certainly not a guerrilla man or anything of that nature, but he died a violent death. I think what this poem would have - what this poem brings through to me is the fact that given the situation in which we are, if we stand for our rights we must stand for them right up to the last knowing full well that there may be - some of us may be casualties in the cause of our standing for our dignity, (30) but this/...

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but this we must take. In other words, if I may just put it in very short terms, this poem says this, we are challenged as Black people either to accept life with humiliation or death with dignity, so what this poem I think seems to say is that we must make our choice, say to this ..?.. whether we are just going to live and accept life with humiliation simply because we are afraid that we may die in the cause of fighting for^{our} manhood, or whether we are prepared to stand for our manhood so much that in the end we are prepared to die, but to die with our dignity. In a sense one sees our (10) dying there as being almost what I would call reincarnation, in the process of our dying for our manhood we therefore say to the world "we are men", and the fact that we are prepared to die for our manhood is in itself proof of the fact that we are men.

BY THE COURT: Now from your point of view, from what you knew, who was Tiro and why does he deserve all this unity? --- Tiro, My Lord?

Yes? --- Tiro was a Black student, he had been a member of SASO. He certainly was dedicated to the humanity of Black (20) people.

What did he do? --- Well, the very act

From what you knew at the time? --- He was - well, first he was permanent organiser of SASO, and well from being permanent organiser of SASO he obviously carried on the normal obligations that he would have to meet within that office, like community development and so on. Actually if I remember correctly he was the man who got Anglo American to agree to sponsor a project that we were proposing at Winterveld, the building of a school out there. The next thing is that he got elected to the (30) presidency/...

presidency of the Southern Africa Student Movement and he went to Botswana to set up the offices of the Southern Africa Student Movement out there, so it was at the time when he was working towards establishing the offices of this Movement (Intervention).

So he really got international recognition? ---That is right, because he would have been elected from students trade unions of Swaziland, of Lesotho, Botswana, South Africa, Rhodesia I think also, and in this way he was representing the International Black Student Body, if I may put it in (10) those terms. Beyond that there is nothing else that I mean I can say he was doing, but one understands of course that inherent in what he was doing, was the struggle of Black people

Working for the Black man? --- That is right, to uplift the Black people.

MR. SOGGOT: As far as the presentation of that poem is concerned, was anything said which gave an indication as to whether this was officially put out by or organised by SASO or whether it was an individual effort? --- The M.C. if I (20) remember well - the M.C. said that Mandla Kosi Langa will read to us a poem which he wrote in dedication of the late Ramutsi Tiro. So that it would have been Mandla Kosi Langa's contribution to the memorial service.

BY THE COURT: But who organised the memorial service? --- The memorial service was organised by SASO.

And where? --- At the Y.M.C.A. in Durban.

MR. SOGGOT: Would that have been an ad hoc occasion following the death of Tiro? --- It was really just a - well, it was a memorial service, it was not something that is in the programme because/...

because we did not know that Tiro would die on that occasion.

Yes, alright. Now if we can get from poetry to something different, the Durban rally. Now you were asked a number of questions about Rally A.2, do you remember the document of Muntu Myeza? --- That is right.

When did you see that document, or a copy thereof, for the first time? --- I think I saw a copy for the first time in this case, My Lord.

After your arrest you mean? --- After my arrest, yes.

Now the other question is the alleged bluff or deception (10) of Mayethula. Did you have - you actually went with Mayethula to Currie's Fountain? Is that so? --- Yes, when we all went there.

Now just taking that as a - just one slice of time, before you got into the car, were any warnings given to you of any kind by no.1 or no.2 or anyone else as to what you should say in front of Mayethula? --- Certainly not, I was never approached by anybody to warn me that now look, you must keep this from the Reverend Mayethula, or that. Certainly I was never approached on that. (20)

Now as far as your report to no.2 is concerned, I think you told His Lordship yesterday that you didn't tell no.2 whether the gates had been locked or not, or blocked or not? --- That is correct.

What report did you give him, other than that of the people there, was there anything else told by you as far as that was concerned? --- Well, as far as I can remember I told him that there were people at the stadium, I think this was about the only thing I would have told him, that there were people there at the stadium. (30)

BY THE/...

BY THE COURT: Was that to no.4 accused? It is a conversation with no.4?

MR. SOGGOT: No, this was referring to his report after he and Singh got back. --- No.2, I think.

Yes, no.2. --- As I said I would have told him that there are people at the stadium. I think this was about the only significant thing that I would specifically have told him. I probably would have told him that there are police there or things like that, but I don't think I was so much concerned about that. I think one thing definitely that I would (10) have - because I went there to see whether there were people or not, so I would have come back to say - look, there are people there at the stadium.

