

BY THE COURT: That is a bit curious. I mean a man might very well in the present position feel himself oppressed in South Africa, whether he is a young man of 15 or 17 or 20, feel himself oppressed and in danger of unfair prosecution, yet be in possession of a legitimate passport and go there as a legitimate in that sense refugee. -- Well, the problem is that is going to be difficult to prove but eventually if he could prove and the police in Swaziland and tackle them to confront the police in the Republic about this particular person, if that is the case, he came with a passport. There is .. (inaudible) (10) reason for that. Now how will they establish that this particular person is a refugee.

Well, I would have thought that he is safer. -- Then he will have to prove - then it will take a long time, it is possible but he will have a hard time to prove it.

Well, let me put it this way then the question of the non-possession of documents is purely arbitrary. It is just a question of convenience. -- Well, it is one criterion you will have to make but I am not entirely saying that a person cannot be accepted as a refugee but I am saying that it is fairly (20) difficult when in fact he came with a valid document. He might eventually be accepted as a refugee. I am only saying it is going to be extremely difficult. As I point out that part of the Mozambiquan problem with the Swaziland Government... (inter-venes) ..

... the present .. -- Some of them. You see they came with Portuguese passports. This then becomes very difficult for the - the police has got a procedure. Now I do not think they deviate from the procedure so easily.

Of course if they have to ask him to prove that he was (30) in fact a proper refugee in the sense that he felt himself unjustly/...

unjustly oppressed and unjustly in danger of prosecution, then of course if he has to prove that it would be virtually impossible, because they could only go on his say so, couldn't they? -- Well, eventually, as I say, I am not ruling it a person being accepted, but they would have to send him to the asylum committee and the asylum committee will have to find evidence from the police how they think this person is a refugee. It could be a long process but I think eventually it is possible he could be accepted.

MR HAASBROEK: And if they intend to leave Swaziland for (10) other countries, are they being provided with passports by the United Nations. -- That is the procedure, yes.

Is that so? -- That is the procedure.

BY THE COURT: Is that a certain document? -- Yes.

MR HAASBROEK: Joe Makwanazi and Stanley Mabusela approached you from time to time for funds. -- Yes.

And you also testified that you had asked for receipts as far as those funds were concerned. -- Yes.

And what topics did these receipts cover more or less? -- This is for school fees, that dealt with school fees. (20)

And were you certain that they were only in connection with the children of the old refugees and not the new refugees? -- Possible to be new refugees but once the - one of the guarantees that ..(inaudible) .. quite sure, I asked the schools to send me the receipts.

So you checked on those receipts? -- Yes, I did.

But it was not possible for you to check on everything as far as those receipts were concerned. -- ..(inaudible)

Yes, I appreciate that. On what basis were scholarships awarded to the students coming from the Republic of South (30) Africa? -- Well, the normal thing, the intellectual capability as/..

as far as anyone can guess this, a good person, morally acceptable and adaptable to certain conditions. Those are normal conditions that you render, give a scholarship to a student.

So it is then only natural that these students would have been screened in Swaziland before the scholarships were awarded to them. -- Depending who was giving the scholarships, yes. They are given by the United Nations, they would interview the students and some of them, especially those now going to West Germany, they have been to Phokoza already and (10) therefore all the information from the teachers are available and so the school itself is involved in recommending who should go and who should not.

Yes, I can understand that but say for instance a student in Cape Town wanted to go for education to Swaziland, how would he know beforehand that he would receive a scholarship? Would he have to go to Swaziland first? -- He does not know - some of their frustration is precisely because they do not know.

They do not know. -- They do not know whether they would get it or not. (20)

Now, do you know personally about any of the discussions Mr Perkins of the United Nations had with a group of children there in Swaziland? -- No, I do not.

You never attended any of those discussions? -- No.

Do you know a person with the name Gasson Ndlovu? -- No.

You cannot recollect a name like that? -- No, I am very bad to remember names.

You knew where Joe Makwanazi worked. Is that correct? At the Coca-Cola Factory. -- Yes, he was half a mile from where I am. Coca-Cola warehouse - there is a warehouse in that (30) area where he is and my house happens to be in that area.

And/...

And do you know where a man Dan Mdluli lived? -- I do not think I have ever met him. The only time when perhaps I heard about him was - wasn't he one of those who were locked up?

Yes, very well. -- Ja, well, at one time I had to help his child, a small child for school.

And do you know anything about P.K. Leballo? -- The PAC man?

Yes, the leader of the PAC. -- I have never met him. I have known he had been in Swaziland.

Yes, was that in April, 1978? -- Interestingly enough (10) is that the rumours is that he came before the PAC were locked up. (LAUGHTER)

BY THE COURT: Yes, he is a power quite obviously. -- I do not know.

MR HAASBROEK: How many universities have you got in Swaziland? -- Just one, except it has two sections. The one is Luyengo and the one is Gwaluceni but it is part of the universities, the university of Botswana and Swaziland. In Swaziland it is called the Swaziland University College, so is the one in Botswana. It is the two countries form one university. (20)

BY THE COURT: Are they still together? -- Yes, they are still together.

I thought .. -- .. (intervenes) .. (inaudible)

Yes, that is alright.

MR HAASBROEK: Is it possible for you to say how many schools there are in Swaziland? -- No, I know the Catholic schools.

It is not possible for you to do that. -- No.

RE-EXAMINATION BY MR PITMAN: The school Phokoza that you administered, was that for all refugees or only for refugees who were the children of refugees? -- No, that was for (30) Soweto, but eventually it was all because I know three Mozambiquans/...

Mozambiquans came in who were able to speak English.

Are you saying it was specifically created for Soweto ... --
It was specifically created for the South African students
after 1976.

