

PAC Bethal Trial

AD 2021/11.23

SAINA Security Trials

Bethal Trial

PP 4421.4600

THE COURT RESUMES ON THE 20th MARCH, 1979.

BY THE COURT: Mr Wilson, before you call your witnesses, I want to clear up a few things. I am still in some confusion I am afraid about No. 3's evidence about what has been called I think the first two weeks in January. Now, am I correct in saying that Moses and Sibiya say that they saw No. 3 on the Saturday, slept the Saturday night and then Sibiya and No. 3 went to Johannesburg and Sibiya went to Durban?

MR WILSON: That is my recollection, yes.

BY THE COURT: That was on Sibiya's evidence was on a (10) Saturday and that would have been either the 3rd or the 10th January.

MR WILSON: That is so.

BY THE COURT: Now, No. 3's evidence, as I understand it, was that on that Saturday, the whole of that Saturday, he was in Johannesburg and then he stayed on and on the Sunday he I think saw and they discussed the BPC. Is that correct?

MR WILSON: Yes, M'Lord. John Mahapa. He complemented him on his new house.

BY THE COURT: That is right. That visit, according to (20) No. 3 was on that Sunday.

MR WILSON: Yes, M'Lord.

BY THE COURT: I do not know that John Mahapa had any specific date, did he?

MR WILSON: I do not think so. My recollection is that he was not certain.

BY THE COURT: Well he did not give a specific date. Now, that was all in January, it had nothing to do with February.

MR WILSON: No, M'Lord.

BY THE COURT: When you cross-examined Moses and Sibiya (30) did you put to either of them this alibi of No. 3's?

MR WILSON: No, I put that the incident did not happen in January.

BY THE COURT: According to No. 3, am I correct in saying, what happened in late February or early March was a meeting where Percy was present and Sibiya.

MR WILSON: Yes.

BY THE COURT: Did No. 3 say whether that was over a weekend? That you can remember.

MR WILSON: No, I cannot remember.

BY THE COURT: Not to your recollection. (10)

MR WILSON: Not to my recollection. He said they came to see him at that period but I do not think he was asked as to when - what day of the week it was. If Your Lordship will bear with me. My instructions are the accused said it was on a Sunday.

BY THE COURT: Oh, it was, he said they had come on a Sunday. Now that was not that Sunday then on which the BPC was discussed with Mahapa?

MR WILSON: No, M'Lord.

BY THE COURT: Now No. 4's evidence then is that in regard (20) to this Saturday, the very Saturday that we have been discussing in January, Moses he took Sibiya to Moses. Is that correct?

MR WILSON: Yes.

BY THE COURT: Sibiya having spent the Friday night with him. Then he left, he was no longer concerned and he did not see according to his evidence, them again. He went to Moses's place on the Sunday afternoon. That is his evidence, that Sunday afternoon.

MR WILSON: Yes, M'Lord.

BY THE COURT: And then he did not find them in, either one (30) or the other.

MR WILSON: That is so.

BY THE COURT: And he, No. 4, was not involved in any visit to John Mahapa.

MR WILSON: No.

BY THE COURT: That is the thing. Because he was not involved with a discussion with the BPC or the house - that all took place in Johannesburg.

MR WILSON: That is so.

ROBERT NTHU KADIKA: sworn states: (Through Interpreter)

EXAMINATION BY MR SKWEIYA: Where do you live? -- (10)
Atteridgeville.

And what is your age? -- 25 years.

And since when have you lived in Atteridgeville? -- 1971.

And have you lived there continuously until to date? --
I used to stay at Atteridgeville during holidays.

Holidays from where? -- During school holidays.

Now, do you know a man known as Nicolaas Mohlala? -- Where was he staying?

In Atteridgeville and he plays chess. -- Nicolaas Mohlala?

Yes. -- Yes, I do remember such a person. (20)

Were you in the same chess club with him? -- Yes, we were.

Was he a friend of yours in any way? -- No, he was not.

Now did you meet him often when you met to play chess as a club? -- Yes, we used to meet when we are going to play chess.

Were you the only two people who belonged to this chess club? -- No, we were quite a number.

About how many of you would you say you were? -- Plus or minus 15.

Now, do you know an organisation known as SASO? South African Students Organisation. -- No, that I do not know (30)
well.

Have you ever been a member of SASO? -- No, I have never been a member.

Have you ever taken any interest in SASO affairs?-- No.

Do you know a political body known as BPC, Black People's Convention? -- No.

Have you ever been a member of any political organisation? -- No, I have never been.

Ever taken part in political activities? -- No.

Do you know about the concept of Black consciousness? -- No, that I do not understand. (10)

Ever taken an interest in that concept? -- No.

Did you ever discuss SASO with Nicolaas Mohlala? -- No, not with me.

Have you ever discussed politics with him? -- No, I have never.

WITNESS STANDS DOWN.

NORMAN NTOELE: sworn states: (Through Interpreter)

EXAMINATION BY MR SKWEYIYA: Are you a brother of accused No. 4 in this case, Bennie Ntoele? -- Yes, that is so.

And are you married and do you have a family and do you have a house in Mamelodi, Pretoria? -- Yes, that is correct. (20)

And is your home and that of Bennie in Mamelodi, Pretoria? -- That is so.

Now during the Easter weekend of 1976 was there a death in your family? Well that week of the Easter weekend was there a death in your family? -- Yes, that is so.

Who had died? -- My grandmother.

And when was that grandmother buried? -- Diepkloof in Johannesburg.

On which day was she buried? -- The Saturday after Good Friday. (30)

BY THE COURT: The 17th was it?

MR SKWEYIYA: I think it was the 17th.

BY THE COURT: Well, we have had a lot of stuff about the 16th, Friday the 16th.

MR SKWEYIYA: On Good Friday did you see Bennie at all, that is the day before the burial of your granny? -- Yes, I did.

When and about what time did you see him? -- He arrived at about 15h15 and he was there until 16h00.

Where? -- At my house.

And after he left at 16h00 did you see him later that (10) day? -- Yes, late in the evening I went home, that is where I met him.

BY THE COURT: To your home? -- Yes, at my parents' home, that is where Bennie lived.

When you say you went home, do you mean you went to your home or to Bennie's home? -- Bennie's home.

MR SKWEYIYA: Could you tell the Court why Bennie had come to see you on Good Friday, 1976? -- What happened is I should have gone to him on Thursday, that is at his home, to go and make preparations and arrangements for to attend the funeral. (20) And I failed to do so. As a result of which Bennie then came to see me the following day which was the Good Friday, on his way from church.

To do what? -- He came to find out from me as to why I failed to come home, that is to his home, the previous day and how far did I go with my arrangements if ever I made any arrangements.

Arrangements for? -- To attend the grandmother's funeral.

THE WITNESS STANDS DOWN.

ELIAS PITSI: sworn states: (Through Interpreter) (SINKY) (30)

EXAMINATION BY MR SKWEYIYA: Do you know Nicolaas Mohlala? --
Yes/...

Yes, I do.

What is the relationship between you and Nicolaas Mohlala?

-- He is married to my sister.

And in 1976 did you own a car? -- Yes, I did.

In particular during Easter of 1976. -- Yes.

Now, where do you live? In 1976, Easter. -- I was staying in Vlakfontein but I used to visit Swaziland on Easter holidays.

During the Easter of 1976 were you in Pretoria in Mamelodi?

-- I was in Swaziland. That is why I mentioned this (10)
that I used to visit Swaziland on Easter holidays.

Did you during Easter 1976 live in the same house as a person known as Maggie Pitsi? -- Yes, that is my sister.

BY THE COURT: Now where is this? In Vlakfontein? -- Yes, that is in Vlakfontein.

MR SKWEYIYA: And what about Ronnie? Did you live in the same house as Ronnie? -- Yes, he was living in the same house.

BY THE COURT: Who is that? -- She is my younger sister.

MR SKWEYIYA: Do you know accused No. 4 in this case, Bennie Ntoele? -- Yes, I do. (20)

Have you ever seen Bennie Ntoele in the house where you, Ronnie and Maggie stayed in 1976 and where you are still saying even now? -- No, I have never seen Bennie there.

Are you the only brother to these two women you have mentioned, namely Maggie and Ronnie? -- No, I have got two other brothers.

What are their names? -- Johannes and Moses.

Now, did they own cars in 1976? -- They never owned cars in their lives. Up to now they do not have cars.

How did you go to Swaziland? -- I was driving in my car. (30)

THE WITNESS STANDS DOWN.

THE COURT ADJOURNS FOR TEA. THE COURT RESUMES.

ROBERT NTHU KADIKA: still under oath:

CROSS-EXAMINATION BY MR ACKERMANN: When you were asked by your Counsel to identify Nick Mohlala, you hesitated for quite some while. -- Yes, because I know quite a number of people with that same name of Mohlala.

But weren't you asked whether you know Nicolaas Mohlala?

-- That was the question, yes.

And then you said Nicolaas who. -- Yes, because I (10)
wanted to be clear as to which Mohlala he was referring to.

Now you said that the chess club consisted of more or less 15 members. -- Yes. I said approximately, I was not certain with the number.

Now, do you know or did you know during 1976 each and every one of these plus-minus 15 chess club members? -- What do you mean by know? Do you mean by seeing them or do you mean I knew their names or what is the position?

Their full names. -- I did not know all of them on their names and surnames. (20)

And some of these chess club members unknown to you were there also males amongst them? -- Yes.

BY THE COURT: Were they all men? -- As far as I remember, yes.

MR ACKERMANN: Of about your age? -- I am not quite sure how many of them were younger than me but the most were older than me.

Nevertheless when did you finish with school? -- In 1975 I left the university.

BY THE COURT: University of? -- Of the North.

MR ACKERMANN: But when did you go to the University of the (30)
North? -- I started there in 1973.

And/...

And were you at school during 1972? -- Yes, doing form 5.

Here in Pretoria? -- No, at Situtulwane.

How far is that? -- It is in the district of Pietersburg.

So you were schooling quite near to Turfloop University?

-- Well, they are both in the district of Pietersburg, that is Turfloop and Situtulwane.

Did you become aware in 1972 of a student unrest at Turfloop? -- In 1972?

Yes, when you were doing form 5. -- Do you mean where was this unrest, at Situtulwane or Turfloop? (10)

At Turfloop. -- At the university?

Yes. -- I do not remember about that unrest.

Then you went to university in 1973 and did you become a member of SASO or not? -- No, I did not.

Did you have any interest in SASO? -- No, I did not.

Did you in 1973 did you know anything about SASO? -- There was none at our school, that is anything pertaining to SASO because it was not permitted by our principal, the rector did not allow anything about SASO to be done at school.

BY THE COURT: At Turfloop? -- Yes. (20)

MR ACKERMANN: So because of that reason you did not know anything about SASO .. (inaudible - interpreting) .. -- Well, I did not feel like knowing anything about it.