Well, you see, this sounds very much as if you are reconstructing of what you must have told him. Can you remember in fact today what you told him? --- No, I can't remember specifically what I told him. The purpose of my going there was to check whether there were people at the stadium or not. So I am sure I would have come back to tell him that - look, there are people there. I don't think I would have told him(20) - he may have asked me about other things, I may have, but the idea was that I went there to look whether there were people or not, so I would have come back to tell him look, there are people there. If he asked me I would have told him.

Now yesterday in reply to a question by His Lordship as to what the meaning of phrases like "Jy moet aangaan" or "Sit on". Your answer was something like no.4, that is Dr. Mokoape, was probably trying to inspire confidence? That is not your words but that is what I recollect some of it...? (30)

--- No, I/...

--- No, no, I think I said when he said "Sit on", the message that got through to me was that he was probably inspiring confidence in us because we had ... (Intervention).

Well, that is how I understood you. Why in your view should he at that stage be wanting to inspire confidence?

--- Well, I think also we were a little bit tense about the situation. I mean take like maybe accused no.2, for instance he was going there to disperse the rally, he might have for instance got arrested there or maybe because of the dogs or whatever he sees there, he might have run away and (10) not have been strong enough to stand up and save the situation, but certainly I mean things for instance like the fact that accused no.2 could have been arrested there and so on, that would probably have contributed to some amount of tension that we had with us.

My Lord, I think that terminates the - I have no further questions.

NO FURTHER QUESTIONS.

MR. SOGGOT: My Lord, I have a slight problem. I propose to call accused no.6, who inter alia will deal with Turfloop. (20) I propose to call him next but certain documents which were in possession of the police - and let me immediately say I am not making any criticisms, were only handed to us yesterday. I think in fact that maybe they had difficulty in tracking the documents down. (Mr. Soggot addresses the court in this connection).

MR. SOGGOT APPLIES FOR A SHORT ADJOURNMENT TO CONSULT ACCUSED NO.6 IN REGARD TO THE DOCUMENTS.

COURT ADJOURNS.

COURT RESUMES.

(30)

MR. SOGGOT/...

MR. SOGGOT CALLS ACCUSED NO.6:

PHANDELANI JEREMIAH NEFOLORHODWE d.s.s.

EXAMINATION BY MR. SOGGOT: Now Mr. Nefolorhodwe, were you ever called General? --- At one stage, yes.

At one stage. How did you come to be called General? --- It was a nickname given to me by the students at Turfloop after I had become the SRC president.

And are you the only person known as General? --- Well, after no.7 had taken over as president of the SRC, the nickname went along with him. (10)

That nickname went along with him? --- Yes.

My Lord, this is perhaps an unorthodox beginning, but my learned friend said he is not necessarily a general. May we get down to informing His Lordship who you are. You were born in Sibasa? --- Yes.

When? --- On the 2nd of February, 1947.

1947? --- Yes.

And you went to school, at the Ben Malan(?) Training Institute, is that correct? --- Yes.

Where is that? --- That is also at Sibasa. (20)

And you graduated, or rather you got your matric in 1968? --- Yes.

Then you went to Turfloop, is that correct? --- That is right. In February, 1969? --- That is right.

Now up to that point had you had political interests or affiliations of any kind? --- No.

From what sort of family do you come? --- Well, I come from an ordinary Black family.

What does your father do? --- My father is - he is in the rural area, the people don't work, and some of those people have cattle, and my father has got a few cattle. (30)

He has/...

He has a few cattle and this is in the rural area? ---
That is right.

Now you entered Turfloop in 1969 and you then enrolled for
a B.Sc, is that right? --- Yes.

Intending to do Zoology and Botany? --- That is right,
this was my major subjects.

And in fact just to clear that you passed at the end of
- you passed two out of the four subjects at the end of 1969?
--- That is right.

And you repeated in 1970? --- That is right. (10)

I think you must realise that that only picks up sounds,
so you must please answer clearly into the microphone. Now
let us start off in 1969, there was no SASO on the campus
was there? --- Yes, when I arrived at the university there
was no SASO on campus but during student mass meetings there
were talks about affiliation to multi-racial organisations.
That would have meant affiliation to the organisations like
NUSAS, and I think at that stage the most topical question
was affiliation to NUSAS, and I remember we debated this
issue quite lengthily and asking also the rector who was then (20)
the rector, Professor Engelbrecht, and we called him to a meet-
ing to ask whether he would not allow us to affiliate to
NUSAS. And in that meeting he told the students, to
quote his words, he said : "You must not allow yourselves
to be used as instruments, you must form your own organi-
sation", that is what he said. And subsequent to that,
his whole thinking was that Black students must form their
own organisation and they must not depend on English speaking
universities and organisations. And I think that brought
out some thinking in the student community, and I remember (30)
subsequently/...

subsequently that our SRC in 1969, it was given the duty of hosting the first SASO Inaugural Conference, and the rector approved of it, and it was the SRC funds to host such a conference.

