

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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SAAKNOMMER: CC 482/85

DELMAS

1986-09-12

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRUGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

148

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 148

(IN CAMERA GETUIE NR. 24)

(Bladsye 7 420 - 7 465)

COURT RESUMES ON 12 SEPTEMBER 1986.IN CAMERA WITNESS NO. 24, d.s.s.

CROSS-EXAMINATION BY MR BIZOS (continued) : Do you remember when precisely during which month you were in East Germany?

-- Yes, I do, it was during the year 1979.

And when were you in the Soviet Union? -- During the years 1984 and 1985.

Do you remember the month in 1984 that you went to the Soviet Union and the month in 1985 that you came back to Africa from the Soviet Union? -- I believe, if my memory (10) serves me well, it was from mid 1984 to mid 1985.

These documents, magazines, books, pamphlets, were they given to you whilst you were receiving training in the German Democratic Republic and in the Soviet Union? -- Yes, some of them were given to us.

I want to ask you this. Would you please tell us the theme of the address of Mr Thambo in 1981. I refer to the January address, the New Year's address? -- I will be the happiest man if you could show that to me, because I have already said that a person reads a lot of reading material (20) during that period and that is what happened. I read a lot of reading material. Not unless it is shown to me, I would not be able to remember precisely what the theme of the address was during that year by Mr Thambo.

So, the answer is you cannot tell us what the theme of Mr Thambo's address in 1981. Is the answer no? -- That is true.

Does the same apply to 1980 in relation to a similar address? -- That is the same. I would not be able to remember that.

(30)

In 1982 and 1983 and 1979. You cannot remember - you cannot even remember the theme of Mr Thambo's address? -- It is different with the years 1982 and 1983, because when those were shown to me I remembered that and I still remember messages for the two years, that is 1982 and 1983.

What was the theme of the message for 1982? -- What I remember in his address the message was about the internal situation inside the country, also the external situation inside the country and the whole of the people inside the country in the struggle and the achievement which has been (10) made by the African National Congress inside the country.

Was that in January 1982? -- Yes, January 1982.

Is that the one that you were shown during the taking of your statement, when your statement was taken? Was that shown to you in 1982? -- Yes.

The 1982 address was shown to you? -- Yes.

And that is the one that dealt with the achievement of the people inside the country ... (Court intervenes)

COURT : Could I just get clarity. Is the question was it shown to you in 1982 or was it shown to you when a state- (20) ment by the police was taken from you?

MR BIZOS : The question is was the 1982 address shown to you when a statement was taken from you by the police? -- The 1982 statement was not shown. It is only the 1983 statement which was shown.

But all the addresses deal with the internal and external situation, do they not? -- Yes.

The question is whether there is any particular theme for any particular year and you told us that you did not remember. -- To be honest with you, I would not be able (30)

to/...

to remember the theme as I have already said. It is long ago that this happened and I am not in a position to remember.

So, that the only thing that you can really tell His Lordship from your independent recollection is that though selected documents which the police officer that took your statement chose to show to you, you seem to remember? -- That is true, that is all I can remember, but otherwise may be if the January 1982 message or statement of message can be brought before me here, I might remember something on seeing it. (10)

Well, you will only recognise it and remember it if you see it and if it has a date on it and the year and in that way you will say "This is it" or "This probably it" or "This is possibly" it or something like that? - Not necessarily. Even the contents, what is written inside, I can remember that.

For how long did you stay in detention? -- I stayed I think for a period of seven months.

And what is your present occupation? -- My present occupation - I was still looking for a job. (20)

When were you actually released from detention? -- If I am not mistaken I am not quite certain about the month, but I think it is in July.

July of? -- 1986.

This year? -- Yes, this year.

Without being charged? -- Yes, without being charged.

Or warned that you may be charged? -- I was warned that I may be charged.

What form did the warning that you may be charged take? -- The warning was that I may be charged for having left (30)

the/...

the country to undergo military training outside the country. With the intention of overthrowing the government.

What did you have to do or not to do in order to avoid being charged? -- I am no more involved in political activities.

Or? -- That is what I can say.

Did you not promise that you would have to co-operate with the police? -- No, I was never promised that.

No, I did not ask you whether you were promised that, whether you were asked to promise to co-operate with the (10) police? -- No, I was never.

Or to become an informer? -- No, I was never told that.

Did you undergo any debriefing or re-education before you were released? -- No, I did not.

Were you interrogated at great length during the course of your detention? -- Yes, I was.

And were you told during that period that you would not be charged if you gave information to the police or if you co-operated with the police? -- All I knew is what is wanted from me, that is to tell the truth about what I (20) did whilst I was outside the country and which was the truth and the truth only.

Can you give His Lordship any indication as to why if you had undergone this training for so long and you came into the country in order to put it into practice, you were apparently left free, as a free citizen without any steps being taken against you at all? Why? -- During the time of my arrest I came to know that my mother has died and a result of which then I was demoralised and I then took a stand and decided that I will have nothing to do with the struggle (30)

any/...

any longer, which information I in fact conveyed to the police as to a stand which I have taken.

Do you carry a fire-arm? -- No, I do not carry a fire-arm.

We have been told by certain or at least of the persons in a similar position, possibly even more, that people in your position are obliged to join the South African Police force. Was any such offer made to you? -- No, I do not know that. That is news to me.

Other than the circumstances of the unfortunate death(10) of your mother and your decision that you will give up the struggle, you know of no other reason why you were let off so lightly, so to speak? -- Another reason is that when the police apprehended me I did not put up a resistance and as a result I in fact showed the police or handed the police the arms I had with me, which then showed that I did not have any other attentions.

Before you were apprehended, did you come into the country in order to kill innocent women and children? -- Our mission when coming into this country was or had in (20) fact to do with intelligence and security. That is putting up of cells in the country, and to recruit from prominent members, people who are very much politically conscientised, like people of the UDF who will be capable of making different unity within the country.

COURT : For yourselves? Do you recruit for yourselves people who are politically ... -- Conscientised. Like people from UDF, some SRC students and SYCO students in Soweto.

MR BIZOS : You did not need arms of war for that? -- Yes, that is true, but the arms we had with us would be used in(30) training/...

training. The people who were going to form the cells, for instance how to use a hand-grenade and some other arms.

How much ammunition did you have? -- I think the question does not concern you how many ammunition I had.

