

told you these two people, that people were going to Tanzania.

-- Yes, they did.

For schooling and military training. -- Military training, some of them were going for schooling.

And you did not find out how that came about? How they got into that situation, how they got to Mozambique, to that place in the first place to the place where these two people were. -- They did not want to divulge it because it was their secret.

In any case, you say you came back to prison to see (10) Gumedede. -- Correct.

Now this Gumedede is he a Portuguese citizen? -- Portuguese citizen?

Is he a citizen of Mozambique? -- I do not know at that time if he had obtained a Mozambique citizenship. What I know is that he originally came from South Africa.

You see .. (intervenes)

BY THE COURT: Did you say you knew him from South Africa? I am not sure. -- He told me that he initially came from South Africa. (20)

He told you that he had come from here. -- That is correct.

MR DONEN: You see Charles said that you returned to the jail, you had come to see these South Africans who were detained in jail and you say now that you came to see Gumedede, but when Charles said that in evidence-in-chief, if I am not mistaken, he was not taken to task on that. -- Yes, it is correct, because we used that expression because you know that there were South Africans inside there whom I should meet because Gumedede was not the only South African in jail, as I met him outside also he was a South African. Therefore I cannot disagree with (30) that statement.

But/...

But the point is you had come to see Gumede. -- Yes, it is correct.

And you never told your Counsel to put it to him that you had not come to see Gumede.

MR CHASKALSON: I think my Learned Friend should not say that because Your Lordship will remember there was a cross-examination of one of these witnesses, I specifically asked him about Gumede. My Learned Friend should not put something like that when the question has actually come from Counsel in relation to Gumede. (10)

BY THE COURT: I must confess that I am not sure at the moment exactly what the words were.

MR CHASKALSON: Whether I put it to Buthelezi or whether I put it to Mabutu I cannot now recollect but specifically I did put the question of Gumede to somebody. I cannot now remember which one I put it to.

BY THE COURT: Tell me who was this Gumede? What did he do there in prison? -- He was also detained by Frelimo.

And he said he was detained by Frelimo and he told you he had come from South Africa? -- That is correct. (20)

You were there. Did he ever tell you why he was being detained? -- There was some dispute involving money and his car.

Did he tell you that that was the reason why he had been detained? -- Yes, he told me that was the reason. Because as he said, it seemed to me he had a lot of money when he originally came from South Africa and he had a car also. So I think they suspected he may be some criminal entering South Africa.

MR DONEN: What your Counsel put to Charles Buthelezi was:

"Do you remember a Mr Gumede in that jail? -- I do not remember a Mr Gumede. (30)

Was/...

Was there a person who had a son in Mozambique? Did he come from Mozambique itself? -- He was a South African who was staying in Mozambique.

He was living in Mozambique? -- He was living in Mozambique.

And he had a son who lived in Mozambique and who was not in jail? -- Yes.

And did accused No. 5 come back to jail to see Mr Gumede?"

(10)

I beg your pardon, Mr Chaskalson. And the answer was:

"He did not tell me that."

Sorry, it was my mistake.

BY THE COURT: At any rate, did you go back to see this Mr Gumede? -- That is correct.

MR DONEN: And you did not tell Charles that you had come to see Mr Gumede? -- We did not have time to discuss, because he was in the bus(?).

And you never told Charles about your uncle? The first Charles heard of your uncle was with reference to the letter. -- I remember that when I arrived in prison, when he asked me why I was here, I told him that I had come to my uncle

(20)

But he does not remember that. -- Well, he might have forgotten.

BY THE COURT: When you spoke to Charles in your cell, was it a day or two after your arrival or the same day of your arrival? -- The same day of my arrival I also spoke to him.

To Charles? -- That is correct.

And then after that you again conversed with him I take it in your cell and also in other places. -- Well, he was the person I spent most of my time with.

(30)

In/...

In the cell? -- Inside and outside.

MR DONEN: You had a lot of conversations with him. -- With him.

And yet he cannot remember you mentioning your uncle except in connection with the letter. -- He might have forgotten because we had a lot of discussions since.

After how long in prison, how long were you in prison before you met Thompson Mbutu? -- I cannot exactly say how long because Charles came to me about Thompson and he also pointed Thompson in the corridor where we were moving from time to time. That is how I knew Thompson but I cannot say how long after (10) I arrived did I see him.

How exactly did you meet Thompson? -- Well, he was shown to me, he was never introduced to me.

Who showed him to you? -- Charles Buthelezi.

And was that the only contact you ever had with him? -- That is all.

BY THE COURT: Did you never speak to this man Thompson? -- I only greeted him.

MR DONEN: And what did you know about him? -- That he was suspected of being a South African spy. (20)

What else? -- That he was detained for this reason. I never even knew his background.

BY THE COURT: You mean he was a South African spy in Mozambique trying to spy on the Frelimos or what? -- Well, that was not explained as to whether he was spying on Frelimo or whether he was spying on refugees. I am not sure about that.

MR DONEN: You have agreed with some of his evidence. You see, he said that you jumped the border and I put it to you that you jumped the border. He has said that. -- Jumped the border?

Yes. A few minutes ago I put it to you that you (30) effectively jumped the border into Mozambique and your answer

to/...

to that question was yes. -- Did I say I jumped the border?

No, I said you jumped the border and you said yes. -- I did not jump the border.

BY THE COURT: What does jumping the border. To jump the border I take it can have a multitude of meanings, but you agree that you went across the border without the relevant documents.

MR DONEN: But I specifically put to you that you had succeeded in jumping the border and you answered yes. Now why did you answer yes? -- I might have misunderstood you in another (10) way because I did not - you say I had successfully crossed into Mozambique through that document which I had. Now jumping is another thing. If I said yes to that I misunderstood your English.

You misunderstood me. -- Yes, I did not do that.

But you had not entered Mozambique by normal channels, you had used a fraudulent document and you had been arrested for it. That much is true. -- Well, it can be true.

Thompson Mbutu spoke about your connection with the ANC. What do you say to that? -- I deny that connection. (20)

He had certain information, he must have got it from somewhere that you had crossed the border, but he was misinformed about other aspects. -- I do not know who told him that.