Now you did mention in your evidence-in-chief that you
yourself had personal knowledge because certain students came
to you for financial assistance. -- Yes.

Now there again were you referring to which category
of students? -- The South African students.

That is South African students of the recent batch? -- (10)
Of the recent batch that came in 1976.

Now you spoke yesterday in evidence you spoke of the
interviewing of students for scholarships overseas such as you
said four students to the United States and I could not catch
the number .. (intervenes - speaking simultaneously) ..
13 .. -- 30.

Now I just want to know do you know were those scholarships
potentially only for the children of refugees? -- No, these are
for the majority Soweto students.

BY THE COURT: The later .. -- The later group. (20)

The new refugees, as I understood it.

MR PITMAN: You confirm that. -- Yes.

Did you, in answer to a question by my Learned Friend you
were talking about these receipts you got. Do I understand you
clearly that you were getting the receipts actually directly
from the school? -- Yes.

And not from Joe Makwanazi or Joe Moabi. -- No.

And you were asked also by my Learned Friend if students
who were leaving Cape Town would know for example, as he put
it, if one were from Cape Town, would he know that he (30)
was going to get a scholarship and your answer was he would not

know/...

know that he was going to get a scholarship and you said something about the fact that that was one of the sources of his frustration. But from your interviews with such students and I am referring to students who came to Swaziland from South Africa in the last couple of years, did you know whether they hoped to get scholarships? -- That was part of the adventure I thought that they hoped that they would get scholarships.

BY THE COURT: I just want to ask you something. The - in the Roman Catholic Church at the moment is there a substantial number of you who believe that where people are oppressed (10) and have no other way of redressing that, that they are justified in going through to violence? -- That is controversial I am afraid. At least I am not one of those although I could understand why people do that type of thing and perhaps sympathise because I understand but not that I agree with that.

It is still as it were a moot point, is it, in the Catholic Church. -- Well, perhaps this is why there was so much controversy about the Pope's statement in .. (intervenes)

He made it perfectly clear that he did not find in the teachings of Christ any of these things that some of the (20) modern day .. (intervenes) .. but latterly, after his appearance there, they had this conference where apparently the result of it was that they sort of had a bit of everything for everybody. At least that is how it was summed up on the BBC. -- Well, as I say, it is difficult. You see, if he was talking as teaching and definitive literature(?) perhaps he would not be challenged, but if he was actually talking as a theologian other theologians will challenge him because there is already plurality in the theology - Catholic theology unlike before. We now have so many schools of theology that it is difficult to find (30) exactly what he was trying to say, I am speaking as the Pope, the/...

the leader of the church and you shut up, or he was saying I am actually taking my point of view as a theologian. Again it makes it very difficult.

Well, that of course is a matter that you would have to decide amongst yourselves, but you remember the document they had just brought out at the conference in South America. -- Yes.

Now there on the one hand they had paragraphs which seemed to indicate that what is called a 'just war' is the concept I think used, that violence to overcome oppression was justified. There were other paragraphs which said that bishops should (10) stick to their diocese and the teaching of the Bible. In other words, it did not really solve the problem definitively one way or the other. -- I find it very difficult if it will for a long time because the question about just war, whether in fact you can scripturally defend violence, again here we have different ideas in different schools and I would be worried to take any sides strictly.

As far as your own diocese is concerned, do you prefer your own priests and so forth to confine themselves to teaching the Bible in the spirit of Christ rather than teaching the (20) tenets of revolution? -- Well, here again as I said it differs what one in fact talks about Scripture because part of Scripture and believing means you cannot leave out social justice, that is the part of it, that relating to God is not enough if you do not relate to your neighbour, that vertical and horizontal relationship is an essence of Christian belief. Now, it depends how people take that and how they act towards relating to their neighbour but I cannot see it that you can only relate to God without relating to your neighbour.

You yourself say that you are not of that school who (30) believes fundamentally that the unjustified oppression of people

is a justification for violence. -- Well, I did say that I can understand.

Yes, but you do not .. -- But I do not - yes, I can understand and therefore because I understand then I can be sympathetic to people like that but I would not personally subscribe to it.

Of course there may be a very substantial number who do subscribe to it, as you know. -- I would not think - I think there is some confusion basically because once you begin to talk about social justice then other people immediately (10) think that you are talking about politics and therefore it depends in a situation where is this person acting, how is he being accepted by the socio-political structure in that given area. In one area a person may be perfectly correct and yet he sounds as a revolutionary and as an extremist. In other situations .. (intervenes)

Did you follow the debate in South America? I know it must have been of interest to you, but it was definitely of interest to me. -- Well, the debate as such will depend in fact now as we get the final documents to see how the debate went. (20)

Have you heard of paragraphs that were picked out for the one side and then someone else for the other side picked out ones that suited him? Did you not hear that? -- Well, perhaps you will appreciate that I am the chairman of the commission for social communication for the bishops and when we had our conference last month the current affairs came out with a statement and I answered that statement because I thought also it was slightly distorted.

No, I did not, I am afraid, see that. I have only been following this debate and the conclusion which they reached, (30) I must say from the BBC, they have had fairly lengthy discussions/...

discussions about it. -- No, fortunately now I have all the statements that the Pope gave in Mexico and one has to read the whole statement and it seems to me he has not really ..

(inaudible)

Have you got or will you get eventually the actual paper, you know, the actual document that they have now put out, from which, as I say, I heard paragraphs read? -- You have to apply for it.

You have to apply for it. -- Yes, because normally it comes out in Spanish and it is then translated into English. (10)
If you do not apply for it you will not get it, you will only get it from the paper and the one from the Vatican which normally deals with the Pope's speeches rather than the conferences as such.