And that is when the first GSC was held, is that right?

--- That is the inaugural ...

The Inaugural Conference? --- Yes.

To which I think Mr. Biko has already referred? --- Yes, Mr. Biko has already referred to it.

And you say that the SRC or the university provided funds to enable you to host that? --- Yes. (10)

Were you present at that inaugural conference? --- I did not attend the inaugural conference per se but we got reports when we returned back on campus. It was during the vacation and the SRC had to report on what happened.

Then in 1970 the university also got autonomy is that correct? --- Yes.

Was there a sit-in at any stage? --- Yes, you see, the difficulty with students is that they never regarded the so-called tribal university as purely independent in the sense(20 that if you look at White universities there are certain clauses in the Acts of such universities which make both universities to be quite independent from let us say the Government machinery. So the students never regarded Turfloop as an independent institution, and there was also another suspicion that if Turfloop could be independent on its own out from the University of South Africa, the students suspected that the standards of learning would be not satisfactory.

So they had a sit-in? --- And they had a sit-in.

And did that eventually come to an end? --- It came to an(30)

end/...

end later.

Then I think that in 1971 Tiro was the SRC president, is that right? --- That is right.

And then you yourself was elected onto the SRC at one stage. When was that? --- I was elected to the SRC in about September, 1971.

And I think it is uncontested, the president was Aubrey Mokwena, is that right? --- Yes.

And the vice-president was Percy Komolema, and the Minute secretary was Mr. Lekota, accused no.3? --- That is right. (10)

Now you people were also involved in - we have heard evidence - in community projects such as the Monkwe Clinic, is that right? --- That is right.

Just tell us briefly what you were involved in? --- I was also one of the people who took upon themselves to help the community round about Monkwe. What happened was that when people come to the doctor at a clinic, some of the rural people, you find that they don't have food for instance and what we did is that as a student community we decided that we should put part of our daily rations aside so that when these commu- (20) nities come for - at the clinic, we should be able to give them some food to eat, and what happened we collected some few breads, because at the university obviously we are privileged, and we had to give them all. And sometimes we decided again that we should conduct what we call a jumble sale, students normally you will find that they have got lots of clothes, other students who are from good families, and that they have got lots of clothes, and that sometimes he wears one shirt for about six months and then he forgets about the shirt and goes to a new fashion. And we decided that instead(30) of leaving/...

of leaving this to continue or just to leave the shirt to be destroyed, the best thing would be to collect all the shirts or all other materials that - and the dresses from the female students

Collect all the clothing and hand it over? --- And then we would hand it over to the people who came at the clinic.

Were you involved in any other community projects? --- Yes, except that it was not really a community project, it was something of the nature of finding out the difficulties (10) in the nearest community. As a student member we felt that we should go to the community and find out what we called their needs and we were conducting a sort of a commission to really find out what their - or how much - say for instance the head of the family is paid at his job and how much can he afford to give to his kids for schooling purposes ...

Well, you made investigations into their income and expenditure? --- That is right.

Where did you make this investigation? --- We made it (20) near the same community, Monkwe, and it is called Mantimtani(?).

Was your report reduced to writing? --- It was reduced to writing but it was during the late stages of - not late stages, during June now, and the university was closed, and I could not trace where the report was up to now.

Alright, you heard accused no.3 talk about SASO and its community projects and its purposes in undertaking community projects? --- That is right.

Do you agree with him or do you disagree with him or do you have anything to add? --- No, I totally agree with him, (30)

I don't/...

I don't think I've got to add anything.