But you were aware of the existence of such an organisation? -- What happened is there was a circular from our rector, the principal, which was circulated in the dininghall making mention of a certain movement or a group which was not permissible to be held on the premises there. So I did not have any interest to know anything about it although I do not remember exactly the wording of that circular but it was (30) to the effect that it is not permissible on the premises.

And/...

And for that reason you decided that it would not be worthwhile to make any enquiries as to the organisation? -- I was so much committed about my studies there that I did not have time to attend the things which did not pertain to my studies.

You would certainly have interest in any organisation disrupting your studies. -- I doubt if I would ever do that to disrupt my studies and go for an organisation, because my aim there was education and I would not then go out of my way of education for an organisation. (10)

But if the activities of a certain organisation such as SASO threatened to disrupt your studies, you would have developed some interest in this organisation. -- No, at first when I arrived at the university, my intention was to listen to those who are teaching me, what they are teaching me and pay attention to that.

Isn't it so that in 1974, the latter half of 1974 there was once more some student unrest at Turfloop campus? -- I quite remember that there was some unrest at the university, but I cannot remember exactly during what part or what time (20) of the year was that.

Let us turn to this unrest. Wasn't this unrest organised by SASO/BPC? -- I did not know how it started and how it happened. All I can say is there was some unrest. How it started and who was behind the whole thing of the unrest that I cannot tell. I did not know about it.

Did this unrest have a disruptive effect on your studies? -- No, I would not say so because most of the time I was reading in my room and this unrest was not taking place in my room, so I had ample time to study and read so I would not (30) say so.

And wasn't there an off-campus branch of SASO at Turfloop University? -- I do not know about that.

Did you then know a certain person called Mr Sedibe? -- Sedibe? Can you explain who this person is so I might know him.

Wasn't he the chairman of your Student Representative Council? -- In what year?

In some or other year during your stay at Turfloop. -- I am in trouble. Is it not Modibe?

No, Sedibe. -- Sedibe? Did you say Sedibe or (10) Modibe?

Sedibe. Do you know him or not? -- I do not quite remember the name. It can be Sedibe or Modibe, but I remember of a chairman with that kind of a surname.

And Mr Netholowodwe, was he known to you? -- It is years back and I do not quite remember all the people with whom I was at school.

Do you know accused No. 3 in this matter, Mark Shinnars? -- Who is he?

The gentleman third from the right in the front row. (20) -- No, I do not know this man.

And can you tell us when you were first approached by the Defence in this matter? -- I was on four weeks' leave when I got messages that there are people who keep on coming, looking for me at home and I did not know who those people were.

BY THE COURT: When was this? -- From the 12th January until the 9th March I was on leave.

This year or last year? -- I was on leave from the 12th February until the 9th March. (30)

I want to know whether it was this year or last year. --

This year.

MR ACKERMANN: In 1979? -- Yes.

Before that you did not see anybody of the Defence in connection with this trial? -- No.

You see, a State witness in this matter, Nicolaas Mohlala, was cross-examined and he gave his evidence in April last year. I give the reference here, Volume 26, page 1 223 from lines 11 to 13:

"I put it to you (that is Nicolaas Mohlala) that at no stage did you ever discuss anything of a political nature with Kadiaka (that can only be you); that your acquaintanceship was confined to chess and card playing." (10)

-- Was my name mentioned in that cross-examination?

Yes, as well as in evidence-in-chief of Mohlala. -- What I would like to know is how did it happen that they make mention of my name? That is what I do not understand. In order to answer your question.

All I want to know from you, it is not possible that this information obtained or used in April, 1978 could have been obtained from you. -- What were they saying about me? That is what I want to know. (20)

I can very briefly read to you Mohlala's evidence-in-chief. He said that he had been told by accused No. 3 in this matter to talk to Robert Kadiaka, that is supposedly you - on page 1 183 of his evidence-in-chief, Volume 25, and that he was supposed to recruit you for the PAC. And he said:

"I asked him whether he was still a member of SASO, he said yes, and he then started lecturing to me about SASO, the policies and objects/... (30)

objects of SASO, etc."

-- Did I understand you correct in saying that you say Mohlala was sent by somebody to come and talk to me about SASO?

Yes, that is what Mohlala said. -- You see what confuses me is because I had nothing to discuss with Mohlala, except when playing chess and even then we do not talk, we just play chess.

So you say that you never discussed SASO with Mohlala?

-- No, nothing so far.

Apart from the chess club there was no other oppor- (10)
tunity for you to discuss SASO with Mohlala? If I may add, in other words you only saw each other at the chess club, nowhere else. -- No, I do not know, perhaps I do not understand the question clearly, but the thing is, it is not that I used to see Mohlala at the chess club only. We both stay in Atteridgeville so there is a possibility I might have seen Mohlala walking on the other side of the street or seeing him on the other side of the street. It is not like people who are working together who see each other almost every time.

Is that the only possibility, that you saw him some- (20)
where in the streets at Atteridgeville? -- By that I mean probably I might have seen him in a bus or in a train whilst travelling because I was travelling, using a train or a bus.

RE-EXAMINATION BY MR SKWEYIYA: This Nicolaas Mohlala who you have referred to, have you seen him recently? -- No, I have not seen him.

Do you know who the president of the SRC was at Turfloop in 1974? -- I do not quite remember who it was.

BY THE COURT: You say you left Turfloop in 1975? -- Yes.

Why did you leave it? -- Because of financial (30)
difficulties. I realised that there was going to be a rise

of/...

of fees for the university and I did not have sufficient money. Therefore I left.

NO FURTHER QUESTIONS.

BY THE COURT: Mr Wilson, when you come to argue the matter, in regard to this witness and maybe these other two, you will be prepared to argue that their evidence is relevant and admissible.

MR WILSON: Yes, M'Lord.

NORMAN NTOELE: sworn states:

CROSS-EXAMINATION BY MR ACKERMANN: No questions. (10)

RE-EXAMINATION BY MR SKWEYIYA: No questions.

NO FURTHER QUESTIONS.

ELIAS PITSI: still under oath:

CROSS-EXAMINATION BY MR ACKERMANN: You say you stayed at Vlakfontein in 1976 round about Easter? -- I used to visit Swaziland, yes.

Yes, but your permanent place of residence. -- Yes, that is correct.

Now Vlakfontein is that Mamelodi or does it form part of Mamelodi Township? -- It is in Mamelodi. (20)

So it is in Mamelodi and your two brothers do they also stay in Mamelodi? -- Yes, in Mamelodi.

RE-EXAMINATION BY MR SKWEYIYA: No questions.

NO FURTHER QUESTIONS.

THE COURT ADJOURNS FOR LUNCH.

THE COURT RESUMES AT 14h15.

JOHN GANYA: sworn states: (Through Interpreter)

EXAMINATION BY MR PITMAN: When were you born and where were you born? -- I was born in the district of Engcobo in the Mxonli Village in 1935 on the 7th June.

BY THE COURT: Whereabouts is this village?

MR PITMAN: Is that village in the Transkei? -- Yes, it is in the Transkei.

Now, did you at a later stage in your life come up to a place called North Mine? -- My father was employed in (10) the compound there. He was later promoted to be the induna and because of his ill health I went to join him in 1946.

BY THE COURT: Where is North Mine?

MR PITMAN: Where is North Mine exactly? -- It is in Johannesburg near Denver Station. The compound no longer exists now.

And when did you start work yourself? -- I deserted my father in 1948 and went to the Chamber of Mines in Johannesburg. I would not be accepted there because I was still too young. My father subsequently sent me back home. He feared that I could get spoilt by staying in that area. (20)

Did you come back again from the Transkei? -- Yes, I came back again. This time I came back with a contract in 1951. My desire was to go and work underground just to see how it looked like underground.

Did you work underground? -- Yes, I did.

Is that in a gold mine? -- Yes.

Did you at a later stage work for Consolidated Textile Mills? -- My elder brother came to fetch me after some time. He wanted me to be with him in Germiston. I put in a discharge or resignation from my present employment and went to my (30) brother in Germiston though I did not stay long with him. I

left/...

left him and went to work for a blanket factory.

Was that Consolidated Textile Mills? -- Yes. Near Langlaagte Station.

In 1962 who were you working for? -- I was working for Electrolite in George Goch as a spray-painter and I went home in December.

Of the same year? Was that 1961? -- In 1962.

BY THE COURT: You can help him about these dates.

MR PITMAN: Were you then detained .. (intervenes)

BY THE COURT: December, 1962. (10)

MR PITMAN: December, 1962. I may have an error here, I am not sure about this because I have a note here that he was detained in February, 1962, I am not quite sure. When were you detained? -- On our way to my home by car we were stopped by soldiers near Bloemfontein. They demanded our passes and tax, but I was reluctant to give them these things because they were soldiers. Later on still along the road when we had gone past - we had not gone past Aliwal North but we were going towards Aliwal North.

BY THE COURT: Did they let you go, the soldiers? -- They did. (20)

As you were approaching Aliwal North? -- As we were approaching Aliwal North, we came to another group of soldiers again. They also asked us for our passes, tax and wanted to know where we were employed and why we were travelling by car. We wanted to know from them what had gone wrong because this was the second time that we had been stopped and they told us that people had been to Tlonze on the 11th December and to Queenstown on the 12th December to kill Matanzima. Consequently everybody from the town outside the Transkei had to be searched or interrogated. The Whites would speak Xhoza. We then/... (30)

then spoke to them and they later let us go.

MR PITMAN: Did you get home? -- We proceeded on our journey across the Orange River, went past Aliwal North until we came to Dordrecht and as we were nearing Cala we came across a group of men with kieres and we then said to ourselves we are now going to encounter difficulties. These people came up to us and stopped the vehicle in which we were travelling. They came to us and they ill-treated us or mishandled us.

BY THE COURT: Were they Xhozas? -- Yes, these were men from the villages but there were also a few White policemen. (10)

MR PITMAN: With them? -- Together with these people, the men from the villages, there were also a few Black policemen.

BY THE COURT: Were there White policemen and Black policemen? -- Yes, a few White and Black policemen. We were hardnecked like men and we would not surrender to this mishandling. We also later came to realise that a teacher's house was to be destroyed. There was a truck parked next to us with a load of household furniture. We were asked by a person if we were from Cape Town and we said no, but we are from Johannesburg. It was also discovered by these people that the registration (20) of the vehicle in which we were travelling was TJ.