So you would have to apply for it, would you? -- You have to apply to know exactly what the procedure was and what conclusions - I do not think they will come to one particular conclusion.

Well, I can tell you according to the BBC their conclusions were such that three people who felt that, what one might (20) call violence was justified; picked out three paragraphs which supported them and three people who felt that it was not justified, picked out three paragraphs that supported them. -- I find that slightly normal these days. (LAUGHTER)

Yes, I think you may be right.

NO FURTHER QUESTIONS.

ZOLILE GOODWELL MONI: still under oath:

CROSS-EXAMINATION BY MR WILSON: No questions.

CROSS-EXAMINATION BY MR PITMAN: No questions.

CROSS-EXAMINATION BY MR SAAIMAN: No questions. (30)

CROSS-EXAMINATION BY ACCUSED NO. 2: No questions.

CROSS-EXAMINATION/...

CROSS-EXAMINATION BY MR ACKERMANN: First to turn to the events in Cape Town before your departure for Johannesburg and Swaziland, when did the Comrades Movement come into being? Before or after the 11th August, 1976? -- This was not a movement, it was not a Comrades Movement, but we were calling one another comrade and this started after the 11th August, 1976.

Now these comrades were the people who took part in the struggle. -- Comrades or the comrades are the people who were against Bantu Education.

Now, did the students taking part in the struggle (10) against Bantu Education did they have any other means of representation, any other body representing themselves? -- No, there was no body that represented these students, but what was usually done was just to elect people to represent the students whenever it was necessary.

On a sort of an ad hoc basis? -- Yes, this was done in public meetings.

Now, apart from the students taking part in the so-called struggle, did the other students have any body representing themselves? -- I do not understand the question. (20)

BY THE COURT: What he means is that did the students who were not comrades, who did not take part in the struggle, did they have some persons representing them, like an SRC or some other body? -- What was actually happening in Cape Town, before I left Cape Town, is that whenever there was a body to go and represent the students, then students would be elected and be asked to go and represent the other students. There was otherwise no definite body representing the students.

MR ACKERMANN: Did you call this representative body by any name? -- No, they were all just comrades. (30)

Now, am I correct to infer that as far as you were concerned that/...

that is up to the stage when you left Cape Town, that there was no SRC for Cape Town students? -- For the Blacks in Langa, Guguletu and Nyanga Townships there was no SRC.

BY THE COURT: No, we are not talking about townships, the schools. He wants to know at his school was there an SRC? -- There was not an SRC.

MR ACKERMANN: And at that stage you were not aware of any movement afoot or any intentions on anybody's part to establish such an SRC? -- No.

Now, what were your - that is before the uprising (10) started on the 11th August, 1976, what were your personal plans, future plans at that stage? -- I wanted to study until I became an advocate.

So you wanted to study law. -- Yes.

Would that be after the completion of your school education in South Africa? -- Yes.

And what were your intentions at that stage? Where would you take your university education? -- I wanted to go to America.

What were your personal feelings regarding the Bantu (20) Education of that time as well as the prevailing White system?

BY THE COURT: Is this before the riots?

MR ACKERMANN: Yes, that is in August, 1976. -- I was very much opposed to Bantu Education, especially also because of the difficulties the students had at school being taught through the medium of Afrikaans, not understanding what is being taught and then having to struggle on your own to understand what you have been taught.

And then the uprising started, as you have told us, on the 11th August, 1976. Can you give us a brief description of (30) what was going on in the townships at that stage? To make it

more/...

more easy, were any students engaged in violent acts? -- No, what was happening or what was being done by the students is that they were carrying placards on which were written "We are sympathising with the Soweto students". And this was done in a peaceful march.

Are you saying that there was no violence committed at all on the part of the students? -- No, not until the police came the students then ran away from the police but about 16 of them were arrested.

But to answer the question properly, did violence (10) erupt then on the part of the students? -- When the police shot at the students, they retaliated by throwing stones, but this they did while running away.

Were any buildings damaged in the course of the uprising? -- Buildings were set on fire in the night in Cape Town.

BY THE COURT: What do you mean? In Guguletu? -- In Guguletu.

MR ACKERMANN: Yes? -- This happened after school hours and I would not say the students did that, nor can I say the students did not do that.

What buildings were set on fire? -- Bottle stores, (20) an office and the library. Only one office in Guguletu was not set on fire.

Were any schools set on fire? -- No.

Did you suspect anybody for being responsible for these acts? -- It is difficult to suspect anybody because when we were in our peaceful march, many other people in the township came to join us. Now I would not be in a position to say who of all these people, the students and the people in the township set these places on fire.

And you were quite happy with that state of affairs (30) that ordinary people joined you in the so-called peaceful march.

-- We would not stop them from joining us. We were in a difficult time.

Answer the question. Were you happy with that state of affairs? -- I do not know, I cannot say.

But nevertheless you told us that the students, whether it was done in retaliation or not, they did throw stones. -- Yes, that is what I said.

And do you know of any students who did commit acts of violence? By that I mean the destruction of buildings or putting them alight? -- No. (10)

What were your thoughts? Did you regard it to be a possibility that the comrades or some comrades had been responsible for such acts? -- I find it difficult to answer that question because I was not present when these buildings were set on fire.

But were there any rumours going around in that regard? -- What was being rumoured in the township was that the tsotsi had set the buildings on fire.

It was put by your Counsel to Vuyisile Gaye, the man who gave evidence here for the State, that he and other people (20) tended to set alight a certain house or a certain building and that you did not agree with that. Is that so? -- No, you perhaps did not understand it quite well because it was not put in that fashion.