COURT : How is it relevant, Mr Bizos?

MR BIZOS : As to the purpose of his coming back.

COURT : He has already told you what his purpose was.

MR BIZOS : But I am entitled to test it. If he had a large quantity of ammunition ... (Court intervenes)

COURT : How is it relevant? (10)

MR BIZOS : This witness is giving evidence about matters over which we can have no control, speaking about people with whom we cannot consult and we are entitled to put his credibility in issue in various ways. One of the ways in which we can do it, is whether he is capable of telling the truth and the whole truth in relation to himself, his motivation and reformation.

COURT : Yes, put the question. You have to answer the question.

MR BIZOS : How much ammunition did you have with you? (20)
-- We had about four grenades and one AKM and four magazines. That is the ammunition I had alone.

You had? -- Yes.

Were you not going to use it? -- The purpose was, the instruction we got from ZAmbia was - our mission was to create cells within the country and to teach people inside the country how to use those things inside the country.

And to hand it over to them possibly? Or to supply them with arms afterwards? -- The main purpose was to come and teach people from different places. That was our (30)
mission/...

mission.

To teach them to what end? -- To teach them up to the extent where they were capable of using these arms.

In order to kill other people? -- Well, I would not say that, but if the mission of the ANC was that people be trained in the use of arms, then in the end it was going to be used in the killing of the people.

Do I understand your evidence to be that you are reluctant to admit that you yourself would do any killing? -- There you are telling the truth. (10)

So, were you undergoing this training for a period of eight years without being persuaded to carry out what you have been instructed to do?

COURT : By instructed is meant taught to do not ordered to do. Is that what you mean?

MR BIZOS : Probably both, but I will take Your Lordship's first meaning. -- While undergoing training with a fire-arm for instance, you know that the weapon you are being trained on is for killing and therefore it is accepted that a fire-arm is being used for killing, but other the difference (20) comes when you are given the mission. A mission is what is going to control what your mission is in the country.

But were you keen student and a keen soldier? You must have been because you were made platoon commander? -- Yes, that is so. By saying yes, I had not answered the question in full. The full answer to the question is. The cause that we came back into this country was to come and train the people, because this training we specialised in while being in the Soviet Union and therefore we had to come in as a mission to come and teach the people in that line of specialisation. (30)

How/...

How to kill? -- I am going to ask the defence not to put words into my mouth because now I think it is the third time he does that. I said that we were here with a mission to come and train the people in the use of the fire-arms and grenades.

It is obvious now, is it not, that you are reluctant to admit that you were prepared to kill or teach people to kill?

COURT : But he said so about twenty questions ago. I am reluctant to admit I would do killing. So, it is not (10) obvious now. It has been obvious for a long time. He is obviously a person who does not like it.

MR BIZOS : How did you manage to hide the fact during the eight years of your training? -- To hide which fact now?

The fact that you did not like killing? That you were reluctant to kill? -- I understand your question and in answer to that I will say people differ. There are those who will be prepared to kill and there are those who will not be prepared to kill and again, we were sent here with a mission. Our mission was not to come and kill people. (20) It was a different mission altogether in the sense that the mission was to train people in the use of arms.

The question was how did you manage to hide the fact that you are a person who was not prepared to kill in your eight years of training?

COURT : Has he said that he is not prepared to kill or that he is reluctant to kill?

MR BIZOS : I will change the question. Are you prepared to kill?

COURT : Were you prepared to kill? (30)

MR BIZOS/...

MR BIZOS : Or were you prepared to kill? -- No, I was not prepared to kill..

How did you manage to hide that fact from your comrades and your commanders for eight years whilst you were being trained? -- There is something I do not understand. If my memory serves me well, we agreed with the defence earlier under cross-examination that the purpose of teaching one how to use a fire-arm is to teach one how to kill and the use of the fire-arm in killing, the idea thereof was to come and kill the Boers, but this time I was here not with the mission of (10) killing, but to come and train people. That is the difference.

I will put the question with His Lordship's leave for the last time to give you an opportunity to answer. How did you manage to hide the fact that you were not prepared to kill from your comrades and your commanders for a period of eight years? -- I understand the question, but I am going to repeat this. While undergoing training, how to use arms, there we are being taught that we are going to kill people. You cannot hide that fact. Secondly, when we were given a mission our mission was not to kill. (20)

Do you feel that you have to satisfy His Lordship, the prosecution and the police officers present that you really did not have your heart in this business of killing people on behalf of the ANC? -- That is true, because really that was what was happening within me prior to my apprehension, because we were sent into the country with the mission of training people and not attacking anybody.

You do not want to add anything else in answer to my question? -- No, there is nothing I would like to add.

Do you feel that not only do you want to persuade His (30)

Lordship/...

Lordship and the others here present in court that you are a reformed character, a peaceloving man, but in fact in your heart you were always so? -- Yes, I understand your question, but now the thing is this, you seem to be inclined in putting words into my mouth. For instance you started by asking me a question whether I was in fact in favour of killing while being outside the country. Now it has been changed. I was reformed whilst I was still outside the country. It differs with the specific missions given to a person as to what type of missions they are going to do. (10)

COURT : Let us get clarity on this issue now. Have you been given the mission to shoot policeman X, would you have done so or would you not have done so? -- If that was my mission to go and kill a policeman, I would have carried out the mission by killing the policeman.

MR BIZOS : Or women and children? -- Again you are putting words into my mouth. It depends what has that person done the one you are getting a mission about to go and kill. You cannot go and kill women and children who are innocent.

May I appeal to you to try and answer the questions (20) without reference to the way in which I am putting the questions. My questions are framed in a manner in which generally speaking they can be answered with a yes or no and the answer to the last question could have been answered without using any of my words. I do not want you to take the words and make them your words. I think we will get on better if you would bear that in mind. -- I am also going to ask the defence not to expect me to answer his questions by yes or no. I must expand in answering a question which is being put by the defence to me. (30)

COURT/....

COURT: When a question is asked and it can be answered by yes or no, you can do so. If you want to elaborate you are entitled to elaborate. What you should not do, I suggest, is comment on the way in which the defence frames its questions. -- Yes.

MR BIZOS : If you were given a mission to kill women and children ... (Court intervenes)

COURT : That answer has been given.

MR BIZOS : No, My Lord, I have not finished my question.

COURT : Yes?