Why did they illtreat you or hit you? -- It was said that these people were a group of people ordered by Matanzima from different villages to look out for vehicles arriving there. This had been done because six people had been to that place and it was also said that these people were travelling in a motor car and had attempted to kill a chief. After it had been discovered that our motor car's registration plate is that of TJ, it was suggested that we be let go. We then proceeded to Engcobo from Cala. (30)

MR PITMAN: Now when were you detained? -- We went to our home and/...

and on arrival there it was raining and we found a group of people seated together and we also realised that most of them were from Cofimvaba. We were asked how we fared in our journey and we told them we had a splendid journey. My elder brother then explained that life to them is difficult because there were three feared organisations, namely the POQO, the Makuluspan and the Jacobs. We were then asked what these organisations do and then it was replied the Makuluspan interferes and kills thieves - interferes with thieves and kills them. The Jacobs were working together with the Makuluspan and these were killing chiefs and cattle seized and the chiefs who were being killed were those who accepted the trust. The people were opposed to the trust. (10)

BY THE COURT: That is the Bantu Trust? -- Yes.

Yes? -- People from other villages also then came to greet us.

What about the POQO, what were they doing? -- It was said that POQO kills Whites.

MR PITMAN: Who said that? -- My elder brother said these things. And he also said that he did not personally have this knowledge but he had got this knowledge from magistrates who held meetings at their places of residence. I was then told to wait until a meeting be called so that I would be taken to the chief where I would have to voice my feelings about the POQO, Makuluspan and the Jacobs. (20)

BY THE COURT: Who was your chief? -- It was Zwelitshi Mphikrakra and his assistant was Msezi Khlonti. It was realised that many people had come to visit a number of different villages.

MR PITMAN: From a number of villages? -- No, had visited a number of villages. (30)

Had come to visit a number of villages. -- A meeting was then called where we were to go and voice our feelings. We then went to the meeting and it was evident that cattle, many cattle had been stolen and sold to butchers.

BY THE COURT: Stolen by who? -- By thieves.

One of these gangs? -- There was a gang of these thieves.

Not the Makuluspan? -- No, not the Makuluspan. Makuluspan was the group of people which killed the thieves.

A lot of cattle had been stolen. Yes? -- There were also cattle stolen from my home and I felt strong about action (10) to be taken against the thieves.

MR PITMAN: You felt strongly about action.

BY THE COURT: Yes, about action to be taken against the thieves. -- Against the thieves, yes. And we were suggesting that these thieves be killed. So we had to donate R2 or 25 cents if anybody could not afford R2.

MR PITMAN: He said 2/6d. -- (Yes, he said 2/6d, M'Lord.)

BY THE COURT: Is that R2 each? -- Yes, we had to donate R2 each or 2/6d for every person who could not afford R2.

Each? -- That is right. And this was to enable us (20) to get counsel if it should be necessary.

MR PITMAN: After the thieves were dead you might need counsel. -- After the thieves were dead, yes.

BY THE COURT: Had you managed to catch the thieves by then? -- I beg your pardon?

Had you caught the thieves then? -- We did not sleep during the night, we waited at the kraals with weapons.

Yes? -- And the thieves were being caught.

Did you stab them? -- This depended on an individual's temper. When we sometimes came to a caught thief, he (30) would be dead, because there were many people in different villages/...

villages waiting at cattle kraals.

Yes? -- There was a person known as Mgcanina Mgomso who was my father's sister's child whom it had been discovered was a thief. It was after that meeting that I determined that he will never again come and sleep at my home, come and sleep in his own home. He apparently came to know about this determination of mine and he later came to me to ask for forgiveness. I told him if he wanted forgiveness, the cattle he had stolen must be brought back. He, together with other thieves subsequently went to report to the police at different (10) police stations. The houses that belonged to these thieves were burned down in all the villages.

MR PITMAN: What you were doing is you are telling us, as I understand it, your experience in the Transkeian struggle. -- Yes. These thieves could thereafter no longer stay in their houses and they consequently went to town.

BY THE COURT: What did they go to report to the police station? -- They went to report that they were being killed during the night and that their houses were burned down. It was later agreed upon that every person who was suspected to be a (20) thief have his house burned down.

MR PITMAN: And was that done? -- Yes, it was done. We were then arrested. We were as a matter of fact all arrested.

When were you arrested? -- We were initially arrested in February but then the people who had to point out who had done what, became afraid to do so.

And they ran away, did they? -- Yes, they ran away to town to stay there. I was supposed to have gone back to work on the 21st January, 1963.

But you say you were arrested. -- But I was stopped (30) by the police. On the 5th February, 1963 five Whites died between/...

between Engcobo and Umtata. It was after these deaths that people were arrested indiscriminately, we were being assaulted, thrown into the water and this was during the great rains in 1963. We were subsequently detained often and then when we were released we would be told not to leave our homes and the people who were suspected to be thieves were kept in detention.

Were you tried in a court? -- A person from my home was -- a son of my cousin was taken into detention and then after his release I was taken into detention. We had had a meeting at my home when my cousin's son arrived at home from deten- (10)
tion. When we asked him where he came from, he told us he was in detention.

BY THE COURT: In Umtata? -- In Engcobo. And that it had been suggested to him that he, together with another person, give evidence or make statements to say that we belonged to POQO. There had also been a list of names of the people who were to be said to be members of POQO.

Did your cousin's son do so? -- He had refused to do so.

Now when he said that you were members of POQO, do you mean you and your neighbours or your family or what? -- (20)
He had to identify people whose names appeared on a list and say those people who are known to him, are members of the POQO.

What I want to know is was your name or your elder brother's name on it? -- My name but not my elder brother's name because he was in detention.

Anyway, he refused to do so and then what happened? -- When we asked him what he intended doing, he said he will flee away. It was still while we were in that meeting when we saw police vehicles arrive. There were about 19 vehicles, some of them proceeded to other villages. I was taken and ordered (30)
before being taken away, to take all my belongings, blankets, overcoat/...

overcoat, because we were going to sleep in jail but that we would have to sleep outside because the jails were full.

Did anyone else from your village also go? -- Many were arrested.

Many. -- When I came to the vehicle to which I was taken, I saw my chief there. A number of chiefs had also been arrested.

And your cousin's son? -- He remained behind. We were kept in detention.

Was this at Engcobo? -- I was taken to a number of (10) different places, Mqanduli, Umtata, Cofimvaba, Engcobo and Komga. I later learned from people who had been making arrangements for our defence that my cousin's son had fled. We also learned that many people had been asked to give evidence and say we are members of POQO, but that many people were not willing to do so and those who had agreed to do so, had fled. We later went to court but we were curious to know .. (intervenes)

Was this in Umtata? -- All the cases were tried at Engcobo and Butterworth. We were curious to know who (20) would give evidence and say that we were members of POQO because we did not know of this POQO nor did we belong to POQO. We saw two men coming into court to give evidence. These were sentenced people. One was sentenced for stealing cattle and the other one was sentenced for having been in possession of a firearm. We were just surprised who these people are. The identification parade was held in the courtroom. These people were ordered to go and point out those who were members of POQO. This was to be done by touching the members of POQO on their shoulders. (30)

MR PITMAN: Did you have a lawyer there? -- We had lawyers.

There/...

There? -- Yes, the lawyers were also present.

BY THE COURT: Yes, go on. --- We were touched on our shoulders by these people but this surprised us because we did not even know them and we were even confused when these people who were pointing out members of POQO went to members of the audience and touched them on their shoulders. These people also said we, the people who had been pointed out by them, are members of POQO.

Is that the two men? -- The two men, yes. They also said that I had suggested that each and every man donate 2/6d. (10) so that we could buy arms and shoot the Whites and at the same time drive them to the sea. This is the evidence that was given by these men. Another thing that confused us is that our lawyers turned against us, they became prosecutors and prosecuted us and this was because it had been said that we had said we wanted to kill Whites. We then decided to regard our lawyers as prosecutors and we even said to these lawyers you are prosecutors, government prosecutors. We later learned that the mandates in other cases, similar cases had been terminated and we also decided to do the same. Our parents (20) were against this but we told our parents that we prefer not to be represented by lawyers but rather by the God of Africa. Our parents wanted to know how we would lodge appeals if we have no lawyers. We subsequently went into accused dock as members of POQO.

We subsequently went?

MR PITMAN: Were accused of. -- Into the accused dock as members of POQO seeing it had been said we were members of POQO.

Do you mean that you went .. -- The others, my co- (30) accused were said to be ordinary members of POQO but I was said/...

said to have suggested that we donate money and buy arms.

Where was this dock? What town, what court? -- In Engcobo.

Before a judge or a magistrate? -- I do not know whether this was a judge or just a magistrate but he was not clothed in a red gown but a black gown.

BY THE COURT: Then what happened? -- He could not have just been an ordinary magistrate.

MR PITMAN: Carry on, what happened? -- We were sentenced at the end of our trial. I was sentenced to 5 years' imprisonment. (10) This really surprised us. We were asked if we had anything to say after the passing of the sentences and I had something to say. The others also had something to say. What I said was that from then I would never again put my foot in any church with a White member because Whites had evil hearts, were cruel in that they had convicted innocent people.

BY THE COURT: When was that? -- I was sentenced on the 4th October, 1963.

Did you give evidence yourself in that case? -- We were giving evidence but we were given no opportunity to do so. (20) This was because we were furious, we were just saying we did nothing wrong and it was only said that we did what we were alleged to have done and that what we did as it was alleged, we did while drunk.

Did you give evidence though? -- I did that when I went to say I will never again put my foot in a church.

So you did not give evidence then on the merits of the case. Is that what I understand? -- We were treated like cattle, we were all put into one dock, we were treated like cattle that are to be taken into a dip. This is what was done to us (30) as though we had been arrested for pass offences.

Just tell me did you give evidence? -- We were only asked to stand up and say anything while seated like we are seated in this court in the accused dock and we would then just stand up and say: I do not know anything about all this. That was all. We were not in a position to give details of what had been alleged by the police.

Did you give evidence under oath denying the charges or did you not? -- I think Your Lordship does not understand me. I said we were taken into an accused dock like cattle taken into a dip and we were never given the opportunity to take (10) the oath. We were treated like people who had been arrested for pass offences.

Then I understand it. You did not give evidence. -- The magistrate said that people who would go into the witness-box for a period of time are only the chiefs, which was also done.

But John Ganya did not do that. -- I did not do that.

MR PITMAN: You were sentenced to 5 years' imprisonment. -- Yes.

Did other of the accused appeal? -- Yes, many of us had been arrested and we were divided into groups. Chief Mphikrakra appealed and he won his appeal on the 30th (20) January, 1964. Photelwa lodged an appeal after he had been taken to the island. This is also after he had been removed from the island and he was at Stofberg. He also won his appeal, but after having spent some time in prison. I have said Mphikrakra appealed and won his appeal. I am referring to him and a number of other people, about 29 who were together with him as a group.

And they all won their appeal. -- Yes, they all won their appeal.

And did you appeal? -- I did not appeal and Chief (30) Mphikrakra's brother also did not appeal.

Why/...

Why was that? Why did you not appeal? -- We did not have money, not a penny.

Now you served your sentence on Robben Island. -- Yes, I did.