Now, can you rephrase it for me please? What is the actual position? -- What I know is that after our arrest, that is me and Vuyisile Gaye, some students who are said to have gone out, namely Kenny, Kaya and others, said they were going to take action against the woman who was the cause of our arrest, because we had been arrested but we did not know why we were (30) arrested. When this was put to the witness, these names, the names/...

names I have mentioned were not put to the witness.

BY THE COURT: When what was put to who? -- When this question was put to the witness, Vuyisile Gaye, these names were not mentioned.

MR ACKERMANN: We can come back to that a little bit later on. But would you associate yourself with people taking to violent action or people who are prepared to take to violent action? -- No, I was against this action when these people threatened to take action and I later left Cape Town.

But you did associate yourself with Vuyisile Gaye. (10)

-- Yes, we were staying together.

You even travelled together down to Johannesburg in order to get out of the country. -- Yes, that is correct.

So you were associated to this man who was prepared to take violent action. -- No, it is not so, because if Vuyisile was prepared to take violent action, then we would have remained in Cape Town to take such action against the woman who had caused our arrest.

You say you do not know why you were arrested. -- I do not know. (20)

As far as you were concerned at that stage you were completely innocent. -- Yes, I was not told why I was arrested even in court. I was only told that I would appear again on the 10th December, 1976.

I take it that you were not denied the right to legal representation. -- No, I was not told anything about legal representation. All we were told, me and Vuyisile Gaye, was that we could go but that we should come back again on the 10th December.

Now why didn't you stand your trial, being such an (30) innocent person? -- I would not stay, especially in th e light

of/...

of the threats to take action against the woman who had caused our arrest. I did not know what that woman had said and if I stayed any longer in Cape Town and this certain action was taken, then I could also be held responsible for such action when later appearing in court.

You did not think of informing the police of the intentions of Mr Vuyisile Gaye? -- It is not Vuyisile Gaye who intended doing this. I said it was Kenny, Kaya and others.

BY THE COURT: Was this what you were told while you were in detention or while you were awaiting your trial that (10) Kenny and Kaya and others were going to assault this woman? -- This was said after our release while we were awaiting trial.

Was this told to you and Vuyisile Gaye by whom? -- It was said by Kaya and Kenny and the others also said they were prepared to go and take action against that woman.

And did these people tell you and your co-accused, Vuyisile Gaye, this? -- Yes.

MR ACKERMANN: And you say this is the main reason why you decided to leave Cape Town? -- It is not the only reason.

I am not saying it was the only reason, I am asking (20) you whether it was the main reason. -- No.

Was it one of the reasons? -- Yes.

Now the question still remains why didn't you tell the police of the other people's intentions to burn this lady's house? -- That is a duty for the police informers.

Was that your attitude towards the maintenance of law and order at that stage? -- This was the duty for the police informers. I was not a police informer.

I am asking you whether this was your attitude towards the maintenance of law and order. -- Yes. (30)

Now, certain newspaper clippings were shown to the witness

Vicks Vanyaza, that was by your Counsel, EXHIBIT CCCC and DDDD. Now to turn to EXHIBIT DDDD, it deals with a press interview by a group of students, African students with the Cape Argus. Now these students were Cyril, David, Symington, Michael, Joseph, Cecil. Do you know any one of these students? -- Yes, I know them all, I was one of them.

I see. There is a certain Goodwell, aged 20. -- That is me, yes.

Now you are satisfied that .. (intervenes)

BY THE COURT: What date was that? (10)

MR ACKERMANN: It is not very clear, it seems to be the 4th September, 1976. Now this newspaper report deals with the claims that you had at that given time in September, 1976. The question was put to you:

"In answer to the question 'What do you want?' they gave these twelve clearly defined answers."

And I want to take one of them:

"The release of students who have been detained since the rioting started." (20)

Is that correct? -- Yes, it is correct.

This was one of your claims. -- Yes.

Now how did you know at that stage or let me re-phrase the question: were you aware at that stage of the possibility that some of these students who have been arrested by the police, were people who had been engaged in violent acts? -- The students whose release we were demanding had just been arrested, like for instance some students who had been arrested while just walking in the street because the police would just come and just say 'disperse' to any group of more than (30) three or any group of more than three would be arrested by the/...

the police.

You conveyed this to the outside world, the release of students who have been detained since the rioting started. No specifications were attached. And I take it that you are quite satisfied with the contents of this report because you instructed your Counsel to put this to Vicks Vanyaza. -- The first people to be arrested we demanded to be released when we spoke to the station commander in person. That paper deals with the second lot of people who were arrested.

Let us deal with another demand then.

(10)

BY THE COURT: This demand, did you not concern yourself whether in fact those students whose release you were demanding, had committed criminal offences or not? -- We only demanded their release of students.

When you demanded the release of students, were you not concerned whether those students had committed criminal offences or not? -- The students whose release we were demanding were students who were arrested by the police in a public meeting at the I.D. Mkize School.

At the? -- The I.D. Mkize School. A police vehicle (20) had entered the school premises. Then some students started running away and some students were arrested and it is those students whose release we were demanding.

MR ACKERMANN: Did you specify that during this press interview? -- It is clear even according to that paper that the students who had been arrested at the I.D. Mkize were the students whose release we were demanding.

Now let us take another demand of yours:

"Freedom for all Black political prisoners especially those on Robben Island."

(30)

-- Yes, that was also voiced.

It/...

It was not only voiced, it was put as a specific demand.
-- It was demanded by the students.

Now do you know why people land themselves on Robben Island? -- Yes, I know.

Because they had been convicted by Courts. -- Yes, they were convicted but as a result of having spoken the truth about the Black persons.