BY THE COURT: He said he got that information from you, on your arrival. -- No, it is not true.

MR DONEN: And then he said that you returned to the jail to see Charles and you were awaiting a plane to go to Tanzania for military training. -- It is not correct.

Thompson also knew that you were from Soweto. Are you suggesting people were feeding him information about you (30) which was incorrect? -- It might have happened like that, that they/...

they gave him that information, but I never did so.

Now you said that he was a spy, he was regarded by Frelimo as a spy. Where did you hear that besides Charles? -- The person I heard it from is Charles. It is the only person I remember.

Nobody else? -- Nobody else.

And what exactly did Charles say about Thompson being a spy? -- He said I should not speak to Thompson Mbutu because he is being detained for they suspected that he is a South African spy. (10)

And how did Frelimo deal with South African spies? -- How did they deal with them?

Yes. -- Well, I do not know.

But what did you think would happen to him? -- Well, I could not think for Frelimo .. (inaudible)

BY THE COURT: No, not what you thought for Frelimo. What did you think what would happen to a man who is suspected of being a South African spy? What did you think his outcome would be? -- My thought is that he could be shot for that and tried on that particular. (20)

MR DONEN: Did you think he would stay in jail a long time? Did you think he would stay in jail or lose his life for being a spy? -- Well, it would depend upon the attitude of the government.

But in any case, you thought he was going to be in Mozambique for a long time in prison. -- That is correct.

So it did not matter what you said to him because he could not spy on you any more, he was going to be in prison. -- Well, he could not spy on me because I did not talk to him.

But the point is you could have told him anything. (30)
He was going to stay in the Frelimo jail as far as you were

concerned/...

concerned. -- Well, he ..(inaudible)

THE COURT ADJOURNS FOR LUNCH.

THE COURT RESUMES AT 14h00 ON THE 2nd MARCH, 1978.

ELIAS TIEHO MASINGA: still under oath:

FURTHER CROSS-EXAMINATION BY MR DONEN: I want to read to you some other comments of Tobello Motsapanyane on the June unrests and I want your comments on it. The question was:

"There have been quite a number of actions against shebeens and bottle stores. In what way did the youth believe that these establishments were used to oppress people? -- To answer this question, and I quote, one slogan that read 'Less liquor good education. The South African Government has bought numerous bottle stores, beer halls and shebeens next to the station. We believe that they are there to misdirect the Black people. Most of the bottle stores are next to the stations so that when our fathers and mothers come from work, they drink and forget about their surroundings.'" (10)

Was this the view that was held by the students in Soweto at the time of the riots? -- That is correct.

BY THE COURT: You are reading now from page?

MR DONEN: From page 57 of EXHIBIT 110.

BY THE COURT: I have got the photostat copy here that you gave me. It is the first question that is printed on that page.

MR DONEN: And then another question was put:

"Could you describe the events which took place after that day?"

That is the very next question. (30)

"Could you describe the events which took/...

took place after that day and tell us ..."

.. (intervenes)

BY THE COURT: I am sorry, it does not appear on page 57 that I have got here.

MR DONEN: At the bottom on the left-hand side there is a question.

BY THE COURT: Yes, I have got it.

MR CH ASKALSON: M'Lord, in fairness to the witness, that question would be meaningless unless he has the context of the document in front of him. (10)

BY THE COURT: Yes, I think so. Is there copy there for him?

MR DONEN: I can read the whole question, I can read the whole answer and I can give the witness - the question which was asked:

"I don't actually want to deal with the events of that day in detail because they are very well known to the world. (He was referring to June 16th.) I think it is clear that the police reaction was perhaps among the most violent in the history of South Africa and that on that day hundreds of students were murdered by police bullets. Could you describe the events which took place after that day and tell us how the leaders of the student movements went on to pursue the struggle further? -- Immediately after the first shootings of that day the students reacted by stoning the police and carried out other actions. Immediately after that we told our students to do what they could to spread/...

(20)

(30)

spread the action to other locations. The struggle went on for some days immediately after June at the same place because at that time the action committee was meeting every day in an attempt to intensify the struggle so that it should really be felt by the government."

Would you like to see the question and answer? -- Well, I have heard all this. (10)

And what is your comment? Is that correct, is that what happened? -- It is correct.

And then the next question that is put:

"The struggle spread throughout the country within a short while. Was the spread of the struggle all organised by any centralised body or did it have a spontaneous element to it? -- SASM is a national organisation and has regional and local branches. If a certain member of the team is doing something that is right the rest of the team will join in to do it. It was not always a matter of having to instigate the others to do it." (20)

Was that correct? Is that what happened? -- It actually happened.

The first aspect of these answers is that SASM broadened its political activities, it went further than students, it went to the adults. -- That is correct.

Or it attempted to spread its views to the adults. (30)
How do you know what SASM told its students to do after the

first/...

first day of the riots if you never went out, if you never got involved? -- How do I know?

What SASM told its students to do, to spread the actions to the other locations if you never went out, if you never got involved, if you did not mix with your former colleagues. -- No, they did do it like that because it actually happened. There was a mass demonstration of students.

But how do you know .. -- Not necessarily that I anticipated in the demonstrations themselves.

But how do you know that SASM told its students to do (10) what they said, to spread the action to other locations? -- Well, that is the action of the SSRC and it was established during my absence. I did not take part in the formation of the SSRC. Now what Super Moloi is talking about there is the action committee which was formed during 1976 and I was not a student by then. So the action which was taken by the students itself, did not involve me.

Yes. exactly. So how did you know what action was taken by the students? You said that you were sitting in your house, you were reading, you would not go out, you saw a few (20) demonstrations and you were not associating with your former colleagues. -- Well, as I said, I saw the buses and cars which were burned down.

Can you just answer the question? How did you know that SASM told the students to do what they could to spread the action to other locations? -- Which actions?

The actions of the 16th June. -- Well, that is Tobello's comment because he was actually in charge of the committee itself. So I cannot say what he says there is correct or wrong because I did not take part in it. (30)

But then why have you taken so long to say that you do not know/...

know if it was correct or wrong? -- This is what I can say.