And when were you released? -- I was released on the 3rd October, 1968.

And did you return to the Transkei? -- The Security Police took me home to the Transkei.

Were you served with a restriction order? -- Yes, it was said that I should stay there for two years and rid myself (10) of what was in my head.

By the way, before going further, what sort of education have you had? -- I passed standard 3.

And was that the end of your education? -- Yes.

So you were to rid yourself of what there was in your head in the Transkei? -- Yes.

But now in fact did you spend 2 years in the Transkei or not? -- It was unfortunately very hot, there was a great drought and there were no cattle or sheep, even birds were dying. I then wanted to know what I would eat if I were (20) to stay there. Government servants kept on coming to me and I used to ask them what I would eat because I had no money or anything to live on. They then said if the position be what it was at my home, I could be granted an opportunity to go and work but I all the same had to wait for them.

Did you eventually get permission to leave the Transkei? -- Yes, I did.

And where did you go to? -- I went to Johannesburg.

In what year was that? In 1969? -- In 1969.

And were you employed there? -- Yes, I went to my (30) previous place of employment, Electrolite. The White man for whom/...

whom I had worked said he was going to give me a very pleasant name with his sect(?) and he sent me off his premises.

He what? -- He sent me off.

Did you do some trade? -- No, the only work I had learned to do was spray-painting. I went to the pass office from Electrolite and on arrival there I was given a work seeking permit.

Now in 1973 what qualification did you attain? -- I was working for Heat Exchange in Robertsham in 1973 before 1973 and when the work that usually was done by Whites was to (10) be done by Blacks, namely machine operating, I was put in one of these positions. I operated the milling machine, the cutting machine, the exondering(?) and then it was later said that Africans were needed to be taught welding and it was also said that these people would be taught by the firms for which they worked.

Were you then taught and did you become a welder? -- I did not want to be taught by the firm but I wanted to pay for the lessons I would be given, and I subsequently went to Betty No. 31, Jeppe Street. I am sorry, Betty Street 31, (20) Jeppe. There were also Whites attending lessons together with us. I later realised that I had just wasted my money by going to that place and at the end of all the lessons I received there, I knew nothing, though I was given a certificate. When I went round seeking work I would produce my certificate but when taken in for an aptitude test, I knew nothing. I later went to the Anglo American owned by Oppenheimer and there I asked to be taught welding. This was because I had learned that they had a welding school in Boksburg and I was told by them that I could not be taken to their school without (30) being employed by them, but that I could go to Afrox in

Germiston.

Did you do so? -- Yes, I did so. I did not even have money for my transport to Germiston. I was given money by them and I went to Afrox in Germiston and received lessons.

What did you learn there? -- I learned arc-welding. I later realised that there was not much money or wages for arc-welding. People who received better wages were those who learned CO₂-welding. I then asked to talk to Mrs Helen Suzman, an appointment was made that I meet her.

BY THE COURT: Just a moment. Did you learn also the other (10) sort of welding? -- I had not then.

You asked to talk to Mrs Suzman? -- An appointment was made that I meet her at Hammerdale House on the corner of Troye and Bree Street.

What is it?

MR WILSON: What is the name of the house?

BY THE COURT: Hammerdale? -- (He says Hammerdale House.)

MR PITMAN: Hamerdale.

BY THE COURT: You say that is the offices of the Progressive Party? (20)

MR PITMAN: Yes, that is so. -- I decided to take a companion of mine with whom I worked, suffering together on Robben Island.

BY THE COURT: What did you want to see Mrs Suzman about? The gas welding or what? -- I wanted to see her about the CO₂-welding.

MR PITMAN: Did you want money to do the course? -- Yes, I wanted money.

Did you get the money from her?

BY THE COURT: Who was your colleague? -- Nqabene Menye.

So you went there, yes? -- On arrival there we were (30) served with food, sat together with them, she was with her secretary/...

secretary. We then had meals with them. We had been told what the name of the secretary is but I have forgotten that name. I explained to Mrs Suzman that I wanted to take a course for which I had to pay R20 a day which I could not afford. She asked me if I could get these lessons I wanted at Afrox. Then I told her that I could get these lessons there. She referred me to Afrox and said she will send everything to that place.

MR PITMAN: Send all that was necessary to that place. -- Yes, like money. (10)

Yes. -- I do not know what the end of her discussion with my companion was.

BY THE COURT: What was the beginning? -- My companion had to come with a contract every time he came to Johannesburg to work and he wanted to be a resident of Johannesburg. We later bid them farewell and left.

MR PITMAN: Now did you do your CO₂-welding course? -- Yes, I did.

BY THE COURT: At Afrox? -- Yes.

That course you did for the arc-welding, did you have (20) to pay for that? -- No, it was paid for by the Anglo American Corporation.

MR PITMAN: I do not want to get a long answer, but just do you remember who the person was who arranged that for you at Anglo American? Do you remember his name? -- Cosmos.

Father Cosmos Desmond.

BY THE COURT: Who?

MR PITMAN: Father Cosmos Desmond, he was labour relations officer at Anglo American. Now, so you now qualified as a welder in 1973. -- In 1974. (30)

Now, to go back a year or two. In 1971 had you had any activities/...

activities in regard to organising anything for young Black people in the townships?

BY THE COURT: Just a moment. In 1973 you did all this welding.

-- Yes.

And then did you finish your welding in 1974? -- Yes, I did.

Now Counsel wants to know about 1971. -- We tried in 1970 to get the students together so as to make them do something rather than just idling.

Where were you staying then? -- In Zola Township. (10)

MR PITMAN: You can remember the number, can't you? -- Number 1541.B.

Yes. -- One of the students .. (intervenes)

BY THE COURT: Are these just youngsters you met around Zola there? -- In Zola, Zola 1, in the area which is known as Deep Soweto.

Yes, one of the students? -- Was Sgupu Tomo, who was a well known student and who was during that time studying for his B.Sc in Pharmacy at the Turfloop University. We told these students that we .. (intervenes) (20)

Does he mean 'me'? -- It was myself and a number of other people. There was amongst these other people a teacher, Eric Zwane. We told the students that we had a problem with the UBC members.

MR PITMAN: That is the Urban Bantu Council? -- Yes. Who wanted the students to be given a hiding when they are found to be loitering about in the night after 20h00. We also said to these students that we were against th at suggestion. It had been said in meetings that the crime rate in Soweto was high and that this was as a result of people who were loitering (30) about and also the police.

Did you want to create something for these young students to do in their spare time? -- We told the students that we wanted to start dance activities, that we would attempt to lure them to these dance activities. We subsequently asked that a hall be built in that area because there was then no hall in that area.

Did you start a dance club? -- Yes, we did. We started this dance club and also made it clear to these students that we wanted to separate them from the ordinary people because they were educated people. And we also said to them if (10) we could get them together into the dance club the other ordinary people who were not educated, would later realise how much need they had to improve themselves and then come and join these students.

Did you get people coming to your dance club? -- Yes, it was as a result of that, the coming of the people, that we realised that we needed a professional dancer who would teach these dancers. And we consequently went to a teacher, Gilbert Mbuso who then stayed in Dobsonville. He later moved from Dobsonville to come and stay near us. (20)

And did he teach dancing? -- Yes, he tried, but he wanted money.

I just want to ask you, after dancing in the evening ... (intervenes)

BY THE COURT: Did he get his money? Did he teach dancing?

-- He did teach the dancing but he wanted money.

MR PITMAN: After dancing in the evening what happened to the children, to the students? -- We used to take these children to their homes every evening after dance. Most of them were grown. And another reason for us taking them to their (30) homes was to teach them to be of help to their own people.

How long approximately did your dance club last and then I want to ask you how it was that it came to an end? -- It lasted for about 3 months and came to an end in the 4th month. A disturbance had erupted.

BY THE COURT: Is that at the dance club? -- Yes.

MR PITMAN: And did anything happen to you one Sunday evening?

BY THE COURT: Are we still in 1971?

MR PITMAN: Yes, M'Lord. -- I forgot to make mention of something else which is also a contributory factor to the end of this dancing. The children were complaining that they (10) had failed because they did not have sufficient money to pay for their school fees. This disturbed me. On another day when I had gone to Emndeni Township at a place known as The Board, I saw a man being surrounded by taxi men.

BY THE COURT: By? -- Taxi men.

Taxi drivers? -- Taxi drivers.

Yes? -- This man was driving in a Peugeot a 1939 model.

MR PITMAN: He was an old man? -- He was being told by the taxi drivers that his motor car had no licence disc or third party disc and this man had collided with one taxi. I (20) then went to these people and spoke to them. I asked them to behave like human beings and not take the law into their own hands. They then asked what should be done and I suggested that this matter be reported to the police and that some of them remain behind with the man, the owner of the Peugeot. Some of the taxi drivers went away and after some moments came back again and then the police arrived in the company of these taxi people. The police then started hitting everybody. There had also been people from a football ground nearby and when the police were hitting people indiscriminately, I inter- (30) vened again, but this was an indication .. (inaudible) I

was/...

was properly assaulted.

BY THE COURT: Why did they assault the taxi drivers and the man? What did they assault the taxi drivers and the man for?
-- The taxi drivers wanted to kill this man who had collided with one of the taxis. It was to say that his car had no licence or third party discs and he was not licensed either as a driver.

But I cannot quite understand why the police hit the taxi drivers. Was it to stop them killing this man or what?

-- The police hit the people who were standing at this (10)
thing, not the taxi drivers. They came in the company of the taxi drivers. When they were hitting an old man known as Mbambo, I intervened.

MR PITMAN: And then you were hit? -- Yes, I then got hit.

Were you eventually charged? -- I was hit and thrown into a police van and then taken to Jabulani Police Station. Some people followed the police and at the police station when a charge was to be laid against me, there was no charge they could lay against me. A policeman, one Simon Mogotwana then came and asked me if I was a Xhoza and then he said the (20)
Xhozas have long ago been watched and now he is going to lay a charge against me, namely drunkenness, but I have never tasted beer or liquor in all my life.

Were you convicted of drunkenness? -- We stayed there and we were taken on the next day to court in Dobsonville.

And were you convicted of drunkenness? -- In Dobsonville there were many of us, some had been assaulted, and when I denied ever having been drunk, I was told that I was only denying what I knew well and I was also told that I was drunk and then I was sentenced to a fine of R15. (30)

Just tell His Lordship have you ever until today had a
drink/...

drink in your life? -- No, and I will never drink.

Now you say that your club came to a halt, to an end, the dance club. -- Yes.

And had you got to know students as a result of the club? -- Yes, I did. I was given a cheque for R30 by David Adlow. This was when I had asked for a scholarship. He then sent me to ICS where I would get junior certificate lessons in accountancy.

Now David Adlow who is he, where is he from? -- David Adlow is a White man, I do not know where he is from. (10) He was at the corner of Jeppe and Eloff Street on the 7th Floor in Red Central Building.