Is that the impression that you have? -- Yes.

For the reason of all Black political prisoners? -- Yes.

You do not know why a person such as Nelson Mandela (10) finds himself on the island at this present moment? And the other people who appeared at the Rivonia Trial. -- Let me put it in this way. All the people, political persons on Robben Island had been arrested for having spoken the truth here in South Africa. They were convicted in South African courts for the truth they had spoken about the Black person and they are being regarded as communists.

As well as the acts they had committed. -- These people were talking to the authorities. They demanded that we as Black people be given the same privileges as they, as the (20) privileges they enjoy.

But you still have not answered my question with regard to the people who had appeared at the Rivonia Trial. -- I am not talking about the people who appeared in the Rivonia Trial, I do not know them. I cannot say who appeared in that trial, but I am referring to all the political prisoners on Robben Island.

Such as? Can you name a few? -- Mandela.

But don't you know that he was an accused in the Rivonia Trial? -- No. (30)

It seems to me that you were making some foolish demands.

Not/...

Not knowing what you were asking for. -- That is how it would sound to you but we wanted the African leaders.

But nevertheless I gain the impression that you were not at all for the use of violence, and you would not associate yourself with people making use of violent means. Is that correct? -- Yes, I was for dialogue.

I am saying this with reference to your explanation as to these two claims that you had made. -- Yes, I understand that.

You were for dialogue. -- Yes.

And what if the people would not listen, the White (10) system? -- I would not do anything thereafter if they would not understand then it would just be up to them.

You would not condone any violent acts in this regard? -- Let me bring this to your attention. You talk about violence as though it was only on the part of the Black students, though the police themselves started shooting when these students were in their march against Bantu Education.

That is no answer to my question. I asked you whether you would condone violent acts on the part of the Black people, the students, if the dialogue did not work out. -- I (20) cannot go and be against people in what they want to do. They decide for themselves.

And you would never threaten anybody with violence? -- No.

I read another paragraph to you, the seven students are quoted here:

"The police must understand that we will return violence for violence."

-- If you will only understand this that that was not said by me or the other seven students, it was said by all the other students, the comrades. What we had to do was to (30) represent them as they wanted us to represent them. This was said/...

said: returning violence with violence. It was said that it would be done if the police took to violence.

Well, I am not going to quarrel with you, I will argue to His Lordship that this clearly reflects your views at this specific stage. Now, Vuyisile Gaye .. (intervenes)

BY THE COURT: Do you want to answer to that? -- I do not answer to that, he may argue.

Do I understand that is not your view - your view or that those are your views? -- These are not my views, but this was from all the comrades in Cape Town and I was only to (10) represent them.

MR ACKERMANN: Now you will recall that Vuyisile Gaye gave evidence about a meeting addressed by Nomsisi where she recruited people for military training. -- Yes, I remember the meeting well. I was the chairman in that meeting.

Now, what happened at that meeting? Can you tell us? -- This was a meeting by the students and the teachers. We were telling the teachers that we were not prepared to go back to school until we got an answer to all our grievances. And also that we did not want Bantu Education. We did not want it (20) at all even though it could be improved. We wanted a blend of education that is similar to that given to the White children. Nomsisi only arrived after we had spoken to the teachers.

Was that during the meeting? -- I would not specifically say when she arrived but we spoke to the teachers and after the teachers had spoken and had left, she then came and also spoke to the students.

Did she try to recruit people for military training? -- She said she is recruiting people, whoever wanted to go for military training, to tell her. (30)

Should tell her? -- Should tell her, yes. And she also said/...

said that she is for the ANC. Nobody replied to her after saying all that nonsense to the students. We only suspected her to be a terrible police informer.

Were you still the chairman of this meeting when she spoke? -- I was chairman up until the time when the teachers spoke. And when she addressed the students, she was all by herself next to the pulpit.

And you remained .. (intervenes)

BY THE COURT: Do I understand that you went off the dias from where you had been sitting and went down to a seat amongst (10) the students or did you stay where you were? -- Yes, I left the place where I was formerly seated to go and sit amongst the students.

MR ACKERMANN: No. 9 testified that he had heard rumours that some people wanted to kill Nomsisi. Were you also aware of such rumours? -- Yes, because after this speech by Nomsisi, a number of students were arrested later that day in the night. They were asked to give account of what was happening in the church.

BY THE COURT: What happened at that meeting? -- At the (20) meeting in the church.

That meeting? -- The meeting which was addressed by Nomsisi.

MR ACKERMANN: What was your impression? Did they want to kill her because she was a police informer or because she was trying to recruit people for military training? -- I think she was a police informer because people got arrested after the speech she made and I think if she was truly recruiting, as she was professing to be, then these people would not have been arrested. She was never seen again after the arrest (30) of these people and people only said she is hiding somewhere.

Now/...

Now you say that these students at that meeting did not respond to an open invitation. -- Yes, they did not. If there was any response then it could have been outside, not in that meeting.

Do you mean immediately after the meeting? -- Yes.

THE COURT ADJOURNS.

THE COURT RESUMES ON THE 22nd FEBRUARY, 1979.

ZOLILE GOODWELL MONI: still under oath:

BY THE COURT: I just want to place on record all the exhibits have been checked and are available, except EXHIBIT TTTT; this is a provisional exhibit but it must be found. If it is not, then a copy must be sought and then the matter can be then debated.

FURTHER CROSS-EXAMINATION BY MR ACKERMANN: When did you first decide to go and school abroad? -- It occurred to me, but I thought after completing my form 5 and on getting a (10) scholarship I would go overseas to go and study for a degree in law.

But that would be at a university. I am now referring to the completion of your high school education. -- I was already at the high school, at Sebeka High School.