I put it to you that that is not what you can say. In any case, we go back to Thompson Mbutu. You did not speak to Thompson? -- I did not.

Why didn't you speak to Thompson? -- Because I did not want to get myself involved with a South African spy.

Why not? -- As I say because I was politically conscious. I could not at the time associate myself with a person who was a South African spy because I was against the South African policies then I could not associate myself with such a (10) person.

And the other people in the prison, how did they feel about Thompson? -- They also felt the same.

Gumede, how did he feel about him? -- Gumede was an old man, he was not a refugee, he did not have any association with Thompson whatsoever.

So did nobody in that prison have any association with Thompson because he was a spy? -- Well, he had his friends.

Were his friends your friends? -- They were not my friends.

BY THE COURT: How many refugees were there in that prison (20) at that stage when you were there? -- I cannot say exactly how many were there, but I think there were about 10.

MR DONEN: But the point is you have said that you were innocently visiting relatives in Maputu. What difference could it have made if you spoke to Thompson or not? -- Well, there is the question of principle involved.

So on principle because he was a spy, you never spoke to him. -- That is correct.

BY THE COURT: Now just tell me, this other person you met, Charles Buthelezi, you know, you said you had discussions (30) with him. -- That is correct.

I take it political discussions. -- That is correct.

On a number of occasions. -- That is correct.

How long were you and Charles Buth elezi together in that prison? -- For the period that I stayed in prison I was with him.

How long was that? -- That was a week and a couple of days.

Now I take it you discussed the problems you Black people have openly with one another? -- That is correct.

And you told him what your grievances were and he told you what his grievances were. -- That is correct. (10)

So you were on quite a confidential basis with one another. -- That is correct.

And you discussed his position, as it were, in the world and you told him where you stood in the world. -- That is correct.

And did he discuss with you that he had been to Russia? -- No, he never raised that point.

Didn't he tell you that he had been to Russia? -- No.

And that you know had the same sort of sentiment as he had and he had the same sentiment as you had politically (20) speaking. Can you give any reason why he would not have told you that he had been to Russia? -- Because as a person he was involved politically, I think he kept that to himself for security reasons maybe.

Well, I must tell you, I do not know whether it is true, but when Charles Buthelezi came here and he stood in that witness-box and he said till this day his sentiments are still the same, he wants to have military training, he wants to fight the Boers, he was not ashamed of it. Is that correct? -- That is correct. (30)

He told me that while he stood in the witness-box. -- That is/...

is correct.

Now can you give any reason why when you spoke to him and you were exchanging confidences, why he would not have told you about that? -- Well, I believe he wanted to keep that for himself.

But weren't you of the same political views? -- We were.

And his view was very clear, if we believe him, that he wanted to have military training and he wanted to come back and fight the Boers. -- Well, he had joined the Frelimo, this is what he said, with the view of coming back and fight in South Africa. (10)

Did he tell you that in Mozambique? -- Yes.

Did he tell you that he had joined the Frelimos to get himself equipped so he could fight with arms against the Boers? -- That is correct.

And there was no secret about that? -- There was no secret about that.

MR DONEN: When was it that you were in jail in Mozambique? Can you remember the month and the year? -- It was in July, 1976. (20)

So you had not been involved in political activities for 7 months or more. First you had been hiding in Natal, then you had been hiding in Soweto. -- That is correct.

So there was no reason why you could not speak to Thompson apart from your principles because you had done nothing during the last 7 months to hit the headlines. -- As I say, if I talked to Thompson it will prove that I had a weakness because of speaking to him as a South African spy and as a result I had to adhere to my principles.

You said that you saw your parents in Mozambique early in October and that they told you that the situation (30)

in/...

in Soweto was getting better. -- That is correct.

And then you came back to South Africa for the purpose of study. -- That is correct.

You said that you had had a language problem in Mozambique and you could not work or go to school because of the language. This was your evidence-in-chief. -- That I intended to go to school in Mozambique?

No, that - you said that you saw your parents, they said the position in Soweto was better and that you had a language problem in Mozambique, you could not work or go to school (10) because of the language problem and therefore you decided to come back. -- That is correct.

You said that in-chief. -- Correct.

But you also said that you did not intend to go to Mozambique to study in the first place. -- Correct.

So what was the problem? You said you did not want to work or study in Mozambique so why was there - what did the language problem ... -- Well, the language problem came in as a matter of communication with people who were staying in Mozambique, it came as a general discussion. It does not suggest that (20) I wanted to study in Mozambique.

The answer is a bit vague. I will put my question to you again. You said that you were coming back to South Africa because you had encountered a language problem in Mozambique and you could not work or go to school in Mozambique because of the language, but you also said that you had no intention of working or going to school in Mozambique. How do you reconcile these two statements you made? -- Well, as I say, I did not intend to study in Mozambique, so language was one of the problems which I encountered but not because I wanted (30) to study in Mozambique or to do anything.

Then/...

Then why did you say you could not work or go to school in Mozambique because of the language? -- Well, I said it because I did not work, and I did not go to school.

But you must have known about these problems before you even went to Mozambique. -- That is correct.

Was your only source of income your uncle when you were in Mozambique? -- That is correct.

And how often did he give you money? -- Only when I needed to go to Senema(?)

And did he give you much money? -- Money to eat and (10) money to ..(inaudible)

Did he supply you with food? -- He did.

Did he not supply you with money to buy clothes? -- No.

Did you not buy that jacket you are wearing in Mozambique? -- No.

Did you get it after your return to South Africa? -- It was long bought before I even went to Mozambique.

How did your cousin arrange for you to get back? -- Well, he arranged transport for me.

How? What did he do? -- He had a car. (20)

And did he just drive you straight back? -- Well, before we actually went, we had a discussion that I had no document to travel back to South Africa and he said, you know, that he would arrange.

And what did he arrange? -- Well, I cannot say what he arranged because he never gave me any document except that I had the document which I had when I was going to Mozambique.

Why didn't he bring you straight back to South Africa? -- How?

How did he get you to Swaziland? -- Well, he got me (30) - he sent me to Swaziland because I wanted to go there.