Was he something to do with a correspondence college or don't you know? -- The name of this building is apparently Red Central. He was the vice-principal.

Of the Turrett Correspondence College? -- Yes. I later then went to some students and told them that there was some luck, I will take some students to town to get scholarships.

Yes? -- I took Cele who was originally from the Transkei and one Madoda Masoka from Zola. They were not given any (20) assistance and then I later took one Norma Kwezi and this one had matriculated and had later gone to - after matriculating gone to Baragwanath Hospital. She was interested in taking GCE and she was given assistance by David Adlow.

Did you take her to David Adlow? -- Yes, I took her to David Adlow, recommended her and she was given assistance.

I will come back later to the question of education.

THE COURT ADJOURNS.

THE COURT RESUMES ON THE 21st MARCH, 1979.

JOHN GANYA: still under oath:

FURTHER EXAMINATION BY MR PITMAN: Now, I want to come to 1976. Round about September, 1976 do you recall any leaflets which were issued, circulated? -- Yes, this is what happened in 1976 and it was as a result of the uneasiness amongst the people in the townships, there was not happiness. A meeting was called. It was called by Mr Ntshuntsha.

BY THE COURT: By Dr Ntshuntsha? -- Yes.

MR PITMAN: And were leaflets sent out about this meeting? (10)
-- Yes, and the aim of that meeting.

And did you go to the meeting? -- I was one of the people who attended it.

And who else? -- We were quite many. The people I still can remember are members of the UBC, namely Mr Mota, Letsatsi Radebe, Mr Mahlangu, Makanya arrived late. These are all members of the UBC. There were also former members of the UBC. There was also a group of men from the BPC. The people I still can remember who were from the BPC are Reverend Farisani, Reverend Mayatula, there was also a person known as Mavi. (20)
He was also listed as a co-conspirator in our indictment.

BY THE COURT: Did you know him? Mavi. -- I knew him.

MR PITMAN: Was Dr Ntshuntsha present at that meeting? -- He chaired the meeting; he had organised it.

BY THE COURT: Where was this held? -- At Emndeni South, house No. 1124.

Oh, it was in a house? -- Yes, it was.

MR PITMAN: Was the meeting a success? -- The people had filled the house but it was said that the meeting was not a success. Although there were people from Orlando East it was said (30)
because the parents of children had not attended the meeting,

it/...

it was not a success.

BY THE COURT: What was the meeting for? -- The meeting was held because there was no peace in the township. This was as a result of children being taken into detention.

What did Dr Ntshuntsha want to achieve? What did he say? He was the chairman now. What did he want to achieve? -- What was on the agenda was that there should be discussions about what should be done about the situation. Representatives had to be sent to the authorities.

MR PITMAN: Was it said by Dr Ntshuntsha for example that (10) the children were not staying at home any more? -- Yes, children were staying outside, not in their homes, they were sleeping in schools or in the veld and they were not sleeping like human beings but like hares.

Was it discussed or arranged that there should be another meeting held? -- It was discussed, yes, that a meeting be held again and that more people attend that meeting because we were too few in this meeting. It was also said that the next meeting would be held on the school premises.

BY THE COURT: Were there not enough parents there? -- (20) There were parents, but there were very few.

Can you remember, were any of the State witnesses present at that meeting? -- No, I do not remember any of the State witnesses attending that meeting, though I am not very certain.

MR PITMAN: Now before another meeting could be held, what happened?

BY THE COURT: This meeting was in September, was it?

MR PITMAN: Yes, I understand so, that was the evidence.

Before another meeting could be held, what happened? -- Let me first make mention of what I have left out. There was (30) a group of students outside at the meeting I have mentioned.


These/...

These students were keen to know what would be said about them. Before the holding of the second meeting when I was at Dr Ntshuntsha's place to find out what has to be done for the meeting that was still to be held, we saw a group of Security Police arrive there. The Security Police mishandled us as usual, they also searched Dr Ntshuntsha's house and they also produced the leaflet.

Is that the leaflet you spoke about before? -- Yes, the leaflet that had been distributed in the township.

Yes? -- On further searches they found a book which (10) they said had been written by Karl Marx. They examined the book but Dr Ntshuntsha explained to them that the book had not been banned. They, in spite of the explanation by Dr Ntshuntsha, said they were taking the book away. They finally said they were arresting Dr Ntshuntsha. Dr Ntshuntsha wanted them to give him a reason for that. They also said they wanted to search the house further for explosives and they then searched Dr Ntshuntsha's medicines. As a doctor he had many medicines there. They could not find anything and they finally arrested him. They found two students from Dhlamini Township and (20) wanted to know from them what they wanted there.

BY THE COURT: They found them? -- At Dr Ntshuntsha's place. These students were talking to Dr Ntshuntsha's son. Dr Ntshuntsha explained to the police that these students had come to his son who is also a student, he also had a daughter who was also a student, both were in high school.

MR PITMAN: So then was Dr Ntshuntsha taken away? -- He was taken away. 

BY THE COURT: Not your client?

MR PITMAN: No. You were not arrested? -- No, I was not. (30)

And were there demands made for his release by certain people/...

people thereafter? -- I went to the UBC men after Dr Ntshuntsha's arrest and reported to them that Dr Ntshuntsha had been arrested. Dr Ntshuntsha's wife also tried to find out why Dr Ntshuntsha had been arrested. This she did after she had returned from work. The UBC men promised to do something because according to them Dr Ntshuntsha had not to be arrested because the meeting which we held was legal. The only applications we had to make for the holding of a meeting would be for holding a public meeting, not meeting in buildings. A former UBC member, Mr Mahlangu, and a UBC member, Mr Mota, gave themselves the trouble of going to the police to talk to them. They subsequently said this was after returning from the police, if there was no other thing mentioned when he was arrested, he would be released.

Was he released? -- Yes, he was.

During that period, September, 1976, were you getting visits from students? -- (The witness had also mentioned that the UBC members went to see Mr Visser. He now says there were students from different places visiting me.)

And what were they visiting you about? -- I had been involved in helping people who wanted to further their education since 1971 up to the 20th February, 1976. I had been taking students who wanted scholarships for financial assistance to further their education to different people in town. It was to liberals. For assistance.

Why up to the 20th February, 1976? -- On the 20th February when the universities were closed, a girl namely Norma Tamsanga came to me, the surname is Mputulo, she came to me and told me she had been given a bursary but that those who had given her the bursary or offered it, namely Pitco - she had been promised a bursary by Pitco.

BY THE COURT: Pitco? -- Pitco in Mayfair.

Is that the tea people? -- Yes, the tea factory.

Pitco, the tea people, they offered her a bursary. -- They had promised her a bursary, but that they had changed their minds, they were no longer going to give her the bursary and then she wanted to know if I could not help her by organising a bursary for her. I told her it was late already but I also decided to take her to Pitco to try and find out why they were no longer going to give her the bursary.

Did you do so? -- Yes, I did so. Because the (10)
university had been closed already, I asked the people at Pitco to phone the rector and ask for an extension.

MR PITMAN: Let me just ask you. You say the university was closed. Do you mean or did you say that the registration of students had already closed? -- Yes, it would be closing for registration. If she would be successful in going there, she had to be there before the 20th. She had in fact been accepted at the university.

BY THE COURT: What did Pitco tell you? Why had they now refused to give a bursary? -- If the Court will pardon me, (20)
as far as I am concerned, they related too many stories but I was only determined that she will get a bursary and go to university in that same year.

Get a bursary from Pitco? -- No, elsewhere.

Did you give up then? -- Yes, I did. I then went with this girl to Mr Gallo, the one who owns records. Mr Gallo was not merciful and when we left him I said well, he is not merciful because he hasn't got a wife.

MR PITMAN: You went to his house? -- Yes, we had gone to Mr Gallo's house. He referred us to a director, Mr Horwood. (30)

BY THE COURT: Who was not merciful? Mr Horwood or Mr Gallo?

-- Mr Gallo. If he had been interested in giving this girl a bursary, he would not have referred us to Mr Horwood, he would have granted it immediately.

Had you met Mr Gallo before? -- There are friends of mine who are employed in his business. I used to go with these friends of mine to Mr Gallo's business. These friends of mine were getting help for rugby activities. I then went to Mr Anderson who was the former chairman of the Rand Mines.

That was about this girl, was it? -- It was still about this girl and she was with me. (10)

Tell me when you say Pitco related stories, what do you mean? -- They told us about their difficulties which I can no longer remember now.

Financial difficulties? Didn't they have the money to help you? -- Financial difficulties and also a number of bursaries they had given. I did not believe what they were telling me. On going to Mr Anderson I found him in the garden.

Is that at his home? -- At his home. And I had then come to a friend because he had helped me before.

MR PITMAN: Mr Anderson had? -- Mr Anderson, yes. (20)

In what way had he helped you? -- I had trouble in the Transkei about money to the sum of about R200. Mr Anderson when I had gone to him, helped me by giving me the sum of money. This money was sent down to the Transkei by his wife.

How did you first get to know Mr Anderson?

BY THE COURT: Through your work or through your friends? -- Through a woman who was originally from the Transkei and who was employed by Mr Anderson.

MR PITMAN: Employed at his house or at the mine? -- At his house, yes. Mr Anderson said it was late because applica- (30)
tions for bursaries are considered by their committee in

August, but because this was a special request, he promised to help. He wanted to know from me if I knew Johannesburg and I said yes. He also wanted to know if the girl with whom I was, knew Johannesburg. I did not know. But he then referred us to an office on the corner of Market and Sauer Streets. And it was written on the building on top Lisbon Bank. We went to the 6th floor where we spoke to a Mr Laurence, a White man. We showed this Mr Laurence a letter from Mr Anderson. He had said it is late for an application for a bursary, but on production of this letter he changed his mind. He then wanted to know when this girl would go to Fort Hare and I said if she could get money immediately then she could leave on the following day. He then promised to give this girl a cheque to the amount of R518 and also said it would not matter even if I do not go there on the following day. (10)

BY THE COURT: You mean go back to Mr Laurence? -- Yes, go back to him. The girl could go to him alone. I did not accompany the girl to Mr Laurence, but I went to her where she was staying in White City to hear from her how she fared with Mr Laurence. She told me she had been given a cheque to the sum of R418. This is why I said I helped students to find scholarships up until the 20th February. This one was not the last one, I did again thereafter help some students. Some of them went to the Transkei. (20)

MR PITMAN: I just in brief want to know did you make a number of other contacts in regard to people from whom you sought scholarships? In other words, I will give you a name and you can explain to His Lordship. Do you know a Father Dêrkx? -- Yes. (30)

D-e-r-k-x, a Belgian name or he comes from Belgium. -- Yes,

I helped a man who was studying for his B.Comm. I spoke to this person and he was given help, the man who was to study for his B.Comm was given help immediately.