You have nothing to add, and while we are dealing with SASO's activities in broad terms, the SASO Constitution or rather its programme talks of psychological and physical liberation. What did you understand SASO as a group of students wanted to actually achieve by their own activities? --- What I understood from SASO is that our - my background for instance, I was born in the rural areas and that background was - it is a background of poverty, and when SASO came about and said - "Look chaps, you have got to do (10) something about your situation, you have got to be yourself", the way I grew, we used to regard the White man as so to speak who can give you everything in life, that would mean you depended so much on White structures and the White people, that you simple forget that you have got the initiative within you to determine your own life. And when SASO came out and said - "Black man, you are on your own", that to me meant as humanbeings people who according to the scriptures who are born human, and people according to the scriptures who are God's image, and to me that is really (20) like saying "you are God's image", "you are what you are, never mind your colouration." I would call the colouration a manifestation of God's beauty and therefore within the entire membership of God's beauty you are also one of those beauties of God, which can be used for its own life. So when it came to me that way I immediately internalised in myself that at least in our community we have got things upon our hands and we can do something about that, and when they talk about the psychological liberation, to me it means to be able to control your situation, or if I may put (30) it in/...

it in other words, to learn to sort out your own thinking within you. That would mean learning to perceive societal contradiction and take action against oppressive elements of society.

You are a member of the church? --- I am.

Which church? --- I actually belong to about three churches.

BY THE COURT: Which is your favourite? --- My father is a Zionist, and when I went to school, you see at school during the olden days you were requested to have some sort of a certificate and Zionists at that time did not have certifi- (10)
cates so I had to join another church in order that I can have a certificate to be allowed to study. So what happened is that I joined the Seventh Day Adventist Church, then later when I went to a secondary school, that is a high school, sorry My Lord, that is at Vendaland, that institution is predominantly Lutheran, so I had again to change from my other affiliations to suit the conditions of that school, because I was actually given a bursary by the Government and the bursary's conditions were that you must attend a State school. I would not have gone there on my own. So I went (20)
there, so the conditions were such that I must be a Lutheran, so I became a Lutheran.

You mean in your heart of hearts you are a Zionist?

--- No, right now at the present moment I think I am practising like a Lutheran.

MR. SOGGOT: And in addition to your three churches, are you also a follower of Black Theology? --- Yes, I am. I am a follower of Black Theology.

And you heard Dr. Manas Buthelezi talk about it for example? --- That is right. (30)

His/...

His definition of Black Theology, does that differ from your perception of Black ...? --- It does not differ really, to me it doesn't. I mean he might have expressed it in other terms but there is basically the same idea.

BY THE COURT: Now what do you say is Black Theology? --- Yes, what I say is Black Theology, the way I understood it, is that theology that seeks to understand the problem of the Black people. That is the interpretation of the scriptures in order to find answers to our existential experiences and our existential situation, so much so that we would have to (10) take the Bible and the Bible must answer to whatever the Black community finds problems in. I would give this example, My Lord, is that the Bible as it was practised by the missionaries, the Gospel sorry, and what happened is that what the White community was doing, it drew some inspiration from the word of God, that would mean that the White community in order to channel its behaviour pattern, it had to suit the interpretation of what God says is the normal way of living, and those who were believers within the White community, they thought to conform within a norm which can be (20) acceptable to all humanbeings, so much so that now as Black people also, taking the Bible as Christians, we also want to conform and have answers within the ambit of what God made us for. That is how I understood the Gospel of Black Theology.

What is the difference between Black Theology and Lutheranism? --- I would not say there is any difference as far as Lutheranism and Black Theology, because to me a theology is something and Lutheranism - I don't think we can compare the two. Lutheranism I think is a practice of a member of a community, (30) a Christian/...

a Christian community, sorry, the Christian community has got various members, you have got the Lutheran, you have got the Dutch Reformed, you have got other affiliations. To me those affiliations are like - it is just a practice of a few members of the community, but we belong to the same home so to speak, which is a Christian home. And all of us now, we feel in the Christian - or I might feel that no, I have got to attend church with His Lordship, and one might feel that no, I have got to attend church with Mr. Rees, and you see, that is also a minor difference in so far as the whole of humanity is concerned, and I think that theology is above the practices of different churches. (10)

Mr. Nefolorhodwe, EXHIBIT AA, the Essays on Black Theology, have you seen this before the trial? --- I might have read it here in prison.

But have you read it before that? --- I don't think so.

You don't think so? --- No.

When you - I am now talking about your years at Turfloop, when you thought of Black Theology, who in your mind - if someone came to you and said "who are the proponents of Black Theology", whom would you have mentioned? --- When I was at Turfloop? (20)

Yes? --- The people whom I would have mentioned would probably be Manas Buthelezi, because he had come out in papers, he was a speaker really. He is reported in many meetings to have attended many meetings, and he does give the perspective of Black Theology wherever he is reported to have delivered a talk.

And what had you read on Black Theology during the currency of your university career? --- During the currency of my university/... (30)

university career I read speeches by - well, I came across speeches of Manas Buthelezi, I don't remember really which ones, and some - many material really.