Why/...

Why did you want to go there? -- Because I had a friend there.

BY THE COURT: You told us about this place Lomahasha-- That is correct.

It is just, as I understand it, across the border into Maputo. Now what sort of place is this Lomahasha? Is it a little town or what does it consist of? Lomahasha. -- I do not understand your question.

Is it just the name of a border place or is there a camp, are there houses or what does it look like this place? -- (10) Well, it is the name of the border post and the area around the border post.

When you came there did you find a lot of people there? -- There are people around there.

The people that you found at Lomahasha, were they residents there or were they staying in camps? -- They are residents.

Residents? -- Yes.

Did you find a lot of people there? -- That is correct.

South Africans? -- Not South Africans.

Portuguese? -- Mozambiquans. (20)

Could you say perhaps how many houses there would be? -- There are many houses there.

A couple or hundred? -- I am not sure.

MR DONEN: Now I asked you why you did not come straight back to South Africa, why you went to Swaziland. -- Well, I could not do so because my document was a one-way travel document and I had to try some means of getting back into South Africa.

So you went to Swaziland? -- That is correct.

And you crossed the border between Mozambique and Swaziland and then you crossed the border between Swaziland and (30) South Africa? -- That is correct.

Wouldn't/...

Wouldn't it have been a lot simpler to just cross straight into South Africa? -- It was not going to be simple because I did not have a document for coming back.

But you did not have a document to come into South Africa from Swaziland either, you did not even have a document to enter Swaziland. So you had two problems instead of one problem. -- That is correct.

So why didn't you come straight back to South Africa? -- What do you mean because I came to South Africa.

You had no travel document. -- That is correct. (10)

You wanted to come to South Africa. -- That is correct.

You could have crossed from Mozambique to South Africa, one border, one problem, but instead you multiplied your problem. You went from Mozambique to Swaziland for which you did not have a travel document, you would have been an illegal immigrant in Swaziland and you then crossed without a document again from Swaziland into South Africa. Why did you do that? -- Well, I believe it was a simple way of coming into South Africa and avoid arrest at the same time. Because if I went from Mozambique via Komatipoort I could have been (20) arrested. Now that my cousin was known in the Lomahasha area I had no problem either of travelling from Mozambique into Swaziland. So there was no problem whatsoever as far as that goes.

But then you were faced with the problem of getting from Swaziland to South Africa. How did you intend to solve that problem? -- Well, that problem I intended to solve by meeting my friend at the university of Swaziland.

And who was his friend? -- Well, I prefer not to mention his name for fear of reprisal. I am sorry for doing that. (30)

BY THE COURT: But why? What reprisal? What reprisal are you talking/...

talking about? You say you had a friend in Swaziland who was going to help you to come to South Africa. -- That is correct.

Is this not this man you mentioned yesterday, what was the name again?

MR DONEN: Nkonyani.

BY THE COURT: Nkonyani. You mentioned his name. You said he was the one who introduced you to Inch. Is that the man? -- That is not the first man. The first man I met is a friend at the University of Swaziland. I did not mention his name yesterday.

Then why don't you want to mention his name now? -- (10)
Well, because he comes regularly to South Africa.

Well, I do not know whether that is a good reason. -- Well, I believe he could be worried by police if I mention his name here in court.

MR DONEN: I do not think it will take my case much further. We will call him Mr X for our purposes. -- That is correct.

How did you know that Mr X could get you from Swaziland into South Africa illegally? -- Well, I did think about that. I also thought that he might be in a position to do so.

Why did you think this? (20)

BY THE COURT: Without disclosing the identity of this Mr X, this mysterious Mr X, was he a man that you had known from your student days? -- That is correct.

That was from the days when you had political discussions and that, had you not, from the SASM? -- That is correct.

MR DONEN: Was he a SASM member? -- No, he was just a student.

Was he an Ekukanyeni Youth Club member? -- No, he never participated at Ekukanyeni but he used to attend.

Was he a SASO member? -- He was a SASO member.

Does that mean he was not an ANC member? -- I do not (30)
know him to be an ANC member.

And/...

And how did you think he was going to get you into South Africa? -- Well, because he was a person who regularly went in and out Swaziland.

And did he regularly take people in and out of Swaziland? -- Well, I do not know about that.

Did he just travel lawfully between Swaziland and South Africa? -- That is correct.

And when last did you see this Mr X? -- I last saw him when I was there.

Did he live in Swaziland? -- No, he was living in (10) South Africa, he only went to Swaziland for study purposes.

And what exactly did he arrange for you? -- He arranged for me to meet Nkonyana.

What did he tell you about Nkonyana? -- He told me that he had a friend who was staying in Fairview who might be in a position to arrange transport for me to come into South Africa.

Did he say how this person in Fairview would arrange for you to come back to South Africa? -- No, he did not explain that

And where exactly did you meet this Nkonyana? -- At the university. (20)

And then where did you stay? -- I stayed with him there.

At the campus? -- That is correct.

Was it permissible for you to stay with him at the campus? -- It is correct.

For how long did you stay? -- I stayed there for a few days, about 3 days I was with him at the campus.

How long did you stay in Swaziland altogether? -- About a week altogether.

Where did you stay for the rest of the time? -- Well, I went to where Nkonyana was staying in Fairview. (30)

So you stayed 3 days on the campus and 4 days at Fairview?-

Well/...

Well, I can say 2 days at Fairview.

2 days at Fairview. -- That is correct.

3 days at the campus. -- That is correct.

That was not a week, it was 5 days. -- Well, it could be like that.

BY THE COURT: Now how long did you stay at Fairview now? -- I stayed there for 2 days.

Did you sleep there for 2 nights? -- That is correct.

MR DONEN: And did you have to pay to stay at Fairview? -- No.

Could you have stayed at Fairview as long as you (10) liked? -- As long as I liked?

Yes. -- What do you mean?

Were you quite welcome there? -- Well, I was welcome there, yes.

And at the campus could you have stayed there as long as you liked? -- Even there I was welcome.