Where was this man Father Derkx? -- He was in Eloff Street in the Down Mansions on the second floor.

BY THE COURT: What organisation was he? -- He is a minister of religion. I do not know whether he belonged to an organisation.

Where did he get the money from? -- I did not ask where he got money from. Whenever he was prepared to give help, (10) I only accepted the help.

MR PITMAN: How did you get on to this man? -- I had seen him go to David Adlow at the Turrett Correspondence College.

Did you ever meet other people, like a Mrs Israel and where was that?

BY THE COURT: This money that Father Derkx gave and this money that Mr Anderson gave, these were out and out gifts, were they? They did not have to be paid back. -- These were not loans, they were only gifts. Because we were explaining to these people that the people for whom we were applying for (2) bursaries were poor.

MR PITMAN: Can you just tell me, this Mpotulo, this girl that you got the money from Mr Laurence, did she go to Fort Hare? I think you mentioned earlier this morning, but I do not think it was interpreted. -- Yes, she went to Fort Hare and after a time she wrote a letter to me to tell me that she had been accepted.

What did she do there? -- B.A. in Social Science.

BY THE COURT: Where is she now? -- I do not know where she is now that I am here. (30)

MR PITMAN: Did you instruct your attorneys to get in contact with/...

WITH her?

BY THE COURT: You lost touch with her? What I mean is you lost touch with her after she went to Fort Hare? -- The attorney here, Mr Bulelane.. (intervenes)

MR PITMAN: The one in court here. -- The one here in court. Had gone to her there but he was told they are not in, they had gone to Port Elizabeth.

BY THE COURT: But more or less they lost touch with her anyway after she had gone to Fort Hare. Is that correct? -- Except that I met her during the holidays in June. (10)

MR PITMAN: Do you know Mrs Israel? -- I had a contact with Mrs Israel at the Race Relations and I often sent people to her. For what purpose?

BY THE COURT: What is that? Race Relations?

MR PITMAN: The Institute of Race Relations in Johannesburg. -- Yes.

And you sent people for what purpose? -- It was in connection with education.

Mrs MacDonald? -- Mrs MacDonald had seen me go there.

BY THE COURT: To the Institute? -- Yes. She was in the Administration Department there. She had seen me go there with people. She had seen me often. And then she asked me one day to bring her a faithful girl who would do typing for her in the place of a White lady who was on confinement leave. (20)

MR PITMAN: Yes, what I really want to know is was Mrs MacDonald working at Race Relations? -- Yes.

In the administration of Race Relations. -- Yes.

And was she ever concerned with obtaining scholarships or financial assistance for Black children? -- She wanted to know if there was a student who had completed studies in typing whom I could take to her who is also faithful and I took (30)

a student to her.

BY THE COURT: That is not what you want really, is it? Perhaps he does not understand.

MR PITMAN: Well, it does not matter, M'Lord. Now, just one more point on education. Did you ever come into contact with an educational trust, I think a Patel Educational Trust or some such name? -- Yes. I had come to realise that there were many students, small children who wanted to be in school but who were from poor families and these children were in lower standards. I made an appointment with one Freddie (10) Van Wyk.

The Director of the Institute of Race Relations. -- Yes. He gave me a date on which I could go and see him and which I also did. He wanted to know what I wanted to see him for and I told him that I wanted help for small children who were still in lower standards and who were in great need. He told me that there were no scholarships with them but that he knew of a trust fund belonging to a Mr Patel, an Indian, and said this Mr Patel could help.

Anyway, did you try to get some help through the (20) Patel Educational Trust? -- I unfortunately came to know about other troubles where other people were involved. These were girls, young men from the Transkei who had been sacked from their places of employment, girls who had become pregnant. These people wanted help from me.

What you are saying is that you did not follow up with Patel? -- Yes, I did not follow up this Patel Educational Trust. I went to legal aid in order to help these other people I have just mentioned.

Now, on the question of education, did any of the (30) accused ever come to you in regard to education? -- Yes.

Who/...

Who were they? -- Sithembele Kala came to me in the company of two other young men when I was at Hlatswayo's place.

Accused No. 6.

BY THE COURT: When was this?

MR PITMAN: When was that? Is that the house that was referred to in the State evidence, Hlatswayo's house, and when was it? -- It is the house that was mentioned in the State evidence, this was in about November or December, 1976.

Was it Jim Xebe who gave evidence? No, it was not Jim Xebe. Who gave evidence about that? (10)

BY THE COURT: Have you got a date? He may be wrong about the date. There is no point in getting confusion. Have you got the date?

MR PITMAN: No, but I have just got that it was September or after in 1976.

BY THE COURT: It was in 1976 though, the latter part of 1976, was it?

MR PITMAN: That is what I have. Yes, are you finished about Kala? -- I did not know accused No. 6 and the young men who were with him and when they were questioned at Hlatswayo's (20) place, they said that they were looking for me.

BY THE COURT: Is this the time Dr Ntshuntsha was there? -- No. He was not there. I wanted to know from them who they were. They told me. I then asked them where they were attending school. The two who were with accused No. 6 were in a junior secondary school and accused No. 6 was in Orlando West High. I asked accused No. 6 and one of these other two young men for their addresses and then I realised that I knew their parents. They had said to me they wanted to further their education but outside the Republic of South Africa. I then told them (30) that we were not as yet sure about the question of students

going/...

going for education outside.

Who is the 'we'? -- I meant that I do not as yet know what the position will be though I used the word in plural. I also said there had been boys from Zondi who had said they got scholarships to further their education outside and that these boys were the people who often went outside the Republic and came back again still saying they could or they have succeeded in getting scholarships.

Who were these boys from Zondi? -- Siphwi Cele and Holoja Nkosi. These are the boys I am talking about. (10)

Had they seen you? Had they told you that they had got scholarships? -- When I was in Zondi they used to tell me that scholarships are available in Swaziland and their parents were in Swaziland. I believed that the scholarships were available in Swaziland because there were students, children from the Republic studying in Swaziland.

MR PITMAN: And therefore you had been telling this Khala that you thought there were scholarships available? -- I told Khala to come back again to me or that I would alternatively go to his parents' place. (20)

Now this Siphwi Cele did he introduce you to anybody at Park Station? -- Siphwi Cele on one occasion came to me and told me that he was going away, never to come back again and he also told me that transport was available. Before his departure Dr Ntshuntsha, whose youngest son had been pestering him by saying he wanted to go away, asked Siphwi to take his son along. Siphwi agreed to do this but he also said he would introduce us to the people who knew about the transport and the people who had this transport knew the people who would give scholarships. (30)

Yes, so what happened? -- We then went to Park Station,
that/...

that is myself and Dr Ntshuntsha. Siphiwo was in the company of some students whom I did not know. We all went to Park Station. Siphiwo and the students who were with him were travelling in a Valiant and I travelled with Dr Ntshuntsha in a Cortina.

Who did you meet there? -- We were introduced to Mlotha at Park Station.

BY THE COURT: By whom? -- By Siphiwo.

When was this? -- In about the beginning of December.

1976? -- Yes. (10)

MR PITMAN: Now, you met Mlotha there and what happened? -- Mlotha introduced us to a man who was driving in a Combi, a Hi-Ace and told us this man is his father.

BY THE COURT: I take it this was not Ntshali-Ntshali.

MR PITMAN: It was not Ntshali-Tshali. -- No, not Ntshali-Tshali.

All I really want to know is on that occasion you met Mlotha. Now you met Mlotha again on occasions after that.

BY THAT COURT: Was that all that happened then? -- That is all, yes. Mlotha told us on this occasion that we could (20) take students to him whenever there were students to be taken away, but he said the transporting of students was only for three days a week.

Yes, go on. -- It was during this time that many students were coming to us in groups, telling us that they were stranded, suffering hunger.

All I want to know, is that all Mlotha told you? -- Yes.

He did not say where he was taking them? -- No.

MR PITMAN: Now you saw Mlotha again on occasions after that.

-- Yes, I did. (30)

Now I just want to ask you about one occasion. He gave

evidence/...

evidence, while I am on this point, he gave evidence about you came to him on one occasion with two little girls. Do you remember that evidence? -- Yes, this is true. I did take two girls to him. There was also a grandmother of both these girls.

Who was the grandmother? -- The grandmother is a Mrs Matoti.

Where did she live? -- She lives in Zola North.

Number? -- No. 1083.A.

And did you go with this Mrs Matoti and these two (10) girls to Park Station? -- I did not go with them to Park Station but I said I would meet them at Park Station and on my arrival they were already there. No, I said I would meet them at Park Station but on my arrival they were unfortunately not there. I then waited there for them until they came. They had personal belongings with them.

Did you know what they were going to do? -- These children's grandmother had said she wanted them to go for education and I told her that the information we had was that students could go to Swaziland to study there. (20)

Did you offer to give her any assistance? -- Yes, I offered to give her assistance.

And what was that assistance? -- I promised to talk to Swaziland people who had knowledge of scholarships and after their arrival at Park Station I called Mlotha, showed him the children and told him that they had been brought by their grandmother. Mlotha was very happy and then I left them.

Where did you ask Mlotha to take the children to? What place did you ask him to take them to? -- Mlotha himself told me he knew places or sources for scholarships where he (30) could take these children. I did not ask him for any details.

BY THE COURT: Is that what he told you when you first met him? Or on this occasion with the granny? -- On the occasion of the children and their grandmother. Mlotha also mentioned that he would take these children to one Moabi.

MR PITMAN: .. (inaudible - not speaking into the microphone) .. ever mentioned by either you or Mlotha?

BY THE COURT: What is the name?

MR PITMAN: Mbutshana. -- Mlotha said school children stay in Luyengo Mbutshana.

BY THE COURT: Was this also on the occasion when you took (10) the granny out or on the first occasion you met him? -- On the occasion of these children and their grandmother he told me about this Luyengo Mbutshana when I wanted to know from him where he would take these children to, that they were still small. I forgot to mention just one other thing. Mlotha said when he saw these children carrying their personal belongings, it was not necessary for them to take clothes.

He told you that or the granny or the children? -- He was telling me that. He said there were clothes available with the committees who helped students over there, but (20) because they already had their clothes that would do no harm. We parted and I went back. I went to the children's parents on another day in Zondi.

These two small little ones? -- Yes, in Zola, not Zondi, these two small children. Their mothers wanted to know how the children had fared in their journey. I did not know and I told their mothers so, but I also promised to go to Mlotha to find out from him. I later went to Mlotha and he told me the journey was splended. That is all he said.

At Park Station? -- Yes. I then went to these (30) children's parents and reported this to them. When giving these/...

these children's parents this report, the parents then also reported to me that those children wanted to come back. They said that they had received - one of the children's mother had received a telephone call from Joe Moabi telling her that the children wanted to come back.

MR PITMAN: Did the children come back? -- I said if these children wanted to come back, let them then come back, they will go to the Transkei to attend school there.