MR BIZOS : Such as the Boer women of Pretoria, would you (10) have done it? -- No.

Did you sing the song that you sang - meaning that we will kill the Boer women of Pretoria, that we will cross the river on our way to Pretoria and kill the Boer women? Did you sing that song? -- Yes, I did sing that song.

But does it not mean that you would kill the women of the Boers according to you? -- In answer to your question there are many songs which have different meanings, but in the practice you will find that the meaning does not take place, which is it is not carried out. (20)

Well, what are you saying? You told His Lordship that that song meant that they will cry because we will kill them. Was that not meant? -- That is true. This is a song which is being sung by the ANC people which says that they will come into the country and kill the Boers and their wives and children.

If that is what the song means, you sang it, but you did not intend to do it, why did you sing it? I see that you find the question amusing. -- No, it is not amusing. What I am surprised is throughout the country a lot of (30) people/...

people were singing different songs and which in the practical terms of it, they are not involved in that. There are a lot of songs which are sung by the UDF, but in the practical terms that we are going to kill the Boers, they are not doing that. The same applies to the very song you are talking about of the ANC. The question is puzzling me.

COURT : I asked you to refrain from commenting on the questions of counsel.

MR BIZOS : You say that you were sent on a mission of security and training? -- Yes, that is true, (10)

The security part surely is your security that you should not be found out whilst you are recruiting? -- Yes, that is true.

And the fact that you were an ANC cadre had to be kept a closely guarded secret by you whilst you were working in the field within South Africa? -- That is true.

COURT : How does one keep it a closely guarded secret if you have to form a cell for the ANC? -- We were well trained how to make the cells inside the country and I do not know whether I should explain in which manner, the way in which (20) we are recruiting people for military training, because if I should explain if ever I recruit one person to open a cell, the very same person whom I am going to train to expose him to arms, the very same one is the only one who is going to know about me and he is going to recruit other people. Those people are not going to be aware of me, but they will only know that individual whom I have trained and that individual is going to take over the training and is going to open a cell of about five people. I myself would be able to know those people without them knowing me. (30)

But/...

But the first people whom you approach, the first man whom you approach will know that you are an ANC terrorist of trained ... -- The first man whom I will approach is going to know that I am an ANC man.

You will have to tell him that? -- Yes, I will have to tell him.

MR BIZOS : So, what you are really saying is that what you mean by closely guarded secret, is this that you would only disclose to one person who is a local person and that he would then get the people to form a cell? -- Yes. (10)

And because, if I may use the expression, the capital investment that the ANC made in you over the last eight years the amount of money they spent, the amount of trouble they went to, they would want to safeguard their investment by you not exposing yourself generally in any activity publicly? -- Yes.

And that you had to keep away from the public eye and especially the security police? -- Yes.

And you knew as a person who was trained as a cadre in the German Federal - the German Democratic Republic and the (20) Soviet Union would know that going on public platforms and making speeches would attract the security police's attention to you? -- Exactly. That is true.

And that you were trained as an ANC cadre and that you would have to give public platforms a wide birth? Keep away from them? -- No, I think there we will differ, because what I said that if I am going to recruit one cadre, a person whom I have studied thoroughly and that he is politically matured and he is conscientised, that I can be able to train that individual secretly not on public platforms (30)

or/...

or whatever that it is known that I am teaching that very same person.

Thank you for the answer. I will just repeat the question, because I think that there is a misunderstanding between the two of us. You yourself would not go to a public platform and make anti-government speeches because that would attract attention to you? -- Yes.

And you would have been here under a false name? Were you going to be here under a false name? -- Yes.

And false papers? -- Yes. (10)

And you would pretend to all the people around you except the one person that you hoped to establish the cell on your behalf - you would really be playing a double game with practically everybody that you met? -- Yes.

And also you would have to avoid the company, would you not, with people with a high anti-government political profile? -- Yes, that is true.

The choice of the people that actually had to be put into the cell would in the main be left to the person that you chose to head the cell? -- Yes, that is true. (20)

And you would instruct him, you would give him a sort of crash course on the security measures that he had to adopt? -- Yes.

And one of the security measures that you would have told him to adopt is that he should not be active in open political activity so that he attracts the attention of the police? -- That is true.

So, the people that you actually had to recruit for military training were young embittered people living in South Africa? -- Yes, that is true. (30)

Not/...

Not people with high political profiles? - No, there I will differ, because one was to ascertain first whether the people he is recruiting have got some political understanding.

What I mean by embittered people is that the young people in the townships who have been arrested have been detained, alleged that they have been ill-treated by the police, who believed that peaceful ways are no longer open to the people in South Africa for meaningful reform, that sort of person? -- Yes, I understand. (10)

Do you agree with that? -- Yes, I do.

MR BIZOS ASKS FOR A SHORT ADJOURNMENT.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

IN CAMERA WITNESS NO. 24, still under oath

CROSS-EXAMINATION BY MR BIZOS (continued) : Do you recall that you told His Lordship that you have some talent for music and song.

COURT : He demonstrated this.

MR BIZOS : And demonstrated this? -- Yes. (20)

There are a number of general questions that I want to ask you particularly as you were brought up in Soweto during trouble times. You told us that you went to two meetings and one march. Do you want to stick to that or do you want to make them more?

COURT : Let us be specific. It was in June 1976 during the uprisings. Are you talking of that time?

MR BIZOS : That period. How many meetings did you go to? I do not remember precisely how many you said, but how many meetings did you go to? -- I spoke about two meetings. (30)

And/...

And how many marches? -- I spoke about one march which took place on June, the 16th.

So, it was only two meetings and the original march that was broken up in which Hector Petersen was killed. Is that the march you are talking of? -- Yes, that is true.

And you only went to two meetings, you say, after that? -- Yes, that is true.

COURT : Were the meetings after the march? -- No, the first meeting was held before the march. Then there was another meeting which I referred to as the second meeting which (10) was held after the march.

MR BIZOS : And you told His Lordship that a number of songs you knew before you went out because there were some meetings which you attended? -- Yes, that is correct.

Would it also be correct to say that during this period - we can even go before this period if we like, but let us start with this period, that there are young people who have musical ability and pretensions? -- Yes, that is true.

Do they go about forming little temporary or ad hoc we would call them choirs? (20)

COURT : Choir? Is that the right word?