Then why didn't you go and study in Swaziland in the first place? Why go to Mozambique? You said that the reason you went to Mozambique was you had relatives in Mozambique whereas in Swaziland you would have to stay in a refugee camp. (20) Now you say there was place where you could stay in Swaziland or you could have arranged place to stay in Swaziland. -- I could have arranged a place to stay in Swaziland?

Yes. -- I told you that I was not interested in studying in Swaziland nor in Botswana. I was interested in studying in South Africa.

Did you meet the inhabitants of this house in Fairview? -- Yes, I did.

And who were they? -- It was Nkonyana and one old man who was staying with them there, and his wife. (30)

Do you know this old man's name? -- No, I do not know

his/...

his name.

BY THE COURT: But you stayed there two nights with him and did you say you did not know his name, come to know his name?
-- Who?

The old man. -- No.

MR DONEN: It was his house that you stayed at? -- It was Nkonyana's house.

And the old man and his wife lived there? -- Well, I only met them there in the house, I do not know what he was doing. The only person who was staying there was Nkonyana and (10) his wife.

And did you ever speak to this old man? -- No, I did not speak to him.

Did you meet anybody else at this house? -- The only person that I met there was Nkonyana himself at the house.

Was it a small house? -- It was a two-roomed house.

And nextdoor was there a larger house being built? -- That is correct.

Did you ever speak to Nkonyana? -- I did.

What did you speak to Nkonyana about? -- Well, I told (20) him that I was anxious to get back home.

Yes? -- And that I was going to study again.

Yes? Is that all the conversation you had with him? -- Well, we had a general discussion about South Africa and other countries.

Do you know what he did for a living, Nkonyana? -- I do not know his profession.

Was he at home in the day or did he go out to work? -- He used to go out in the mornings.

For how long? -- Came back in the afternoon. (30)

Were there any vehicles at that house? What sort of vehicle/...

vehicle did he drive? -- He was driving in a Peugeot.

What colour Peugeot? -- I cannot remember its colour.

I think you said in your evidence that he knew you, he knew about you. 'He seemed to know about me.' Now what did he know about you, this Nkonyana? -- Well we discussed about Ekukanyeni and my activities in SASM.

What did you discuss about your activities in SASM? -- I told him that I was a member of both organisations and that I had participated in them.

And what did you say you had done? -- Well, I (10) mentioned to him what SASM was doing at the time and the activities which were taking place at Ekukanyeni.

Did he tell you about himself? -- He did.

What did he tell you about himself? -- He told me that he was also interested in politics; that he was once a student and himself was involved in political - that is political involvement and that he was impressed by my involvement in SASM, AND Ekukanyeni.

And when was this that you were at this house? Can you remember what month it was exactly? -- It was in November (20) if I remember well.

Of 1976? -- That is correct.

When did you meet accused No. 1? -- Accused No. 1?

Yes. -- I never met accused No. 1.

Well, I think you have met accused No. 1. I want to know when you first saw him. -- I say I never met accused No. 1.

But you sit with him in court every day. -- That is correct

And you arrive in court with him. -- That is correct.

Have you never been introduced to him? -- Do you mean after my arrest? (30)

Any time. I want to know ... -- I only met accused No. 1 when/...

when I first appeared at the Magistrate's Court at Pretoria. That was the first time I met accused No. 1.

And did you ever know a person called Charles Ramusi?

-- No.

You see, that house that you stayed at, was a house at which the witness Inch who gave evidence in this case, and whom I think you said you met at that house. -- That is correct.

Met Charles Ramusi and he met accused No. 1 there. -- Well, I do not know about that.

It is also the house where accused No. 1 showed a (10) machine-gun. -- I do not know about that.

Did you see any machine-guns when you were at that house? -- I never saw any machine-guns.

What did you discuss about the South African political situation? -- Well, it was a general discussion.

What do you mean by a general discussion? -- Well, we had a discussion about the attitude of the government, its oppressive laws and other things relating to its policies as a whole.

And what was suggested that should be done about it? (20) -- No suggestion was ever made.

So in other words it was something of a critical discussion of the South African situation. -- That is correct.

There was no question of solutions arising in the discussion? -- No question of solutions.

For how long did you talk with this man Nkonyana? -- Well, I cannot know the time that we spent in each and every discussion I had with him.

How much time did you spend - did you discuss through the day? -- No, I only discussed when he came back from (30) work.

Did/...

Did you discuss anything else? Besides politics. -- We might have discussed other things.

And how did he say he intended to get you into South Africa? -- Well, he told me that he was going to arrange transport from a young man who travels from Swaziland into South Africa.

And what did he do about it? -- Well, he did introduce me to Inch and Inch is the man who transported me from Swaziland into South Africa.

BY THE COURT: Did you understand that to be Inch's job (10) that he must transport people? -- Well, I cannot say it was his job.

MR DONEN: Did you pay Nkonyana to do this? -- I do not know whether he was paid by my friend. Because he never discussed the question of money.

Did you ask your friend? -- I did not ask him.

You said that you had got information .. (intervenes)

BY THE COURT: From the time when you left Maputo until you ultimately came to this place at Manzini in Swaziland, who paid for the transport? I mean you have got to put in (20) petrol and you have got to do all sorts of things. How did you get along? Where did that money come from? -- Well, I did not use money because I used my cousin's car to travel from Mozambique into Swaziland.

And who put in the petrol? Because it will not go without petrol. -- He put in the petrol.

MR DONEN: Now, you said that you got information in Mozambique that it was not difficult to get across the border to Swaziland, that it was not strictly guarded and that the locals could cross the border for short periods. Where did you (30) get this information? -- Well, among the general discussion that

we/...

we had in prison.

So you got this information when you first arrived in Mozambique. -- When I was in prison.

And that was when you first arrived. -- That is correct.

And were you at that stage already concerned with getting out of Mozambique? -- Well, I never, that question only arose out of the discussions that we had.

With whom did you have these discussions? -- Well, with Charles and other South African refugees who were there.

How were you introduced to Inch? -- I was introduced (10) to him as Inch, I was introduced to him as Yster.

What were you told about him? -- About him?

Yes. -- I was not told anything about him except the fact that he was going to transport me from Swaziland.