Have you instructed your attorney to get hold of this Mrs Matoti and have you been informed that he has spoken to (10) her or rather that a representative has spoken to her? -- Yes.

BY THE COURT: Did they come back?

MR PITMAN: They came back and they went to the Transkei. To school in the Transkei after that? -- The children did come back and they then proceeded to the Transkei.

Now just very briefly, I do not want a long information, but do you know why they came back? -- I do not know, but what I was told was that the arrangements which were being made there for them to go to school were rather delaying.

They could not get to school there? -- They could (20) not go to school there but they went to the Transkei.

Now, earlier in your evidence you said something about the fact that your educational activities were interrupted or you implied that at any rate, because there were people from the Transkei who had troubles and there were girls becoming pregnant. -- Yes, but the pregnant women were not from the Transkei. They grew up in Johannesburg.

Yes. -- What I want to make clear is this: many people used to come to me to ask for help whenever they were in trouble and I would promise some that I would help them. (30)

Was there for example one of the State witnesses who came to/...

to you with troubles? I am thinking of Mdakane.

BY THE COURT: Who?

MR PITMAN: Fakazi John Mdakane, his evidence is at 2 186. -- Mdakane came to me and told me he had been ordered out of Johannesburg.

Before you go on. -- I then promised to help him because there were people I knew who could help him in this case.

BY THE COURT: This Fakazi John, he was a youngish person. Wasn't there some suggestion that he had - his family were related to some or other chief? (10)

MR PITMAN: That is correct.

BY THE COURT: I forget exactly what the relationship was meant to be or was not. Is that the one, John. He was a youngish person.

MR PITMAN: Yes, M'Lord. He had been on Robben Island for some 6 years.

THE COURT ADJOURNS FOR TEA. THE COURT RESUMES.

JOHN GANYA: still under oath:

FURTHER EXAMINATION BY MR PITMAN: Now you were going to talk about Fakazi Mdakane who came to you about some matter. -- Mdakane told me he had problems with his reference book. He had been restricted to Pietermaritzburg but then at that moment he had been ordered out of Johannesburg. (20)

Where was this? Did he come to you or you to him? -- He came to tell me this in Zola North.

At what address?

BY THE COURT: At John Ganya's home? -- At my home, yes.

MR PITMAN: What is the address there? -- 1541.B Zola North.

When was that, what year? -- This was in 1972.

Now what did you do about that? -- I asked him to wait for some time so that I could meet UBC members who were known/... (30)

known to me.

Yes? -- I then went to one Sicwebu, a UBC member, who was in the company of one Dalasile who was a Democratic Party member for the Transkei.

Yes, what happened there? -- I explained to them the position of Mdakane and they said I should bring Mdakane to them. They also promised to put this problem of his right.

Did you take Mdakane to them? -- Yes, I went to Mdakane and found him in the company of his parents. I then told him that we were to go to Sicwebu in the evening of the (10) following day. On arrival at Sicwebu's place, Sicwebu took an affidavit of Mdakane. He wanted to know from him where he was born and when as is the practice here in this court.

THE COURT ADJOURNS FOR LUNCH. THE COURT RESUMES AT 14h15.

JOHN GANYA: still under oath:

FURTHER EXAMINATION BY MR PITMAN: We were dealing with the time that you took Mdakane to Sicwebu and the first thing I want to ask you was Dalasile present? -- Yes, he was.

Now you went then to Sicwebu with Mdakane. What happened there? -- It was discovered why his affidavit was being (20) written, that Mdakane was under the influence of liquor.

Who discovered it? -- We were all aware of this, though nobody said anything about it, but then Dalasile complained to me, asking me what kind of a politician this man is. Mdakane also admitted having taken liquor and he even said nobody could stop him.

Was he assisted with his problems? -- Sicwebu, after having written the affidavit, asked Mdakane to come to him on the following day but the affidavit he took with him. He took all the documents that pertained to Mdakane. (30)

And did he eventually assist him? -- I went to Sicwebu

a few days thereafter and then he was just very boastful, telling me that he had settled everything for Mdakane.

Was there .. (intervenes)

BY THE COURT: May I just remind you, in the course of your evidence you are leading that you no doubt consider the question whether any of this is relevant or admissible. .. (inaudible) .. not now lead the evidence as a matter of convenience to yourself.

MR PITMAN: Yes, I may just say that something was put as a version to Mdakane. I thought I was obliged to cover it. (10)

BY THE COURT: It does not matter that you put it. The question is whether, even if it was put to this man John Fakazi, if it is relevant to the merits of the case, in other words is not simply a collateral issue.

MR PITMAN: Yes, I appreciate that.

BY THE COURT: But I do not want to interrupt you in these matters. You will deal with that of course later.

MR PITMAN: Now, the first - on the first occasion that you met Mdakane at your house, what was going on at your house? -- I do not know whether you are now referring to my meeting (20) with him in 1971 or to the meeting in 1972.

Was there an occasion when he was there in the evening at your house and there was some activity going on? -- There was a group of dance students when Mdakane came there for the first time.

Where were they from? -- I introduced him to these students. These students were from different places in Soweto like Zola 1, Zola 2, Zola North. There was quite a number of them. I did not ask all where they came from.

Were there any students who attended the university (30) there? -- Yes.

What/..

What university? -- Turfloop.

Was there a lady from the Transkei there? -- There was a lady from the Transkei, she was on holiday and she was entertaining the students. She served them with tea. There was also another lady also from the Transkei who helped in the entertainment, but this other lady had been in Soweto for quite some time and I think she is still there now.

Did you and Mdakane ever visit each other at your respective houses? -- Yes, we did visit each other but Mdakane complained that whenever he went to my place of residence, (10) he did not find me. I then told him that it would be better if he sent a message when he wanted to see me.

Now, did you take any part in UBC affairs in Soweto? -- After my arrival in Johannesburg, I used to attend meetings of the UBC members. We would raise suggestions in these meetings and consequently the UBC members came to me and asked me that I always attend their meetings, be near them so that I could give them advice which would be of help to them because they sometimes get insulted by people. These UBC members were faced with three issues, namely the Xhosa unity, the (20) different schools for the different ethnic groups and crime in Soweto. I was against the different ethnic grouping in schools and I gave facts for this.

Did you assist anybody in the canvassing in elections, canvassing for parties? -- We then tried to see if there was amongst the UBC members anyone who understood our being against this discrimination in ethnic groups at school because what we said was what is most important in school is education. We were not interested in having people divided by their ethnic groups. We also said it is very important that people (30) be taught whatever they are taught and also be taught their

home languages. Sicwebu was one of the people who also became in favour of our idea.

Which party was he? -- The Masingasi Party. Mrs Ntshona favoured the Xhosa Unity. When she said this, that she favoured the Xhosa Unity, we told her that we have lost hope in her because she still believed in the existence of Xhosa people.

At any rate did you assist Sicwebu by canvassing for him? -- We did not really like canvassing for the UBC because we were of the opinion that the UBC does nothing on its own, but only takes instructions, but all the same we decided to (10) canvass for Sicwebu. Mrs Ntshona had won and she took over the position which was formerly held by Sicwebu. During the elections of 1971 when we had canvassed for Sicwebu, Sicwebu won.

Now, I want to come now to certain evidence which was given concerning you. I want to deal first with a witness Ngomezulu. Just before I do that, there is one question I omitted to put to you and that is this: what was your particular - what was the reason for your particular apparent interest in education for Black people? -- This is an important question. I had (20) suffered quite a lot trying to get education. I attended night school, but when I realised that I had failed to get this education, I thought it would be good if any other person who can be assisted to get education, be assisted.

Now, Mr Ngomezulu said first of all, page 273, that in March, 1975 he met you at a bus stop in Zondi and he said that you told him that you were busy sending recruits for military training to Botswana.

BY THE COURT: Does he say no? -- No, Ngomezulu was telling lies.

MR PITMAN: Now let me just give you two more facts that (30) he spoke about concerning that occasion. He said that you also told/...

told him that your contact was Joseph Seremane in Mafeking and you also told him that some recruits were coming all the way from the Cape Province. -- I will say this in answer to that question: I did not know this Joseph Seremane. I was on Robben Island for a short period of time and then I got transferred to the isolation cells where I stayed with Mandela, Sisulu and others like Billy Sheba, Kathrada and I was kept there for 4 years and 3 months. This Seremane was not known to me. He is in actual fact this Ngomezulu's friend. I only used to see him when they served - I only saw him when (10) they were punished.

BY THE COURT: Is this on the island? -- On the island in the isolation cells.

MR PITMAN: In fact did you see Ngomezulu on the island? -- Just for a short time.

And when did you next see Ngomezulu from the time you left the island? -- I saw him near Ikwezi Station and he said he was from a doctor.

BY THE COURT: When was this? -- I cannot remember. It could have been in either 1970, 1971 or 1972 but I had recently (20) arrived in Johannesburg.

MR PITMAN: And when you saw him there, did he ask you to accompany him anywhere to any person? -- He first related to me the history of a girl he wanted to get married to, a girl who was from the Transkei and also the history of his life with that girl and that their affair had been brought to an end. We then parted company on that day after he had related this history to me. When we met again, he was in a good mood, he told me he had met another girl from Messina. This girl was a staff nurse in Natal'spruit in a hospital. (30)

BY THE COURT: Where was this meeting? -- I think it was near Ikwezi/...

Ikwezi.

The station? -- The station, yes.

What year? -- I think it was in 1973. He also told me how beautiful and wellbehaved this girl is. He then asked me to accompany him to his home. We were on foot. As we were walking along, he told me of his intentions to get married to this girl from Messina and then asked me to go and introduce him to Cosmos Desmond and to the people - this Cosmos Desmond was with the Anglo American Corporation. He was asking me to go and introduce him to these people as I had been intro- (10)
duced to them by Mrs Winnie Mandela.

You mean you had been introduced by Mrs Mandela? -- I unfortunately did not relate how it happened that I be introduced to people like David Adlow and many other Whites after my arrival in Johannesburg. If I can briefly explain that.

MR PITMAN: Well, unless Your Lordship wishes to hear the explanation, I do not propose to put the question.

BY THE COURT: No, I just wanted to know whether he meant by the sentence he gave, that he had been introduced by Mrs Mandela or if he meant that he wanted - that Enoch asked (20)
that Mrs Mandela should introduce him. I only asked a very simple question.

MR PITMAN: Is the position that Ngomezulu wanted you to introduce him to Father Cosmos Desmond? -- Yes, that is what he said.

Now did you agree to take him or not? -- Yes, I only verbally agreed though I was reluctant to do that. This was because this man was very boastful.

Did you take him to Cosmos Desmond or not? -- I did not.