Did you ever come across the resolution - I think of the fourth GSC, or is it the fifth GSC, relating to Christ and the Essiens? --- I came across it here in prison. Actually I am very - I am feeling ashamed of myself because I became president of SASO and (Intervention).

BY THE COURT: I did not follow that? --- I obviously feel ashamed of myself for not having known some of the documents (10) of SASO, because I became president for about three months and I was arrested. (Witness laughs).

...(inaudible). ..--- So I did not come across that document really, before I was arrested.

MR. SOGGOT: Now you have told us then that SASO had these aspirations. As far as physical liberation was concerned, what did you as a student and as a member of SASO think that SASO's actual contribution towards physical liberation would be? --- My understanding of physical liberation, forgetting for the moment the political aspect of it, I think if there (20) is another dimension to this physical liberation, which I understood to be, that you see, in the psychology of the Black people you find that the Black people themselves in this South African situation, some of - I think the majority before SASO came into practice, would wait and see what let us say the Government would do in their particular situation, and that would mean that whatever little they can do for the community, they would say well, the Government doesn't do this for us, and we sit down and wait, next time perhaps they might do it, go to one Government official and they (30) ask/...

ask for it, and they might not get it because the Government sometimes does not have funds all the time. So they would not go along to help themselves physically in their physical community - in their community, sorry, so much you see, that what I am saying here is that the Black people themselves when they say they will physically liberate themselves, that would mean that they would take everything upon themselves, whatever problems they have, be it building of a dam, be it building of a school, they would take that upon themselves that they are the people who have got to see to it that (10) these things are done. In that sense their physical obstacles are being eliminated. And later that is part of the physical liberation. Another part of the physical liberation is the political liberation physically. That means they will be able to determine their own lives, that means if they liberate themselves they claim their rights to the Government, and the Government accedes(?), then it will mean that Black people will take responsibility of their own communities. They will be able to influence, let me say that, to influence changes and to influence whatever good can (20) come from the Government.

Now what I want to ask you, and my question now is addressed to the political freedom, your political liberation, how did you see SASO making a contribution, if any, towards its accomplishment? --- Well, with SASO I don't think their aim was so much to make a political breakthrough. I think the aim of SASO as I understood it, it was to influence discussions amongst intellectuals of our community and amongst those few that are fortunate to have gone to university, and in that sense now SASO will be influencing group coercion(?), (30) and it/...

and it would be influencing topics that would help the Black community.

Did you ever consider that SASO had any agreement with BPC to achieve political liberation? --- Not that I know of.

Not that you know of. Now if we can get back to Turfloop, in 1972 there was I believe the episode with Tiro, is that correct? --- That is correct.

He made a speech and you were present at the speech? ---
--- I was not present at that speech.

Whatever it was he was then expelled? And the SRC (10)
organised a mass meeting, is that right. Were you present at that mass meeting? --- Yes, I was present.

Were you on the SRC? --- I was on the SRC.

And we have had the evidence I think from Lekota, accused no.3, on this episode. Is there anything you want to add to what he said about Tiro? --- I don't think there is anything I want to add.

And what happened was that the students eventually staged a walkout, is that correct, and the university was closed? ---
Yes. (20)

When the university was re-opened what happened to you?
--- When the university was re-opened I was suspended from the university.

You were suspended? --- Yes.

So given that what did you do? --- After my suspension I went back home to look for work, and later in about I think it was September I was employed by the Messina Company, that is a mining company, as an assistant in the office of that company. I worked there for about from September up to I think it was June, 1973. (30)

Did you/...

Did you have contact with workers there? --- Yes, I had contact with workers.

And with the conditions of their pay and employment? --- Well, as a welfare officer, Mr. Soggot, is that really your job is to work with the people, that is the prime concern of the welfare officer. That means you are given a certain compound to look after, both marriage quarters and what we call single quarters. That means you are taking charge of things like assaults, any issue that arises from that situation. It must be reported to the welfare officer before it (10) is taken over to the management. Sometimes you solve the problems yourself and you don't even report them if they are minor, and where a problem is really intricate, what you do you report to your compound manager, and the compound manager then would take the matter over, if he can't solve it he takes it over to the chief compound manager.

Now you in fact thereafter became a teacher, is that correct? --- Thereafter, after June I resigned from the Mining Company because they were paying me a very low salary. (20)

What were they paying you? --- R45.00 per month.