Yes, but then you decided to leave Cape Town. -- Yes.

Now, when did you decide that you would complete your high school education at some other place than Cape Town? -- After the police started searching for me.

That was after the 11th August, 1976. -- That is so. (20)

Where would you complete your high school education? -- I wanted to go to America, but going to America through Swaziland.

Now where would you complete your high school education? In America or in Swaziland? -- I wanted to finish high school in America, under the United Nations.

And how would you get there? -- It is not very clear.

To Swaziland or America?

To America. -- After being interviewed by the United Nations, I would have been issued with a passport and with a scholarship available I would have studied in America. (30)

Now, you left for Johannesburg by train. Did you have any idea/...

idea how you would manage to get from Johannesburg to Swaziland?

-- I would have asked for help in Soweto.

Where would you do that? -- As I was going to stay with Solly Rametsi there would have been obviously students in Soweto from whom enquiries could have been made.

And who would provide the transport from Johannesburg to Swaziland? -- We would have asked for help, for assistance there.

Did you have any money available for such purpose when you went down to Johannesburg? -- No, we did not have (10) money.

Now, would you return to South Africa after the completion of your studies abroad? -- If I was granted a visa in America, yes, I could have come.

Granted a visa by the South African Government? -- No, an American visa to come and visit South Africa if the South African authorities were willing, were granting my visit.

Would you have liked to return to the country of your birth? -- Yes, it is so.

To serve your own people? -- That is so. (20)

It would have suited you if certain things would change in the meantime such as Bantu Education and the existence of certain discriminatory measures and so forth. -- Yes, I would have been happy if everything, any obstacle would have been removed so that the Black people would be allowed to live like human beings.

You see, this White government or the Police Force of this White government was looking for you. -- Yes, they were looking for me.

And you had to leave the country illegally to escape (30) from them. -- That is so.

And/...

And as long as the White government in its present form is still there, it would be impossible for you to return to South Africa. -- I would not have come back to this country without there being total change because I would still have been arrested.

What would your attitude be towards people seeking this total change in a violent manner? In other words, people waging war internally or externally against the White government? -- I cannot voice my opinion there because it is those people's decision and that is how they seek to go about (10) the thing.

I take it that a person in your position did not have such a neutral view of the state of affairs in South Africa. -- It is not clear what you mean.

You see here you would be sitting in some or other country, a well qualified man or a lawyer, wanting to return to the country of your birth from which you had escaped, waiting for total change to take place while other people are busy trying to in a violent way overthrow the White government and get this total change. Now I am asking you what would your attitude be towards these people seeking violent total change. -- (20) I do not believe in violence and if some other people felt that violence was necessary to bring about change and that is how they felt, I would not have stood in their way.

Now, to deal with your evidence, I want to know how many times did you see Vuyisile before your departure for Swaziland? That is your first departure in January, 1977. And if I may make it clear to you, the Vuyisile I am referring to was the Vuyisile that you saw at Lena Mawela's place. -- There are three Vuyisiles I saw at Lena Mawela's place. The one (30) who helped us is the fourth Vuyisile.

Now would you please explain that? -- The three Vuyisiles are members of the SSRC, people who were staying with us at Lena Mawela's parents' place. And the Vuyisile who then helped us, the fourth Vuyisile, I saw him for the first time on the 19th January, 1977. This was on a Sunday and it was in the afternoon.

Any other Vuyisiles? -- The three of the SSRC and the one who helped us.

Now Vuyisile Gaye, do you include him in this group of the SSRC? -- No, Vuyisile Gaye comes from Cape Town. I have (10) just spoken of Soweto Vuyisiles.

Now the Soweto Vuyisiles were they also awaiting their departure to Swaziland? -- They were just staying there with us at Lena's parents' place with us.

That is before your first departure in January, 1977?

-- Yes.

Did you see them after your first return from Swaziland to Johannesburg? -- Yes, they were still there.

And did you only see them at Lena Mawela's place? -- Yes, they used to come there always; they slept there. (20)

Now this Vuyisile, the one that you first saw on the 19th January, how many times did you see him before your departure in January, 1977? -- I saw him on the 19th when he came to see us together with three others. There were four and again on the 20th, on the day of our departure.

Now you say that you departed on a Monday. -- On a Monday, yes.

According to my 1977 notebook this Monday must have been the 24th. -- No, it was on a Monday.

BY THE COURT: Was that the Monday after the Sunday, the (30).
19th you say? -- Monday after Sunday the 19th.

MR ACKERMANN: So you only saw Vuyisile once before your departure in January, 1977. That is before the Monday of your departure. -- Yes, once before the Monday.

And when he came there, he came there in the company of one Vusi. -- That is so.

BY THE COURT: On the Monday or the Sunday? -- He came with Vusi on Sunday and together with two others, they were altogether four in a Mazda light delivery van.

MR ACKERMANN: How many times did you see Vusi before this occasion this last Sunday before your departure? -- I had (10) seen Vusi many times. He used to sleep there at Lena's place.

What was your impression as far as this Sunday was concerned? Was Vusi bringing along this person, Vuyisile, to introduce to you? -- Vusi had been asked by Lena to get a person who would take us away and this person was brought along by Vusi as the person who would take us away.

BY THE COURT: And was that Vuyisile? -- That is so.

MR ACKERMANN: When you arrived at Lena's place, you made it clear to Lena that you were going for further education? -- Yes, I told her. I explained to her that I had not (20) finished my studies.

BY THE COURT: What did you actually tell her? --- I told her that the schools were not functioning in Cape Town because of the police and that the police were looking for me and that I had not completed my education.