Did you attend his wedding at all? -- I did not. (30)

Did he like you? Did you like him? -- When we met again

he/...

he told me I had failed to take him to Father Cosmos Desmond, I did not attend his wedding though many other people from far away, from places like Pretoria and Germiston attended his wedding. He also said I had done a funny thing by taking a man from Bantustans to the Anglo American Corporation. This person was Jackson Nkosiana who had been sentenced for having attempted to murder Matanzima.

So is your answer that you did or you did not like Ngomezulu? -- I did not.

Did he like you? -- We were no longer on good terms (10) after this misunderstanding, but before that we were not even used to each other.

You also said that you came to visit him or went to visit him in April, 1976 and he says that you told him of the arrest of Joseph Seremane as a result of Tshikila visiting Seremane and discussing the recruits that Tshikila wanted to send to Joseph Seremane. -- This was again his own story because even this Tshikila who is now mentioned was a friend of his. I am not a person who read newspapers and he used to read newspapers and I think he must have got something about Tshikila in (20) the newspapers but when he gave evidence here in court, he told the Court that he had got this information from me.

Was Tshikila on Robben Island together with Ngomezulu? -- Yes, he was.

And was Seremane and a man called Baker Nqala, is it, also on the island? -- Yes, it is Baker Mgali. These people you have mentioned, were a group that was very close to Selby Ngendane.

You heard about the split on the island. Were they supporters or opponents of Selby Ngendane? Those four? -- (30) They were supporters of Selby Ngendane.

Now/...

Now, Ngomezulu then said that in July, 1976 you visited him at his home. Now I want to put to you one by one and you can answer at the end.

BY THE COURT: Did you visit him at his home in July, 1976? -- No, I did not visit him in July.

MR PITMAN: Well, he says that you said that the PAC is doing nothing to identify with the students of Soweto and that you alone were attending funerals. -- I did not know the PAC, nor can I say what organisation it is. After I had been accused of having been a member of POQO, I met these people on (10) the island.

So you did or did not say those things to him? -- I did not go to Ngomezulu's place and I also did not say these things to him.

He also said that you said that a number of students asked you to help them to leave for military training and that you then went to No. 1 accused and that No. 1 accused referred you to Ngomezulu. -- As I have already said, Ngomezulu was telling untrue stories to this Court. I went to accused No. 1's place when I was invited by people from the Transkei who told (20) me there was a wedding. This was the wedding of accused No. 1's daughter. And I think that story was just sucked out of his thumb.

Would there be any reason for No. 1 accused to send you to Ngomezulu? -- Accused No. 1 was not even used to me, how would he send me.

Ngomezulu then said that he met you at a later stage at Vakaliza's place. -- That is true.

And he said that you arrived there with 8 young boys. What do you say to that? -- I do not know. There was a (30) group of young boys, young men. I did not count them, he perhaps/..

perhaps counted them. They could have been more than eight. They were from different places.

BY THE COURT: Well don't you want to know really whether he came with the young boys?

MR PITMAN: Yes, that is so, M'Lord. -- Yes, I went to Ngomezulu with these young boys. To Vakaliza's place with the boys.

And he says that you said to him, Ngomezulu, that these boys were from various secondary schools in Soweto and that they were visiting other friends. Did you say that? -- (10)
I can no longer remember, but what I still can remember is that when he wanted to talk to me about these students, I told him to talk directly to the students because they also stay in Soweto just as he does.

Was there any talk about legal advice for anybody? -- He wanted to know what these students wanted and I told him they wanted some advice, legal advice. This was because they were in a campaign and some of them were getting arrested.

Do you know why they wanted legal advice or who they wanted legal advice from? -- There was among these students a (20)
student who had been arrested but who was released on bail for whom they wanted a lawyer. They wanted to know which lawyer could be a good lawyer to represent him. Then Ngomezulu spoke to them. They also made known to him that this student was not the only student, there were other students as well who were in detention.

Had you ever been to any lawyer on behalf of any students or young people or on behalf of any people? -- I told these students that I knew of a lawyer, one Joe Carlson, but he had left and I promised to take them to the offices of the (30)
ACC which of course I also did.

And/...

And did you say that in the presence of Ngomezulu about Carlson? -- No, Ngomezulu was no longer present. I said this to the students when I accompanied them as they were leaving.

BY THE COURT: I do not quite understand. Why did you take these students to Enoch and tell him they wanted a lawyer? -- I did not take these students to Enoch's place.

Vakaliza. -- When I was walking in the street past Vakaliza's house, I saw him on his premises and then I greeted him. He came to the front part of his house when I greeted him and then I decided to go to him. I then found (10) Ngomezulu in Vakaliza's house.

MR PITMAN: Did you ever speak to Ngomezulu about the PAC or about military training? -- I never spoke about the PAC with Ngomezulu.

Did you ever speak to him about military training? -- I never discussed anything like military training with Ngomezulu.

Did you ever discuss Joseph Seremane with Ngomezulu? -- I never spoke about Seremane with Ngomezulu.

And did you ever talk about Tshikila to him? -- I never spoke about Tshikila. (20)

Now, the next witness who gave evidence about you was Pascot Vakaliza and he said that you came to his house in Zondi and that you said to him Zeph Mothopeng wants to see Vakaliza in connection with the PAC. -- I heard this for the first time from him when he spoke about it here in court. I have no knowledge of that.

And Vakaliza also said that on that occasion you said the following to him: you said that the PAC people, especially Vakaliza and Ngomezulu, are lazy and are cowards. -- There is nothing like that. This was just but a song they were (30) all singing. Somebody must have taught them this music

and also taught them to sing in that fashion.

And Vakaliza said that on that occasion you said that the Transkei is diligent in reviving the PAC and sending people for military training and they leave by the Mafeking route.

THE COURT ADJOURNS.

THE COURT RESUMES ON THE 22nd MARCH, 1979.

JOHN GANYA: still under oath:

FURTHER EXAMINATION BY MR PITMAN: Yesterday I was putting to you what Mr Vakaliza said, namely that you said to him that the Transkei is diligent reviving the PAC and sending people out for military training and you also said they leave by the Mafeking route. What do you say about that evidence? -- That is all just untrue stories.

Then Mr Vakaliza said that one night a few weeks later you came with a young Transkeian who was working for the (10) Soweto Municipality. -- That is true.

He said that you said the young man was going the following day to Seremane and then through Mafeking to Botswana. -- That is a lie. This boy was studying law. He had said he wanted to go and study outside South Africa. He wanted to know from Vakaliza if he knew any people outside the Republic because he (this young man) knew nobody outside South Africa.

And then Vakaliza said that you asked him what the PAC code was at the PAC offices and he said that he did not know. And Vakaliza then said he said to you that you must go and (20) see accused No. 1 because accused No. 1 knew how to introduce people for military training. -- That too is an untrue story.

He says that you told him the young man had no money and he then gave R1, Vakaliza. -- I did not say anything about money to Vakaliza, nor did I know how much money that young man had seeing that he was busy studying. I did not even know who assisted him financially in his studies.

Did you see if Vakaliza gave him R1? -- After this young man had said he thought Vakaliza would tell him of people he knew outside the Republic, Vakaliza went into a bedroom (30) and when he came back I saw him give this young man R1.

Vakaliza/...

Vakaliza said he was thanking him with the R1 for his courage to leave his parents for education outside the Republic and he also said to the young man he must be courageous.

Vakaliza then says that you said the young man is one of the children recruited for military training. -- That is untrue.

Did you bring that man to Vakaliza's house or did you find that man at Vakaliza's house? -- I decided at my place of residence to go and see Vakaliza and on my arrival there (10) this young man was already there. He had just arrived. Vakaliza also said: you have just come on the right time because there is also this young man here.

Vakaliza said then that shortly thereafter, a few days thereafter presumably he saw you in the street and you told him that about seven young men from the Transkei are about to leave for military training by the Mafeking route to Botswana and then the two of you parted. -- That is again just an untrue song. I did not meet Vakaliza and say all this to him.

And then he said some time later, in fact he says (20) after a man called Mountain Mathebula had come to see him, that he, Vakaliza, went to see you and he told you that there are two young men who want to go and fight for freedom and you said there is no money at the moment, but you will tell him, Vakaliza, when it is possible to provide money. -- If you could just make this clear. Was this said by Vakaliza or Mountain Mathebula?

No, Vakaliza says he came to you and told you there are two young men who want to go and fight for freedom and then you replied to Vakaliza. -- That is not true. (30)

Did anything like that at all happen? -- No, it is not true/...

true.

Then Vakaliza said that on another occasion you came to his home with a young man from East London. He said it was between March and May, 1976 and that you said the young man was going for military training by the Swaziland route but you were waiting for transport. -- It is true that I went to him with a young man who came from East London but what I told him about the young man is that the young man had run away from the disturbances in East London and this was in about September or the beginning of October. (10)

What was the name of the young man? -- Mxolosi Sakathe. When I came to him with this young man, I told him that this young man was stranded, he did not even have money for food, he had nobody to help him.

Where was that young man staying up on the Rand? -- He was staying with a young man who was also originally from East London. This young man's name was Mkatha, that is the surname, and they both stayed with a minister of religion, Masiba.

And did you explain anything about any trouble that Mxolosi had got into? -- Mxolosi on one occasion had said he had no money. I then took him to the ACC and left him there. (20)

Took him where? -- ACC.

What is the ACC? Is it the South African Council of Churches? -- Yes.

SACC. -- Yes, it is the SACC. I left him there and he afterwards told me he was given R50 at the SACC. R40 of that R50 he sent down to East London to a girl he had made pregnant. He posted this money in my presence.

At any rate Vakaliza then went on to say that at the end of June, 1976 he met you and he said that you said a group (30)

of school children had come to you and Dr Ntshuntsha and said that they wanted to go for military training and education. Now did you tell that to Vakaliza? -- I do not remember saying this to Vakaliza.

Is it possible that you would have said those things to Vakaliza? -- What Vakaliza had news is what had been remoured around Soweto in Zondi and it had also been said at funerals, for instance the funeral of the boy who attended at the Morris Isaacson and who had been shot dead. This was said by the students that seeing that our brother has been (10) shot dead, we will go and get military training. No, not that way. They said they will not stay any longer in South Africa, but will go outside South Africa to get education outside South Africa. This had been said by the students at a funeral.

Did any group of school children ever come to you and Dr Ntshuntsha and say they wanted to go for military training and education? -- No, no child ever came to me and spoke about military training. The children who came to me were only talking about education. (20)

Vakaliza then said that in July, 1976 he met you and you said that they had sent a number of about 60 students in groups of 10 to 20 to the PAC offices in Swaziland. -- I do not know about that. I did not know of children who had left in July. No children left in July, children who were known to me. This was only a song he had been made to sing.

Do you know about any children leaving at any other time - any time other than in July of a number of about 60? -- No child of all the children I knew in Zondi left in July.

No, but at some time other than July. Do you know of (30) any group of 60 or round about that number leaving? -- No,

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