Yes, so you became a teacher where? --- I returned back to Sibasa, when I say Sibasa now I am talking about the locality of the place, where you have got the Government services, and I returned back there to look for work, and I was employed as a ^{private} teacher at the Papugi High School.

Is that in Sibasa? --- That is right.

And did you act as a teacher then until your re-admission to Turfloop? --- That is right.

Which would be then in the beginning of 1974, is that (30) correct?/..

correct? --- That is correct.

I just want one other thing, did you ever become a member of the BPC? --- Yes, at one stage I did.

When was that? --- That was I think in December, 1973.

Well, I think for the sake of chronology you should deal with that now. What are your circumstances of becoming a member of the BPC? --- The circumstances was that there was a branch at Mara, a place near Louis Trichardt, and I happened to attend one of their meetings.

How did you come to attend that meeting? --- Well, I was(10) invited.

You were invited? --- By the then president of BPC, Reverend Farisani.

Reverend Farisani? --- That is right.

And you went along to a meeting there? --- I went along to the meeting.

And then you joined? --- And I joined.

I think in this context perhaps I should refer you to Exhibit - is it BPC D.1? --- It should be General D.1.

BY THE COURT: Was this meeting at Mara you say? --- It was (20) a branch meeting of the Mara Branch of BPC.

Well now, the Mara branch, are there many people living there near Mara? Are they working at that research station or ... --- There is there a research station and there is a community near the research station.

A rural community? --- Yes, a rural community.

And so there is a BPC branch with those people? --- Yes.

MR. SOGGOT: I wonder if you could show him General D.1. --- Is it General D.1?

Yes. ... (Court intervenes).

(30)

BY THE/...

BY THE COURT: Did you study privately after you left Turfloop the first time? --- After I left Turfloop what happened is that I enrolled only to involve with Unisa, and you see, when we were doing natural sciences, you have got to have a laboratory where you conduct your experiments, so down there at Messina there was no facilities, there is no professor nearby, so this Unisa says if you want to continue in the natural sciences, what you do you must sign a form where you indicate whether you have got a reasonable professor who would be in charge of your laboratory experiments. Now down (10) there we didn't have any place where really you can have frogs and all these other things, so I could not enrol ultimately. If I had been here resident in Pretoria I would have gone to some laboratory here private laboratory there and negotiated for

MR. SOGGOT: Now just tell us, did you become a member of the Mara branch? --- I became a member of the Mara branch, yes.

Nouw could you very briefly tell His Lordship, what - just taking this as an example of BPC activity, what you people actually did in the Mara branch, in the way of talking, (20) writing, community projects, agitating, conscientising? --- Actually this branch, Mr. Soggot, was not really a very big branch ... (Court intervenes).

BY THE COURT: Was it the reverend, that is all? --- It was the reverend with a couple of other guys, we were not more than ten.

MR. SOGGOT: I am not sure we have come across any mammoth branches. --- So it was just in its initial stages, I think it was formed by the reverend because he had been elected president of BPC so he wanted also to have these branches. (30)

BY THE /...

BY THE COURT: Was he a president of BPC? --- Yes.

Not only of that branch? --- No, and he was an additional member in that branch, he did not have any status in the branch, there was another man, Sishonga, who was the chairman. I was then elected subsequently the correspondence secretary of that branch.

MR. SOGGOT: Well, bearing in mind the size of the branch, would you make your description all the more concise?

Give us just a concise description of what you people were up to there? --- Well, ... (Court intervenes). (10)

BY THE COURT: Tell us what mischief were you up to? --(LAUGHTER).

MR. SOGGOT: What were your activities? --- The normal activities, that would mean coming together, think about community projects that we could embark on and ... (Court intervenes).

BY THE COURT: You did not achieve anything there, did you? --- And define strategies in those community projects. As I say (Mr. Soggot intervenes).

MR. SOGGOT: His Lordship asked you, did you achieve anything there? --- As far as I am concerned we did get some few members to join us. (20)

BY THE COURT: Yes, but would it work? --- Would it work?

Well, Mr. Soggot wants to know what work did you do? --- Well, the work that we did was thinking about ..(laughs)..

That is my work? --- We were thinking about building a school and it never got ...(laugh).

It is the same as my work ... --- It never got to be constructed really. So I would not say anything about it.

MR. SOGGOT: Did you hold any meetings with the local population? --- Hold a meeting with the local population? At that stage we didn't, I think subsequently they did hold a (30)

Alright, /...

Alright, then let us have a look at General D.l. Whose handwriting is that? --- This is in my handwriting.