MR BIZOS : Song groups? -- Yes, that is true.

And what they do is, they take a tune and they then make up words? -- That is true.

And they go to meetings or to marches and these groups start singing the songs that they sing or people follow them as they sing these songs? -- Yes, that is true.

And because the tunes generally speaking are well-known, the leader of the group sings a line and the people repeat it as a chorus with the new words? -- That is true. (30)

Are/...

Are you a member of a church at all? -- I was last in church when I was still a small boy.

COURT : That is not a complete answer to your question.

The question was is he a member of a church.

MR BIZOS : Well, some members do not go also, but you have not been to church since you have been a small boy. What I want to put to you is this. You see you describe Igama Lika Mandela Malibongwe, the first song appearing on EXHIBIT AAY(9) number one.

COURT : Just a minute, before you continue. Do you have the(10) wording of the songs you are going to describe to the witness typed out?

MR BIZOS : I have it as a form of instructions.

COURT : I thought to help the typist who is going to type this, if it is available could you hand it to the operator.

MR BIZOS : I will make my typed notes available and ask her to ignore the instructions which by that stage will be on record any way.

COURT : You were busy with Igama Lika?

MR BIZOS : Igama Lika Mandela Malibongwe. This is AAY(9) (20) number one. You see what I am going to suggest to you and please believe me, I am not offering it as as a criticism to your evidence, but because you have not been to church, and your experience has been limited, you have described this as an ANC song, because most of your outdoor life has been spent in ANC camps, but are you able to admit or deny that this is a Pentecostal church hymn?

COURT : It cannot be. I do not believe it. They cannot sing May the name of Mandela be praised.

MR BIZOS : I am sorry. Your Lordship is quite correct. (30)

The/...

The tune. Did I say song?

COURT : It is the tune not the hymn.

MR BIZOS : The tune is a Pentecostal Church tune which is Igama Lika Jeso Christo Malibongwe. That is how the words were fitted into the tune by the people who originally used it.

COURT : Can you admit or deny it? If you cannot admit or deny it, just say I do not know. -- I do not know, because what I know is that in church they cannot - we look at the words in the song. We do not look at the tune of the (10) song. So, now here we are talking about Malibongwe Igama Lika Mandela, which is an ANC song.

MR BIZOS : Let me tell you it was and is sung by people who were members of the ANC who were subscribed to the affairs of the ANC, the policies of the ANC and are you able to admit or deny that since the 50's, this tune has been used to praise people who in the opinion of the singers have either rendered a service or have achieved prominence or have contributed in the struggle for freedom or have become leaders of political organisations, depending on the promi-(20) nence that a person has received. Are you able to admit or deny that that has been happening not only in the ANC but outside the ANC with the names of various people changed from time to time? -- Yes.

Have a look at AAY(9). Apparently this was probably written for people who knew neither the tune or the words and was written down for them. They did not know it like you knew them in the camps possibly.

COURT : How does that song sheet help them with the tune?

MR BIZOS : Presumably the leader does the sing. Look (30)

what/...

what it says there. Igama Lika Mandela/Sisulu/Helen Joseph/Neil Aggett.-- Yes, I see that.

I think that His Lordship has evidence as to who Mr Mandela is and who Mr Sisulu is, but do you know who Helen Joseph is? -- Yes, I do know.

Let me assure you that she is free and well and has come to the back of the court from time to time as a spectator. You are not going to suggest to Mrs Helen Joseph is a member of the ANC? -- I would not say she is a member of the ANC, but from my experience within the ANC she is (10) known as one of the prominent people in the women's struggle. She played a very great role pertaining to the struggle for the women.

She was one of the women that was at the head of the march that went to Pretoria in 1956 to protest to the giving of passes to women? -- Yes.

You know that? -- Yes.

And if I were to suggest to you that people were singing her praises for this lawful act of hers in 1956, from the 1950's, would you be able to admit or deny it? -- No, I (20) would not.

Do you know who Dr Neil Aggett was? -- Yes, from reading in newspapers.

Are you going to suggest that he was a member of the ANC? -- No, he was not.

Did you know that Dr Neil Aggett was a medical practitioner who worked both as a medical practitioner and a registered trade union? -- Yes, I knew that.

And that he was said to have committed suicide after undergoing 68 hours of continuous interrogation publicly. (30)

Sorry/...

Sorry, let me just check that. That it was said that he committed suicide but that the police evidence was that he committed suicide after they interrogated him for 68 hours continuously? -- No, that I do not know.

Would you agree from the examples that I have given you that the insertion of names into this tune as songs of praise are left to the discretion of the singers and that a - are left to the discretion of the singers. Can we stop at that? -- Yes, I agree on that.

And that the names of personalities are included? -- (10) I want to give you a number of examples and ask you whether it accords with your experience. Assume that someone visited your camp and made a good speech and was apparently a popular person. Let us take that as an example. Assume that a well-known politician from one of the northerly countries, other than (?) and the Soviet Union ... (Court intervenes?)

COURT : You are making it difficult. Can you think of one?

MR BIZOS : Oh, yes. I do believe that the prime minister that was recently assassinated, Palm or Palmer is a person (20) who did sometimes visited them. Assume that a well-known politician from one of the Northerly countries came, would the chorus or would the singers sing his praises using this tune? -- No, they would not.

And if I were to suggest to you that at the time when people gathered outside courts and demonstrated during adjournments, this song was sung outside courts, would you be able to admit or deny it or would it be outside your experience? -- Well, I have not seen that happening. That is new to me.

(30)

Because/...

Because I am going to suggest to you that participants in trials are sometimes praised for their efforts at the conclusion of the trials or were praised as they were leaving court? -- That is new to me. I do not know.

Do you know whether these words were sung with the late Mr Steve Biko's name included? -- I do not know.

You do not know whether this has happened in South Africa? -- Yes, because we sung this while I was with the ANC and in this tune.

Would you agree that the ANC was not favourably disposed towards the philosophy of Mr Steve Biko? -- No, that I do not know. (10)

May we now please move to song number 2 on AAY(9) which is headed Mandela Mandela. What do you say about this song? Where did you first hear it? -- At the camps. This is the song which was sung while doing march and drill.

COURT : Just give me the further words of that song? It is Mandela, Mandela? -- Mandela, Mandela, Mandela prescribes for freedom, Mandela says freedom now ... (Court intervenes?