And how did he arrive at the house? -- He came by car, whether it was the same Peugeot, I do not remember what car it was he used when he came there.

And then what happened? -- We had a short discussion about my coming back to South Africa and then he said he is still going to somewhere and he will be coming back to fetch me. (20) He went and then he came back. That is then that he fetched me from that house to South Africa.

And your friend Mr X, did he participate in this conversation? -- He did.

Were you introduced as comrade Yster? -- The word 'comrade' was not used.

Was the word 'comrade' ever used at that house? -- At that house?

Yes. -- I do not remember.

What do you mean you do not remember? -- I do not (30) remember any person mentioning the name 'comrade'.

In/...

In other words you say that people never referred to each other as 'comrade'? -- No.

BY THE COURT: When Inch arrived there, did he come by himself in the motorcar or vehicle or did he have other people with him when he arrived? -- He came with Nkonyana.

MR DONEN: Do you know where Nkonyana got him from? -- I do not know.

So it seems that you were not concerned with how this transportation was going to occur. You were just concerned with being taken into South Africa. -- That is correct. (10)

Why? -- Well, what I needed most was transport.

But transport is merely a vehicle. -- That is correct.

You said you did not have a document. -- That is correct.

You were unlawfully in Swaziland, you were unlawfully intending to cross into South Africa. This was a risky business. You could have been apprehended by the police, the police were looking for you anyway, as far as you knew. Why didn't you enquire about how you were going to be taken into South Africa? -- Well, Nkonyana gave me an assurance that Inch would be able to get me into South Africa without me (20) having a document and I did not want to ask many questions, because I did not know how it was going to be done. I was just awaiting to see how it would happen.

But your own safety was at stake. -- That is correct.

So why didn't you enquire? -- Enquire about how I was going to come back into South Africa?

Yes. -- Well, I did not think about that at that stage.

Did you think about the people that were taken into South Africa? -- Well, I thought - I took that as a most important factor. (30)

BY THE COURT: Did you then have sort of a blind faith in this person/...

person Nkonyana and Inch to get you across the border without being apprehended by the police? Is that the correct understanding? -- Well, I trusted them because Nkonyana was a resident in Swaziland and therefore I assumed that he knew how to get out and inside the country. This is what I assumed.

Yes, you had faith in them. -- That is correct.

MR DONEN: But he could have been a spy of South Africa; you encountered one in Mozambique. -- Well, I trusted my friend. I believed that he would not introduce me to a spy.

And did you trust the person that your friend introduced(10 you to? -- That is correct.

And did you trust the person that your friend's friend introduced you to? -- That is correct.

Why was Nkonyana prepared to help you? -- Well, he was prepared to help me because of his friend.

Which friend? -- Mr X we are talking about.

Is Mr X somebody important? -- He was important to Nkonyana.

Why? -- Well, he was a friend, they met each other in Swaziland. (20)

So all that you can say about Nkonyana is that he was a friend of Mr X and that he lived at a certain house? -- That is correct.

That he knew Inch and that he was able to get you in South Africa. -- That is correct.

And you spent two days with him in which you had long discussions and this is all you knew about him. -- That is correct.

BY THE COURT: But didn't you try to find out who this Nkonyana is? You are sleeping with the man and you say he was there (30) by himself apparently, except this old man and old woman. When you/...

you spoke to him, didn't you speak to him about politics and found out where he stood in the politics, what he was doing in Swaziland? -- Well, I mentioned that he was interested in politics.

But didn't you ask him what are you doing.. (intervenes - speaking simultaneously)

Listen, you are staying there with the man. Didn't you ask him what is your occupation, what do you work or what are your activities? Didn't you enquire that from him? -- Well, he told me that he was working in Swaziland. (D)

Yes. -- As an employee. I do not know whereabouts in Swaziland.

Did he tell you that he was working as an employee for whom? -- Well, I do not remember what name he mentioned or what firm he belonged to.

MR DONEN: Was he a South African, Nkonyana? -- I do not know.

Did he have any children? -- There were no children in the house.

BY THE COURT: Did he just stay there by himself? Except for these old people. -- The old man and his wife. (20)

Didn't you ask him where is your wife and your children? Didn't you enquire that from him? -- I say he was staying with his wife, Nkonyana. The old man was staying there, he was .. (inaudible) .. apparently.

So it was Nkonyana and Nkonyana's wife and the old man? -- That is correct.

MR DONEN: Was he a very secretive sort of person Mr Nkonyana? -- Secretive?

Yes. -- In which way?

That he was not prepared to tell you things. -- Tell (30) me things about what?

About/...

About himself. -- You cannot ask a person many questions, a person you meet for the first time. It does not happen that way. You cannot meet a person for the first time and start enquiring about him. I could do so, I could enquire from my friend if I wanted to know about him.

BY THE COURT: But as you say you did not even discover whether he was a South African or whether he was a Swazi. -- That is correct.

MR DONEN: And did you enquire from your friend about him? -- I did not. (10)

Did you enquire from your friend about Inch? -- About Inch?

Yes. -- Well, Inch was introduced by Nkonyana.

Did you ever ask about Inch? -- Ask who?

Nkonyana or your friend. -- I did not ask anybody about Inch.

You said that Inch knew politics well. -- That is correct.

What do you mean by that? -- Well, what I mean is that he understands the political set-up in this country.

What do you mean he understands the political set-up (20) in this country? What does he understand? -- Well, he ... (inaudible) .. he believes that South Africa is an oppressive country, he also believes that there must be a change in this country, he is also interested in political groups, he also wants to meet other people and discuss politics with them.

Do you know that he was a member of the ANC? -- No, he never told me that.

And did you know that Mr Nkonyana was a member of the ANC? -- .. (inaudible)

BY THE COURT: Did you know that Inch were taking these (30) people to and fro, if his evidence is to be believed? He took them/...

them there for military training. -- Well, I do not know, because he never told me that he was taking people to Swaziland for military training.

But he knew about your other two friends in Maputo who were there for military training. -- He knew about them?

Did he know about them? -- No.

MR DONEN: In any case, you said you returned to South Africa for the purpose of studying. -- That is correct.