Now tell us briefly please the circumstances of your writing this? --- The circumstances of writing this is that I then went to the University of the North and the chairman of the branch also was a student at the University of the North. So what happened is that we wanted to have a meeting of the - an Executive meeting of the branch. So what would have happened is that we would have to go back home and conduct that meeting, so we said well, there were other members (10) of this branch who were working, so we told them that look, we are students here, what do you do, you must come to us and we will conduct the meeting where we are. So some members of the branch came to Turfloop and we had our meeting at the Catholic Church where I took these Minutes.

At the Catholic Church? --- That is right. These Minutes were actually the Minutes of the Mara situation, but the meeting took place at Turfloop, yes.

Alright, I think the first two pages speak for themselves. They seem to be purely technical, and I don't propose to ask (20) you questions about (Court intervenes).

BY THE COURT: Well, these Minutes that you handed in as an exhibit, D.l, is that a Mara branch - but is held at Turfloop? --- That is the people from Mara, some of the Executive members came to Turfloop because we didn't have funds, the chairman of the branch was at Turfloop, myself, the correspondence secretary, was at Turfloop. So we said to them "You must come here, we would hold our meeting at Turfloop." So this is a situation, My Lord, talking about the Mara situation, but the Minutes were taken at Turfloop. (30)

MR. SOGGOT:/...

MR. SOGGOT: It is a Mara meeting at Turfloop? --- That is right.

Alright, while we are on that point, was there a BPC branch at Turfloop? --- Not that I know of.

Throughout the period that you were there did anyone attempt to establish a BPC branch there? --- There was some attempt to establish a BPC branch by the past president of BPC, Mrs. Kgwari, she wanted to establish a branch there.

Mrs. Kgwari? --- Yes.

Was she living at Turfloop at the time? --- I think - as(10) far as I know she was always there. She is the wife of Professor Kgwari, and the professor stays in Turfloop.

And she tried to start a BPC branch there. Do you know this of your own knowledge or is this what was reported to you? --- That is what I got from her.

So that also did not get off the ground, is that what you are saying? --- That is right.

Alright, now just to come back to D.1, would you have a look at the page where it starts off with the phrase - "Prayer" - and tell us very briefly what that page is about? (20) --- This phrase, these are notes of the chairman, before the meeting we usually have a small prayer and then continue with our meeting. So what happened is that the chairman, Mr. Sishonga, said well, let us have a small prayer, we had a small prayer, and then we continued with our meeting. That is all about that page there. That is all about the page. He says "Charity begins at home" .. that is his notes, so I took his notes in order that I can compile the Minutes. Even these Minutes as you look at them, they were not a complete final draft. It was just a draft this. I took his notes so that (30)

I could/...

I could see what he was saying, points he made in that meeting. You can see it is not in my handwriting either.

Yes, and the next page, that contains the names of your committee? --- That is the committee.

And you were the corresponding secretary? --- That is right.

Alright, we have got that out of the way now. --- And you see, My Lord, there is an additional member, Mr. Parisani, that is the president, he was the additional member of our branch. We just gave him that status so that he can feel at (10) home.

Now you returned to Turfloop then at the beginning of 1974? Is that right? --- Yes.

Can you tell us what SRC was in existence at that stage? And what you understood about that SRC's history? --- When I arrived there there was an SRC under the leadership of Mr. Nkwe. I think it is Isaac Nkwe.

Isaac Nkwe, N-k-w-e? --- Yes, that is right, and the history of it was that at some stage during 1973 students were not really satisfied with the leadership. It was not the complete SRC that they were not satisfied with, they were not satisfied with some members of the leadership, and they made some effort, that is what I got, they made some effort to oust the SRC.

Now was this an SRC which had previously been duly elected as you understood it? --- That is right. That is right.

My Lord, these facts of the interim history of the SRC which we would submit is relevant to understanding the ousting of the SRC from office subsequently will be led by us, but I think for the sake of continuity I will ask him to give (30)

his/...

his understanding. --- So what I got was that this SRC had - the main issue really was that they had drafted memorandum for Africanisation - I think His Lordship knows about this question of Africanisation at the university, and what they did according to the knowledge that I got from the students that they drafted that memorandum and they never presented the memorandum back to the students to see whether the students go along with what the SRC wants to put to the administration. And a few other members of the student community read the memorandum and they felt there were some suggestions which were made by the SRC which were not really what the students would have liked to put, and they then queried the SRC, that you can't send such an important document off - you should have come to us and said "Look, this is what we are sending to the administration so that in future whatever is done there the students should be in the know how". So that was at least their prime concern. (10)

Ledwaba said at one stage that one of the objections was the maladroit - or I haven't got the right word, clumsy undiplomatic way in which it was attacked? --- That is right. (20) That was the - you see, according to the student members there were suggestions there like certain lecturers, certain professors, suggestions like in 1976 all White lecturers should not be at the university. So you can imagine that a professor who had been there for a long time, now he would not like that kind of recommendation, so what ...