Yes, thank you. (20)

MR BIZOS : Do you know where the tune comes from? -- I do not know. What I know is the song and I do not know about the tune.

Do you know who composed the words? -- No one can claim having composed it, because on my arrival there it was being sung by the ANC soldiers in the camps.

So, you have no idea as to who composed it? -- Except to say it was in fact started by the soldiers or composed by the soldiers in the camps.

Before your arrival there? -- Before my arrival, yes. (30)

If/...

If you do not know who composed it, why do you say that it was composed by the soldiers in the camps? -- That is because I found the soldiers singing the song in the camps.

And you do not know for how many years before 1977 the soldiers of the camps composed it, if they did in fact compose it? -- No, I do not know.

It must follow that you do not know whether perhaps it was composed not by the soldiers, but it was taken - whether or not it was taken over by people going outside the country as a result of it being sung here in South Africa by various groups? (10)

COURT : Are you talking of the tune or of the words as well?

MR BIZOS : Of both. -- No, that I do not agree with. This song was not sung here at home in South Africa. I only came to know about it for the first time at the camps where it was sung.

Are you saying that you knew every song that was being sung in South Africa of this nature before you left? -- What I am saying is, on my arrival at the camps, this particular song was sung by the soldiers for march and drill and in fact it was composed by them. (20)

If they were already singing it at the time that you got there and you do not know who composed it, how can you tell His Lordship what the origin of the words were? -- I would not be able to tell His Lordship as to what the origin of the words was, but what I can say is, in the camps there are different platoons. For instance you hear a certain platoon singing a song and then you hear that song and start learning that song being in another platoon, as a result of which then you start singing the same song. (30)

Yes/...

Yes, we can understand that, especially if it has a catchy tune, but is it not clear to you that you really cannot tell His Lordship when these words were composed, when people started singing it and where the tune came from?

-- All I can tell His Lordship is that on my arrival outside the country I found the soldiers in the camps singing this song, which song I never heard before while being in South Africa.

Will you admit that because of your limited experience and exposure to political activity in South Africa that (10) there may be many songs that you have not heard before leaving but which were in fact sang in South Africa? -- I cannot dispute that, but what I can tell the Court is that this particular song referred to here before me I know. I in fact learnt to know it while I was in the camps. It was sung by the soldiers when I came there. I know for a fact that it was in fact a song for the soldiers outside the country.

Because I am going to put to you that this song is the hymn, the tune of the song is Hymn number 45 of the Hymns of Zion, which is very well known and popular here in South (20) Africa? -- Well, what I can say is, I do not even know the tune of the Zion 45. It may be that you are talking about a tune which in fact I do not even know and which is a different tune altogether than the tune I know of this song here.

I am going to put to you that this tune is so well known and so popular that the song groups that I have spoken to you about, use it often with different words from time to time? --

COURT : We have this difficulty, Mr Bizos, that you and (30)

the/...

the witness may not be speaking about the same tune. Could you whistle it?

MR BIZOS : No. I only have typed instructions. I think I am too old and possibly not sufficiently talented, but it is recognised by the accused. And that this has been going on for a long time since the 50's. Are you able to admit or deny it? -- I cannot deny that, because I do not know that.

Did you yourself sing any songs about Mr Mandela before you left the country? -- Yes, there are songs that I sung. (10)

Which songs about Mr Mandela did you sing before you left the country? -- There are many of them, although I cannot remember all of them. There is one Somlandela Mandela.

Tell us more about the songs that you sang before you left the country? -- That is the one I have just mentioned, Somlandela Mandela. I cannot remember the others.

Do you remember that you told us that before you went to Swaziland you were a complete stranger to the ANC? -- That is true.

K458 Did you consider yourself as a member or a supporter (20) of the ANC whilst you were singing the song about Mr Mandela before you left South Africa? -- I was just taking myself as an ordinary person who does not know a thing.

And the purpose for you going to Swaziland presumably was to further your education and not for the purpose of joining the ANC? -- That is true.

COURT : Why did you go? Was there no schooling any more in Soweto? -- Yes, to be specific, what happened is that after the riots in 1976 the schools were not running normal in Soweto and there was this abnormality with the schooling (30) and/...

and the mob psychology, the children were leaving the country. I just followed the people who joined the mob in leaving the country.

What month did you leave in 1977? -- I think it is early 1977.

What month? -- Early. I am not sure about the month.

You see, because in February 1977 the schools started functioning properly in Soweto, but be that as it may. Do you recall that the schools started functioning properly in February 1977? -- As I have already said that I left early (10) in 1977.

Any way, do not let us become so attract with details in relation to that, but were you alone in singing about Mr Mandela before you left South Africa or did all your fellow scholars sing about Mr Mandela? -- We sang it with other scholars and the other singers.

And these song groups that we have spoken of, were they also operating in your schools? -- Yes, they were.

And singing in your schools? -- Yes, they were.

COURT : Consisting of scholars? -- Yes, (20)

MR BIZOS : And even having class competitions as to who was the better singer of freedom songs? -- No, that we did not have.

By the way, were you at Orlando High or at Morris Isaacson? -- I will never specify my school, because I know immediately I can inform about my school here in court, that could put me in danger. Hence I am not talking about my name. I am I.C. 24.

I am not going to press that. Was your school, whichever it might have been, an active school in Soweto? -- (30)

COURT/...

COURT : On the rugby or football field or what do you mean?

MR BIZOS: Politically active school. A school in which there political awareness and in which freedom songs were sung? -- They did not know much about politics, but what happened is, from June, 16, when it was just an uprising, they started singing the songs.

Did they not sing them before? -- No, they did not sing them before that.

Were there no song groups before? - There were song groups which did not entail freedom songs, but ordinary (17) songs.

But from June, the 16th freedom songs were put on the repertoire of the song groups? -- Yes, that is so.

I want to move to song number 3 on AAY(9). Do you know what the origin of this song is?

COURT : Just for record purposes it is Umzima Lomthwalo. -- I do not know. All I know is that we started singing this song during the uprisings of June, the 16th.

MR BIZOS : You do not know where the tune was or out of what group of people it emerged? -- No, that I do not know. (20)

And if I were to suggest to you that this song had its origin in the 1950's, would you be able to admit or deny it?

COURT : The song or the tune?

MR BIZOS : Both? -- I can deny that because I do not know.