And on the way you spoke to Inch and what was his ideas about change in South Africa? -- Well, he believed that (10) there must be change in South Africa, that Black and White should meet and discuss their problems, that there must not be apartheid in South Africa. There was a general discussion about that.

And when was it exactly that he brought you back to South Africa? -- It was during November.

And had you formulated your ideas about forming an organization at that stage? -- No, not at that stage.

When did you get this idea? -- Only when I arrived in Soweto. (20)

How long after you arrived in Soweto? -- Well, I cannot exactly say how long after that.

BY THE COURT: Inch said when you crossed into South Africa, you were accompanied by a man I think by the name of Phetla, if I memory serves me correct. Now was there a man with you by the name of Phetla on that journey? -- Well, I was accompanied by a young man but I did not know his name.

To that extent you say he was correct, but you do not know the name of the man who went with you. -- Yes it is correct.

MR DONEN: And you came in a yellow Volkswagen and you (30) crossed at Nerston. Is that correct? -- Well, I think it is like/...

like that, I did not really look at the colour of the car, I might have - but it was a Volkswagen.

And then you got back to South Africa and you resumed student politics on your return to South Africa. -- That is correct.

Now wasn't that a bit of a dangerous thing to do? -- It is ..(inaudible) .. involved in political discussion and that risk it must be taken in order to .. (inaudible) .. in this country.

But you said that you were intending to return to (10) South Africa and go to school and hide. -- That is correct.

Surely you were going to bring yourself right out in the open by returning to student politics. -- That is correct.

So why did you do that? -- Well, I felt it was necessary for me to be involved. Because I wanted a change. It does not mean if I wanted to study that I would not involve myself politically.

So why didn't you involve yourself in June, 1976? Surely this was the culmination of everything you had wished for. -- That is correct. (20)

So why didn't you involve yourself then? -- I had lost status(?) with the students during that time and that is why when I came back I wanted to form a political organisation, not a student movement because I was no longer a student during that time.

Did you tell Inch that you intended to join SSRC meetings ..(inaudible) .. -- .. (inaudible)

Yes. -- I never said I would join the SSRC or give guidance to the students. I never used those words.

But you did want to form a non-student organisation. (30) -- Yes, I did.

And/...

And would students be welcome in this organisation? -- I did tell him that I would meet friends who were SASM members and that I would have discussions with them in as far as ... (intervenes)

BY THE COURT: At that stage there was already an existing student organisation, not so? -- That is correct.

Did you now want to start a student organisation in competition with the then already existing student organisation?

MR CHASKALSON: M'Lord, his answer was he wanted to form a non-student organisation. (10)

BY THE COURT: Non-student. Is that correct? -- That is correct

But weren't there other organisations of Black people already at that stage? -- Well, there was the Black Consciousness group, the BPC and SASO. Those organisations stressed the exclusiveness of Blacks entirely. So I wanted to form an organisation that will have a broader outlook and is is(?) possible to incorporate White ones in the movement.

Incorporate it with what? -- White ones or White people in the movement.

MR DONEN: And does that not agree completely with the policy(20) of the African National Congress? -- Does that?

Does that not agree with what the policy of the African National Congress is that it should be a ... -- Well, I do not know what their policy is.

Did you not say in your evidence-in-chief that the ANC and the PAC were discussed freely in Soweto? -- That is correct.

And that you had discussed these matters with people in Mozambique as well?-- That is correct.

And you had no idea what the policies of the ANC was? -- No, I had no idea about what their policies were. (30)

So then what did you know about the ANC? -- Even though I did/...

did .. (inaudible) .. what their policies were it was a banned organisation and I could not have joined a banned organisation. Because as far as I was concerned, it was non-existent in South Africa.

Do you mean by that that it operated underground? -- Well, I do not consent that whether they operated underground or not.

Then what was freely discussed about ANC? -- Well, what I discussed was that the ANC is banned in South Africa and that it was recruiting people and operating outside the country.

And it was recruiting people from outside South Africa? Is that what was freely discussed in Soweto? (10)

MR CHASKALSON: M'Lord, the witness did not say that and my Learned Friend should not put something to the witness that he did not say. He did not say that they were recruiting people outside of South Africa, he said that they were operating outside of South Africa.

MR DONEN: I am asking a question, M'Lord.

MR CHASKALSON: He is putting something to the witness as something which the witness is alleged to have said and the witness did not say that. (20)

MR DONEN: I certainly do not allege that the witness said that. I am asking the question: what was freely discussed? Was it discussed that this ANC was operating and recruiting people outside of South Africa or was it said that they were recruiting people inside of South Africa or both? -- That it was recruiting people for military training.

Where? -- In South Africa.

So in other words you knew that it was operating in South Africa. -- Well, I ..(inaudible) .. that information.

Then why did you say just now that you did not know? (30)
-- I did not know what?

That/...

That the underground was operating underground in South Africa. -- Well, as I say as far as I was concerned, it was non-existent.

But why was that? You knew that it was recruiting people for military training in South Africa. -- Your question .. (inaudible) .. should have referred me whether or not I knew that before I went to Mozambique or when I came back from Mozambique, because if you just ask I do not know to what times you refer.

BY THE COURT: Put it down to a specific time then. (10)

MR DONEN: When you came back to South Africa from Mozambique, did you know that the ANC was operating underground in South Africa and recruiting people for military training? -- That is correct.

Did you appreciate that it required a cell system in order to operate underground? -- Did I appreciate?

Did you realise that it used a cell system to do that? -- No, well, I was told about that.

So you knew that it was operating underground and you knew that it had a cell system. -- That is correct. (20)

Did you know it was multi-racial or non-racial? -- Multi-racial.

That race was not involved with the ANC. -- That is correct

Then why did you say as far as you were concerned there was no such thing as the ANC in South Africa? -- Well, I .. (inaudible - too close to the microphone) .. when I came back I knew, so .. (inaudible) .. to Maputo.

I want to know when did you think there was no such thing as the ANC in South Africa? -- Before I actually went out of South Africa. (30)

Therefore when you came back to South Africa, you knew there/...

there was an ANC in South Africa, you knew it was operating underground, you knew it was a non-racial organisation, you knew it was recruiting people for military training. What did you know about its policies? -- I did not know anything about its policies.