This was tactlessness? --- This was tactlessness, because I mean a man who has been there from probably the beginning of the institution, I would have thought he is the last to leave, that is how I get it. So that he knows much of the university (30) and he/...

and he can adjust himself until the time that he ... (Court intervenes).

BY THE COURT: So it was not practical? --- It was not practical. That is how I got the information.

MR. SOGGOT: Alright, then you say there was dissatisfaction with the SRC. --- There were other points, for instance like they didn't treat the question of accommodation properly, and they didn't treat the question of intervarsity properly.

Yes, well there were ... --- But that was the main crux of the dissatisfaction. (10)

Yes, now would you tell us what happened to this SRC? --- Subsequently that SRC was kicked out of office, in a student mass meeting.

In a student mass meeting? --- That is correct.

Now this would have been in March, 1974, is that right? --- That is right.

Now shortly before - or let me put it this way, in the same month there was - we have heard evidence that accused no.3 came and convened a meeting of the SASO off-campus branch?

--- That is right. (20)

Now tell us what had happened to SASO prior to this month of March, 1974? --- Well, in 1972 round about June when the university was opened after the mass expulsion of students, SASO was subsequently suspended by the University Council and up until then, up until September - up until March, 1974, SASO was not allowed to be on campus.

Yes? ---That is why you see even when accused no.3 came I think it was put to him that he cannot establish a branch inside the campus, that would be against the suspension, against(30 the rules/...

the rules of the university, so what he could do was to have a branch which is outside campus. So he came to the university and a branch was formed outside the campus, and I became the chairman of that branch.

Was the establishment of this branch kept a secret in any way? --- No, it was not kept a secret. It was even advertised by the SRC which was kicked out later.

It was advertised by the SRC? --- It was actually advertised by the same SRC, that there would be a meeting outside. (10)

Yes, now you have heard Mr. Lekota's version as to what happened at this SASO meeting, is that correct? --- That is right.

And is there anything which you want to add or subtract from that? --- No, there is nothing.

How do you know the dates when that SASO meeting took place? --- I don't know really the date when the SASO meeting took place.

Can you remember what day of the week it was? --- It was on a Saturday. (20)

Now we know that shortly thereafter a petition was presented for a mass meeting to be held to discuss the SRC? Is that right? --- That is right.

When was that petition presented as far as you know? --- The petition was presented I think on a Monday - it was on a Monday that several members of the student community - according to the SRC Constitution if you want an emergency mass meeting what you do, you draw up your grievances and points that should be discussed by the student body. Then what you do, the Constitution stipulates that you must get two-thirds of the (30) members/...

members of the student community signing your petition before an SRC is obliged to hold a meeting. So what happened is that other members of the student community of which the leader was Peter Galin (Intervention).

Was he a SASO man? --- I don't remember him being a SASO man.

At that time? --- That is right, so of which Peter Galin was the mover of the petition, they went around soliciting signatures from students who qualify for that meeting, so they went around, went around. I think he got much more (10) than the two-thirds. Then what he does after getting the two-thirds, you take the same petition with those names, you give it to the SRC president and you say - SRC president ... (Intervention).

Well, he did that? --- .. everything is correct. Then the SRC president is now obliged in terms of the Constitution to have that meeting and to give the man who is moving the petition to motivate on the grievances.

Now in your SASO meeting, was there any discussion about kicking out the SRC? --- No, there wasn't. (20)

As far as you are concerned, and the SASO people are concerned, at Turfloop, were you people instrumental in this move to petition a meeting? --- Well, I would say ...

In other words did you bring it about or was it your idea? --- No, it was not brought about by us as SASO, but there were other members of my committee for instance who had been in that campus since 1972, like Mambane .?.. and the others who might have been SASO members at that stage and who also had the same grievances against the SRC, and what they (30) did, they/...

did, they were also interested in that kind of thing, but I personally, well, I was still a new member of that community and I would not have known all the facts backwards. But I did attend the meeting where there were ... (Intervention).

What was your official position in SASO? --- At that stage I was now the chairman of the SASO local branch.

The SASO local branch? --- That is right, yes.

Now a mass meeting was held, is that right? --- A mass meeting was held.

My Lord, I am going to put in some documents, perhaps it is a convenient stage?

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