Do you want to deny everything that you do not know? -- Because I do not know that, that is why I am not prepared to say I know the song.

The answer is "I do not know"? -- Yes, that is true, I do not know.

Would you be in a position to admit or deny that this (30)

song/...

song was particularly popular in the Black Consciousness Movement? -- On that I will say I do not know, because I have never come across people from the Black Consciousness Movement singing this song.

Did you ever hear of Saso? -- Yes, I have heard about the name Saso being mentioned.

Do you know whether Saso in its heyday was prior to or after 1976?

COURT : What was the heyday of Saso?

MR BIZOS : Early 70's.

(10)

COURT : I mean, does the witness know what a heyday is?

MR BIZOS : When it was most prominent? -- I only came to hear about the Saso after June, the 16th, that there was something called Saso.

You did not know about it before? -- No, I did not know a thing.

And do you know whether the Saso philosophy, leaving aside policies and detail and things like that, was similar to or opposed to that of the ANC? Do you know that? Can you tell His Lordship anything about that? -- No, that I did not know.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

IN CAMERA WITNESS NO. 24, still under oath

CROSS-EXAMINATION BY MR BIZOS (continued) : Before going on to the next song I just want to ask you something else. In June 1976 we know that there was what you call an uprising. Prior to that do you know whether or not there was political activity among schools and the youth of Soweto? -- No, I did not know a thing about that.

(30)

Had/...

Had you ever heard of the organisation SASM? -- Only after June 16th, otherwise prior to that I did not know.

Do you know whether SASM in fact came into existence long before June, the 16th? -- I do not know about that.

Does the 21st of March mean anything to you or did it mean anything to you? -- No.

Does it still mean nothing to you? -- No, there is nothing I can remember about that.

Do you not recall whether in Soweto there were prior to June 1976 commemoration services on 21 March? -- I do (10) not know about that.

And you therefore will not be able to admit or deny that these songs, a great number of the songs, that are contained in the exhibits before the Court, were sang at these commemoration services on 21 March which commemorated the death of a number of people in Sharpeville. You knew nothing about that? -- I knew nothing about that.

So, what you really can tell His Lordship is this, that you became aware of the singing of freedom songs after June 16th. You do not really know anything about it prior to (20) that day? -- That is true.

I want to turn to song number 4 Senzenina. When did you become aware of that song for the first time? -- It was during the year 1976 during the uprising.

Do you know what the origins of the tune and the first and last lines are?

COURT : Put that on record, please?

MR BIZOS : That is Senzenina and Mayibuye e Afrika.

COURT : Why do you leave out the middle part?

MR BIZOS : Because of what I am going to put in relation (30)

to/...

to that. Do you know what the origin of the first and third lines are? -- Is that *Senzenina* and *Mayibuye e Afrika*?

Yes, firstly the tune and secondly the first line and the last line. Do you know what the origin of that is? -- I came to know for the first time about these words on June, 16th and in fact it was during the time when we were shouting slogans. I again came across these words during my training where I acquired further knowledge about that.

When you say you acquired further knowledge, do you mean not about its origin but that it was sang again? -- That (10) is correct, not that I in fact acquired knowledge about the origin, but just the singing.

You see, I am going to put to you that this is a very well known tune which is Hymn number 200 of the Anglican Hymn book in Xhosa. In its original form, that is the first and the last line that it bewailed the plight of the underprivileged people in South Africa? -- Yes, I understand that.

And it goes back to 1912? Do you know anything about that? -- I did not know that. (20)

What these song groups in various places do is that they add words to this original lament? Like the middle line on song number 4. Do you know anything about that? -- All I know about that is that we were singing this song after the uprisings of June 16. I only know this as a song with this wording. What the origin of the song is, or the tune, that I do not know, but we sang it in this form and that wording.

Did you not sometimes change the middle line calling other people dogs, other persons dogs, people who did not (30)

sort of tow the party line, so to speak, who became unpopular with you? -- Since I came to know about this song for the very first time, the wording of the song was as it is now here on the document and when again it was sung outside the country. It was exactly the same wording. So, in other words it means that there is no change in the wording of the song up to now.

When you sang it in this form Amabulu Azizindya, did you really mean it literally or figuratively? Azizindya, is it a common word of abuse? -- Yes, it is a common word to be (10) used for abuse.

Is it used at times, the way in which English speaking people use the word "bastard", merely to express abuse or dissatisfaction?

COURT : Do you know when English speaking people use the word "bastard"? -- No, they are not the same.

MR BIZOS : What is the difference in the use of the word? -- In the case of a White person using the word "bastard", he does not literally mean a "bastard", but it is just the word used by that person for expressing some dissatisfaction (20) or in a way expressing his understanding of what is happening at the time when he uses the word. Unlike in a Black language when a person uses the word "indya", that means that person is so much dissatisfied that it justifies calling you literally meaning it that you are he calls you.

We will try and work that out. You were not asked - I am sorry, I have not reached that yet. If you would have a look at song number 5. When did you first hear that song? Mandela Wethu?-- If my memory serves me well, I heard this song for the first time outside the country. (30)

You/...

You did not hear it in this country? -- No.

Are you sure about that? -- Yes, I am sure about that.

Is this not one of the songs that you first heard in this country and which you yourself sang? -- Yes, the reason is that the wording of the song is not the same as it used to be earlier when we used to sing it.

You now know that in your evidence-in-chief you said that this was a song that you heard in the country.

COURT : No, he said "Ek het dit die eerste keer gehoor by die ANC." (10)

MR BIZOS : I have a typed note to the contrary.

COURT : That note is incorrect.

MR BIZOS : Your Lordship is correct. I apologise. Which song about Mr Mandela did you sing in the country? -- I have already said that we sung a similar song, Somlandela u Mandela but it did not have the wording as it here now. That is when I sung it in the country here.

What words did you sing about Mr Mandela in the country? -- In these words Mandela Mandela Somlandela Somlandela u Mandela Lapo Ayakona Somlandela. Somlandela lapo ayakona. (20) We never mentioned words like Mayele nomosiaboshwa. We never mentioned such words.

So, the fact of his imprisonment - his arrest and imprisonment were not mentioned? -- Yes, nomosiaboshwa we never mentioned.

But for the rest you sang about Mr Mandela. -- It differs. It is a different thing.