Not completed? -- Not completed my studies and that I would complete my studies outside the borders of South Africa.

MR ACKERMANN: And you also told Vusi this? -- Yes, he knew about it.

BY THE COURT: No, that is not quite the question. Did you (30) tell Vusi that? -- I told him that.

MR ACKERMANN: And the rest of the Cape Town group, did they tell Lena Mawela why they would leave the country? -- Yes, I was present when they told her.

And they also told Vusi that they would leave for education.

BY THE COURT: What did the rest of the group tell Lena? -- The others also told Lena that they intended completing their studies outside the Republic of South Africa and that they were also being sought for by the police.

MR ACKERMANN: And they also informed Vusi of their intentions? -- Yes, Vusi was staying there. After this was told to Lena, it was also told to Vusi. (10)

Now, did anyone of the group staying at Lena Mawela's place, have the intention to leave for military training? -- As far as I knew none of those people intended going for military training. This was not mentioned by them.

Now tell us, apart from the Cape Town group which consisted of you, Gaye and how many others? -- Myself, Vuyisile Gaye, Mission, Fikile Mdelelani, Sabelo Bata, Bantu and Sam. Patso was not staying with us. (20)

BY THE COURT: That is seven people.

MR ACKERMANN: Seven Cape Town people were staying at Lena's. -- We were not all staying in the same house. Some were staying at Lena's sister's place which is opposite the house where we were staying.

How many other students who also wanted to leave for Swaziland were staying at Lena's place? -- I do not know how many other students were there staying at Lena's place, who wanted to go outside to further their education.

Why do you say that? -- There were many of us who intended going to study. Amongst the other group, the SSRC, there/... (30)

there was a number which wanted to further their studies.

Was there a number amongst them who wanted to go for military training? -- Those who wanted to go for military training, did not mention it openly that they wanted to go to train as such.

They did not mention it to Lena or Vusi as far as you know? -- Not even to me.

Now, can you give us a rough estimate of the number of Soweto students staying at Lena's place? -- About seven.

And you say of that number of seven there were some (10) students who had explicitly stated that they wanted to go for further schooling? -- Yes, it is so, though some of them wanted to remain behind, they wanted to stay in South Africa.

Now is it so that all the Soweto students staying there, who wanted to leave for Swaziland, wanted to do so in order to get further education? -- Yes, that is what they said.

Now you said in evidence-in-chief that when Vuyisile arrived at your place, this must be the Sunday, he told you that there was talk about going for military training or going for schooling or scholarships. That is the note I have. (20) This talk is outside the country and that he wanted to know what you were going for. Now I want to know how is it possible that there was any doubt on the part of Vuyisile who had been fetched by Vusi on the instructions of Lena Mawela, that you people were going for schooling? -- My reply to that would be that I do not know whether Vusi explained to Vuyisile why we wanted to leave the country. He could have possibly said that there are boys who intend leaving the country without mentioning the reason.

And you say then that you stood up and you said that (30) the fellow students .. (intervenes)

BY THE COURT: No, I do not think he said he stood up. You are referring to the time they stood up down in Swaziland. I do not think he said he stood up. Did he stand up? -- No, I did not.

MR ACKERMANN: Nevertheless you addressed the little gathering there and you said that your fellow students should reply for themselves because you knew what you were going for and that was for education. -- Yes, that is what I said. I did not want to influence others because Vuyisile had already asked and they had to answer for themselves. (10)

Was there any doubt as far as you were concerned whether these people were going for education or military training? -- What I knew was that we were all going for education but I did not want to answer for everybody, I wanted everybody to give his own reply.

Well, according to the newspaper report I put to you yesterday down in the Cape you were prepared to talk on behalf of students and if I may add, Ngangeliswe Qongqo testified that he gained the impression that you were the leader of the group present at Lena Mawela's place. -- Firstly, my representing (20) the students in Cape Town was only for that day, I was elected on that day to represent them, I was an elected leader of the students or that I stood up and said that I was representing them. Ngangeliswe's impression of me is not correct.

Why couldn't you speak on behalf of the other Cape Town students and tell Vuyisile that they were going for education and not military training? -- They had not asked me to talk on their behalf. If they had asked - if they had done so, I would have spoken on their behalf.

How many times, that is after this departure on the (30) first trip to Swaziland in January, 1977, how many times did you/...

you see Vuyisile after that occasion? That is the Monday of your departure. -- He was in Swaziland, we left together.

So you saw him in Swaziland. -- He was in Swaziland.

For quite some time. -- He was there with us in Swaziland until about towards the end of January. Then I did not see him.

When you returned to Johannesburg in March, 1977 did you then see him again? -- Yes, I did see him.

On a regular basis? -- Yes, he used to come to Lena's home. (10)

What is this Vuyisile's surname? -- He did not tell me what his surname is. I only heard what his surname is in court here.

Didn't you ever ask him what his surname was? -- The State witness, Vuyisile Gaye, mentioned in this court that this man was introduced as Vuyisile Dlova, but then that I was not present at the time of the introduction. This was when I had gone to fetch Patso Mpila and when we had been sent by Vusi to do so together with Ngangeliswe. I had gone with Ngangeliswe.

But there are so many Vuyisiles around. I understand (20) from my Learned Friend that the name Vuyisile is to be equated to Koos van der Merwe in Afrikaans. (LAUGHTER) Didn't you try to find out what his surname was in order to draw some or other line of distinction? -- No, I did not ask his surname. It is just a practice of ours that we do not really care much for the surname, we know people by their first names.

So you cannot dispute the evidence on the part of Lena Mawela that this Vuyisile's surname was Dlova? -- I do not know. I would not be able to dispute that.