Well, why do you think they were recruiting people for military training? -- For fighting.

For fighting who? -- To fight against the South African Government.

So why did you say you knew nothing about its policies?(10) Wasn't that its policy? -- Well, when you talk about policy, it means you must explain ..(inaudible) .. such an organisation in detail, what it stands for, how it goes about its strategy. A lot of things are involved there. It is not a question of fighting .. (inaudible) .. a lot of things are involved when you are discussing the policies. It is not just a thing that has a one line sentence that this is going to happen.

So you knew something about its policies. -- Something . about its policies?

Yes. -- I do not know whether to fight against the (20) South African Government is part of their policy.

If it is not part of the policy what is it? -- Well, I cannot classify if there is anything, except that it is ... (inaudible)

Did you enquire into the policy of the ANC? -- I never enquired.

Why not? -- Because I was interested in forming my own organisation.

Now what exactly was this organisation of yours going to be all about? What was its exact nature intended to be? (30) -- Well, in fact the strategy was based on the fact that we will/...

will go to use a non-violent policy, that the discussion was totally on that. And the policy itself was never set up, because the political discussion groups that we were aiming to formulate were also - did not also come into existence because of my arrest.

What was its size going to be? -- Well, its size and other things would come after the policy was set up. I cannot say how much its size was going to be.

And membership, was it to be open to White people, Black people? -- That is correct. (10)

BY THE COURT: That is now in November, 1976? -- That is correct

You were planning in effect to go back to school. -- That is correct.

MR DONEN: And you were planning to form a political organisation. -- That is correct.

At the same time that you had to be hiding from the police. -- Well, it would be part of it.

Students could join this organisation and play a role you say? -- That is correct.

Did you discuss with them about whether they would join, did you? -- That is correct. (20)

And were they willing to join? -- They were willing.

Which students were willing to join? -- Well, I in fact discussed with my friends Mafison Morobe and Super.

Why should anybody have wanted to join your organisation? What was so special about you? -- About me?

Yes. -- There was not anything special about me.

So why should anybody leave SASM and join your organisation? -- What you mean that somebody else had left his organisation to join this one? (30)

You said that Robert and Billy and Mafison were members of SASM/...

SASM? -- That is correct.

High members of SASM. -- That is right.

Why should they leave SASM to join your organisation? -- Well, because they agreed with the idea that an organisation should be formed that is going to broaden in scope.

Broaden in scope of what? -- Well, of politically involving other people as well.

Which other people? -- Well, parents, students and other people who were interested.

But you have already agreed with the statement (10) which I put to you when we began this afternoon, that SASM had already been there, that they already had certain attitudes towards bottle stores and adults drinking, they had .. (inter-venes) .. already. -- SASM belonged under the Black Consciousness umbrella and it did not associate itself with White people in this country. It was excluding White people in participating in politics. That is why Billy and others agreed with me because our organisation was going to be non-racial. This was the reason.

But so is the ANC non-racial. -- Well, the ANC is (20) operating underground, people do not know anything about ANC. So it was necessary therefore to form an organisation that was going to work openly and to be known by the people.

So your organisation was to work openly and be known by people? -- That is correct.

You said in-chief that your groups would meet secretly. -- That is correct.

And there would be cells of four. -- Cells of?

Four people. -- Did I say so?

It has been said in evidence. Do you agree with that? (30) -- The question of cells was mentioned .. (inaudible) ... is that/...

that we were going to be involved.

BY THE COURT: But did you intend that your organisation to work on a cell system or not? -- That was also preliminary discussions.

That it was to work on a cell system? -- That is correct.

MR DONEN: And in the beginning it was to work underground. -- That is discussion groups would meet underground and not the organisation.

So in effect you were going to do exactly what the ANC was doing, work underground. -- Not necessarily. (10)

What was the difference? -- Because there we were safeguarding our initial plans so that when our policy was set up and an agreement reached, we would then bring out our policy and start canvassing openly.

But your policy was to be non-racial, non-violent and a reformed policy. -- That is correct.

So why should you decide on your policy underground and then emerge? -- Well, the police they would arrest a person ..(inaudible) .. people who believe in non-violence are detained even now. It does not matter whether or not (20) today you are non-violent. As long as you are against the ..(inaudible).. of this country you become ..(inaudible) .. of arrest.

Do you know an organisation called Umkata? -- Yes, I do.

Do you know what its membership is? -- I do not know exactly how many the membership is.

Would you contest that it is over 100 000? -- Well, there about.

And would you contest that it is against the policy of separate development, against the policy of homelands? -- (30)

I do not believe so.

You/...

You do not believe it is against that policy? -- That is correct.

What sort of discussion groups did you have in mind? -- Political discussions.

And you would just discuss politics? -- That is correct.

In small groups? -- That is correct.

And when you were forming this organisation, you would do it underground? -- Well, after we had planned the whole thing we would then come above board.

BY THE COURT: What you now say, if I am to believe that, (10) then you say people with that policy in this country are arrested, then if you come above the surface of the earth, wouldn't you all be arrested then? How would you have avoided that? -- Well, .. (inaudible) .. this way that when others operate above ground, others would remain in the background so that if the leaders should be taken away others will then remain and take the position of those who are gone. This was our own plan.

You wanted to take the risk of being apprehended not at that stage, but at a possible future stage? -- That is (20) correct.

MR DONEN: But what I find irrational is that a few of you would form the organisation, non-violent, non-racial, underground and then you would come up and collect the mass of people and then discuss politics above the ground. Surely the danger to you would be less if things were the other way around. -- I do not think so.

The witness Thêmba Norman Masuku.

THE COURT ADJOURNS.

Collection Number: AD1901

**SOUTH AFRICAN INSTITUTE OF RACE RELATIONS, Security trials Court
Records 1958-1978**

PUBLISHER:

Publisher:- Historical Papers, University of the Witwatersrand

Location:- Johannesburg

©2012

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of the collection records and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document is part of a private collection deposited with Historical Papers at The University of the Witwatersrand.