But you did sing that you were going to follow Mr Mandela? -- Yes.

Again do you know that this tune that this song is sang (30)
in/...

in was first heard in the 50's? -- No, that I do not know.

And thatr the identity of the person who is mentioned in the song can change? Or did change? According to the desire of the group that sang it? -- I do not know. The only thing I know is that we were singing it in this fashion of we are going to follow Mandela wherever he goes.

And you will not be able to admit or deny that this tune was sang with similar words with the change of the name like Mr Sebukwa or Chief Luthuli or other political leaders of the Black people? -- I will repeat it. I only knew this(10) song to be singing about Mandela and I have never sung it with Sebukwa or any other person being mentioned in the song.

Could we please deal with song number 6 which you did not mention in your evidence-in-chief. Do you know anything about this song?

COURT : Repeat that for record purposes. It is headed Bantu Education System.

MR BIZOS : Do you know anything about this song? -- No, I do not know anything about it. I see it for the first time.

You heard it neither here nor in the camps? -- No, I (20) have never heard about it inside or outside the country.

Can we deal with song number 7. Do you know where the tune comes from Thina Sizwe? -- I only know the song. Where the tune originated from that I do not know.

Where did you hear this song for the first time? -- During the June 16 uprisings when it started for the first time, I heard this song.

Are you able to admit or deny that the tune is a tune of the Pentecostal church? -- I would not dispute that , because I do not know about that. It is something new to me.(30)

You/...

You do not whether its original words as a hymn were the same or similar? You know nothing about that? -- Yes, that is true.

And you do not know when some Black started singing it as a freedom song and changing its words, whether it as in the 50's or the 60's or the 70's, you do not know? -- That is true.

Can we turn to song number 8. Where did you hear this song for the first time? Thina Silulutsha? -- I heard this song for the first time while I was still in South (10) Africa during the June 16 uprisings.

Do you where the tune comes from? -- No, I do not know.

And I want to suggest to you that this is a very well known tune known to the people in the townships from the 1950's popular at weddings in its original form (Mr Bizos reads the words of the song) -- I know that song.

Is that the same tune? -- To me it is a different tune. If I were to sing the tune I know and this one and the tune of the song we have just mentioned, there is a difference.

COURT : Could you just mention the exact words of the (20) song? Could you just give it again?

MR BIZOS : It is O no itso ukisa kae na ke lebe maraburabu.

COURT : You say this last song mentioned by Mr Bizos has a different tune from the song Thina Silulutsha? -- Yes, they are far different.

MR BIZOS : Could you mind just giving the tune of the wedding song that you know? I think we have on video the other song, but just let us have the wedding song tune that you know of this song? -- (Witness sings the two different songs) (30)

Could/...

Could we please turn to song number 9. Where did you hear the song O wena P.W. Botha for the first time? -- That was after the uprisings of June 16 while I was still in this country.

Do you recall whether the words were the same when you heard it in this country? -- Yes, I do.

When you heard it in 1976? -- Yes.

I am going to suggest to you that Mr P.W. Botha has not receive that sort of attention in 1976 that originally this was Hey Vorster. Do you not remember that that (10) was how it was sang in 1976?

COURT : Is there not another one that is Vorster Hayi Hayi?

MR BIZOS : It may be that Mr Vorster's name was used in another song as well, what I am putting is ... (Court intervenes)

COURT : You used the word Hey Vorster. This is O Wena P.W. Botha.

MR BIZOS : Could I change the question, Vorster instead of P.W. Botha. Do you not remember that Mr Vorster's name (20) was used instead of Mr Botha's name in 1976? -- I know it by the same name O Wena P.W. Botha.

I think that you have told us about number 11, that you heard this song outside the country for the first time. Th Angena Majoni. Is that right? --Yes, that is true. In fact we used this song each time we arrived at a camp while doing march and drill on arrival.

Could I just return to song number 10 please Hlanganani Bafundi. Is this a song that you know nothing about? -- Yes.

You never heard that anywhere? -- No, I have never (30) heard/...

heard about it.

And song number 12. This also you heard in the camps for the first time? -- Yes.

And song number 13 where did you hear that for the first time? -- If I am not mistaken I think I heard it for the first time outside the country.

And song number 13. That was 13. Song number 14 you never heard anything about? -- No.

Song number 15 you never heard anything about also? -- No.

Song number 16 we have already dealt with. I want (10) to turn to AAY(10) song number 1. Do you know where this song comes from? -- Yes, from the ANC.

What do you mean when you say it comes from the ANC? -- What I know is, when I came to know it for the first time, we were given some documents by members of the ANC to practise the song in order to know it.

You would not call it an ANC song for that reason? Just because you sang it in the ANC camp or would you? -- For the fact that I was given by the members of the ANC a document on which I must read and practise the song, then (23) I take it that this song is from the ANC because it comes from the official members of the ANC.

I think in your evidence you were asked by His Lordship on a couple of occasions whether this was an ANC song. As a result of the circumstances that you came to know this song The Internationale, if I were to ask you, do you regard this is an ANC song, would your answer be yes or no? -- I regard it as an ANC song.

And that anybody that sings it, is - would you say that anybody who sings it has something to do with the ANC? -- (30)

Well/...

Well, that will be difficult to say, but then I will have to ask myself questions as to how did it come about that this person knows this song.

And with your knowledge you would come to the conclusion that it was an ANC item? -- No, I would not just conclude that this person is a member of the ANC. I will just ask myself questions as to how did it come about that this person knows this song.

Were you not told that this is a song first used by the French in 1871? -- No, I hear that for the first time. (10)

You never heard it in South Africa? -- No, not in South Africa.

In your political studies, did you learn anything about socialism as distinct from communism? -- Yes, I did.

Were you not told that socialists throughout the world in various languages sing The Internationale? -- No, I hear that for the first time.

Do you still remember the tune? -- Yes, I still remember the tune.

I will take your word. There are a number of other (20) songs on AAV(10). Were you shown these by the police so that we can save time? Have you studied them? -- Yes, they were shown to me.

And you knew nothing about them?

COURT : That is not quite correct, because Nkosi is also on AAV(10). Let us just place on record what is on AAV(10). I hate the capitalist system. Union Made. Rising of the sun. The national anthem. We would not take no more. Workers of the world.