I put it to you that you know very well that this (30) Vuyisile's surname was Dlova, and that you now deny all knowledge/...

knowledge of that because of the evidence of accused No. 8.
-- No, that is not true. It is not true that I am denying what I know.

Do you know what the surname is of Vusi? -- I also did not know his surname.

You never instructed your Counsel that Vusi's surname was or is Ntseu? -- My Counsel heard the surname Ntseu from the State witness Lena and this was when Lena was being led by Counsel for the State.

Now to deal with the trips that you had undertaken to (10) Swaziland, let us get some chronological clarity about this. You first departed for Swaziland in January, 1977. -- That is so.

And then you returned to Soweto on the 11th to the 12th March, 1977. -- We left the camp in Swaziland on Thursday, the 10th and we arrived in Soweto on Friday the 11th.

When was your next journey to Swaziland?

BY THE COURT: Who is we? -- I was in the company of a young man called Phuzu, who left the camp together with me.

How did you get back? By bus or car, taxi, train? -- (20) We took a bus up to Piggs Peak, that is at the border. From there we crossed the fence and from there we took a taxi towards Malelane at the railway station and from there we boarded the train at night, it was at 22h00 and arrived in Johannesburg the following day at about 08h00 in the morning.

MR ACKERMANN: And when was your next trip to Swaziland? -- That was in April.

Was that the 2nd of April, the weekend of the 2nd April?
-- 2nd April.

Was that in the company of Lena Mawela in the Granada? (30)
-- That is correct. Myself and Lena.

Were/...

Were there any passengers on this trip? -- There were three, yes.

And who were these three people? -- Sipho, Mandla and Vuyo.

And why were they leaving South Africa? -- They said they were running away from the police and they wanted to study outside.

And did you cross the border together with them? -- Yes, we all jumped the fence.

BY THE COURT: Was this at the other gate? -- At the Mahamba (10) Gate.

MR ACKERMANN: And did you then return the Sunday of that weekend, the 3rd April? -- That is correct. We left the 3rd arrived in Soweto on the 4th.

BY THE COURT: The Monday. -- The Monday, yes.

MR ACKERMANN: Now, the next weekend was the Easter Weekend, the long weekend. -- Thursday, the 7th, yes.

Did you then leave together with Sipho Ngwenya? -- That is correct. Myself and Vusi and five other youths, members of the SSRC. (20)

Now why were they leaving South Africa, the five members of the SSRC? -- They were being sought for by the police and what they said to me was that they were going to study outside the borders.

And did you jump the fence on this occasion? -- Yes, we did.

BY THE COURT: Is that also Mahamba? -- This was at Gege.

Just tell me so I can get my geography right. To get to Gege you go through Piet Retief? -- That is correct. One goes through Piet Retief. (30)

And Mahamba? Also? -- Also through Piet Retief.

Are they far apart the two gates? -- It is the same gravel road leading out of Piet Retief and then before one reaches Mahamba there is a turn-off that goes towards Gege.

MR ACKERMANN: Apart from Sipho who took the vehicle through, did you, Vusi as well as the five SRC members jump the fence? -- It was myself, Vusi, the SSRC members and some other passengers who did not have passports. Some remained in the vehicle.

Did you show the people the way how to cross the fence? -- No, Sipho showed us. He said it is a very straight road leads straight from the main road towards the fence. (10)

Then you returned not during the long weekend but the following weekend, Sunday, the 17th. Is that correct? -- That is correct. In the company of Vusi.

Then you came back together with Sipho Ngwenya. -- That is so.

Was this the first time when you were in possession or had the passport, EXHIBIT LLL, the passport issued in the name of Isaac Radebe? -- Yes, that is correct.

Then the next weekend was the weekend of the 21st April. Did you then go to Swaziland in the company of Lena Mawela (20) in the Toyota? -- On Thursday, the 21st April.

And no other passengers? -- No passengers this time.

And you returned on Sunday, the 24th. -- No, not so. We came back the following day which was on a Friday.

BY THE COURT: The 22nd then. -- The 22nd, yes.

MR ACKERMANN: And then the next Friday then you undertook your last trip, the 29th. -- Yes, I was alone at the time.

And you went along with Sipho Ngwenya. -- That is correct, together with other passengers he had in his vehicle.

And you were arrested at the border post. -- That is so. (30)

Now to deal with these trips in detail, what were you doing/...

doing in Swaziland after your arrival there in January, 1977?
-- We were just staying at this camp, the camp Mawela-Wela.
We used to go to discos, played soccer with the university
students and the police.

Now were you waiting for .. -- We also went to the swimming-
pool.

Were you waiting for schools to open? -- We were waiting
for the United Nations delegation which would have come to
interview us.

Now, it was during this stretch of time that Mr (10)
Perkins came to visit you? -- That is correct.

What was the reason of his visit? -- We had heard from
the Swaziland Government authorities that Mr Perkins had been
there, this is in Swaziland and that he had to go to Botswana
because there were many students over there. We then went to
the United Nations offices, spoke to the UN representative
there, where we told him about the time, the time was leaving,
we wanted to go to school. The two who were elected by the
refugees to go and represent them were myself and Duke.

So once more you found yourself in a representative (20)
capacity. -- Yes, they had asked me to do so.

Yes, and then? -- We told the United Nations representative
and he promised that he would phone. We went back to the
camp. We were driving in a government coaster. It was there-
after that Mr Perkins arrived.

Why didn't you go to Swaziland schools? -- The Minister
of Education in Swaziland, accompanied by the Deputy Prime
Minister, Mr Zonke Khumalo, explained to us that even other
children in Swaziland could not be accommodated at school.
This was because some of the students wanted to attend (30)
school in Swaziland.

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