MR BIZOS : Except for Nkosi Sikilele e Afrika you know (30)
nothing/...

nothing about these other songs? -- Except for Internationale and Nkosi Sikilele e AFrika, then otherwise I know nothing about the other songs.

Could we turn to AAY(11). Would you have a look at song number 1. Do you know anything about song number 1? -- No, I do not know anything about this one.

I do not have to ask you anything about AAY(11) songs number 2 and 3, because we have dealt with them. They are the same songs as in AAY(8) number 3 and they appear in the C series as well. Number 3 appears in AAY(2). So, we (10) will leave those out. Do you know anything about song number 4? -- No, I do not know anything about that.

And do you know anything about song number 5? -- No, I know nothing about that.

Do you know anything about song number 6? -- Yes, this one I know.

What do you know about song number 6? -- I came to know about it singing it in the camps of the ANC.

You did deal with song number 7. Did you not hear this song at all in South Africa? -- No, not at all. (20)

Could we now please go to the V series, V(1). This is a version of Siyaya on page 1(a) of V(1). Do you know the song at all. Siyaya Siyaya Noba Konzima. -- Yes, I know the song.

When did you hear it for the first time? -- If my memory serves me well, it was outside the country.

Are you able to admit or deny that this song was known here in the 70's? -- I would not be able to deny that. It was during the 70's. During the time that it was sung, I was not here. (30)

COURT: What was your age when you left South Africa? -- I was at the age of 18 years.

MR BIZOS : Then also on page 9(a). You told us about the Nansi Supreme Court.

COURT : Let us just get it right. The song is Nansi i Supreme Court Ivuthumlilo.

MR BIZOS : Can you recall that you told us that you sang this one but in relation to Sasol and Voortrekkerhoogte? -- Yes, that is true.

Do you know where this tune comes from? -- No, I do (10) not know.

You would not be able to admit or deny that this is an old township guitar tune? And that the tune is very well known? -- Well, on that I would say I do not know, because I do not know about it being a tune.

And that this tune is used by groups , song groups and individuals at all sorts of functions to comment on the happenings of the day or of the week or of the year, like the Minstrels of old, that had a tune but then referred to happenings around them? -- No, that I do not know. (20)

And that the tune is used often, not only in a freedom song context, so to speak, but also where people want to comment and sometimes have their attempts at humor? -- I understand that, but I only know it from the political side.

If we could turn to page 16(a), Hella Mandela Hayi Hayi. Perhaps you could just His Lordship the information if you know it. When people sing even in church, have you ever noticed them holding up their two fingers the way I am holding them now whilst they sing? --Yes, that is true.

COURT : Counsel is holding up the index finger of each (30) hand/...

hand point upwards.

MR BIZOS : It would appear that it is actually used as a rhythm keeper of the equivalent of the patting of the foot?

-- Yes, I understand that.

And even when you sing - because you are not a regular churchgoer perhaps we better get it in another context. Even when you are singing ordinary songs and not freedom songs, you use this as an expression of emotion or apparently keeping the tune with your fingers in that way? -- Yes, that is true. (10)

COURT : Is it for emotional purposes or is it to keep the tune? -- At times it is just to demonstrate your emotional feelings about what is happening. That is how I understand it.

MR BIZOS : And you would do this for instance even when you are singing drinking songs in a shebeen or its equivalent in Angola? -- Yes, you can do it.

COURT : When you are sad or when you are happy? -- When you are happy.

MR BIZOS : On page 16(a) of EXHIBIT V(1), this expression Hella and Hayi Hayi, do you know whether this has been in (20) use for a very long time coupled with other people's names? -- Yes, that is true.

And it is again used, it is very well known and it is also used in all sorts of context? -- That is true.

Could you give us a translation of Hayi Hayi? -- A translation of Hayi in an official language?

Yes. Is it not really an exclamation? -- It is an exclamation.

COURT : And Hella? -- Hella in English I would rather say it is you . (30)

MR BIZOS : People very often use euphonic good sounding words to express their emotions without it really having any particular or precise meaning? -- Yes.

In relation to the question asked by His Lordship whether you sing in a particular way when you are happy or sad, would you agree that songs play an important part in an attempt to change people's mood? If you feel unhappy you sing in order to comfort yourself? -- That is true.

And is it also used to try as a form of escape from the particular condition that you find yourself in? -- That is(10) true.

And like poetry or reading of fiction it is not really intended to be taken literally? -- If I may get clarity here now. Are these questions being asked in relation with the song referred to in page 16(a)?

No, generally. I was talking about singing generally. -- Now I understand.

Do you agree? -- Yes, I agree.

Among the African people hassinging and dancing - is it a combination which often takes place? -- Yes. (20)

And that is often combined by the holding of sticks, spears. I am not talking about the camps only at the moment. I am talking generally. -- Yes, that is true.

COURT : Holding spears? -- Yes, while singing and dancing. There are those who hold spears.

I thought that was in traditional dancing? -- Yes, in traditional dancing.

Are we now talking about traditional dancing?

MR BIZOS : Do people not to this day go about singing and dancing and holding sticks and hitting the ground and going(30) through/...

through the stabbing motion with spears whilst they sing and dance? -- I was not clear on that one. In fact, this that I confirmed was, for instance when a group of Zulu people are together singing, they would behave in that fashion of holding sticks and dancing with the sticks and whatever weapon they have in their hands. Like in the case of Ndlamo. That is what they do, but otherwise it is not common to come across an individual person being alone by himself doing that.

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I do not for one moment suggest that a person alone (10) does that, but when people are in a group and they sing and they dance, does the culture of the past not sort of seek through into the present? -- It does happen.

Well, if it is not peculiar to the African people; perhaps you came across it in the Soviet Union. Did you see anyone in Cossack dress dancing with his sword? -- Yes, that happened.

We might even come nearer home at meetings of the Caledonian society. Have you seen people dancing over swords? -- I have come across that. (20)

And when you saw the Caledonians or the Cossacks or the African people using these weapons in the manner in which the manner in which you have described and singing and dancing with them, do you interpret them as an aggressive act of violence against anybody? -- From the social point of view, to me that is an indication of the people who are happy and who are busy pleasing themselves in a way, not from the political point of view.

Let me give you a few examples. Of course people dance rock and roll as well in Soweto, I am sure, but at weddings (30) where/...

where you have a mixture of old and young people, do the grandfathers not sort of pull their grandsons in to try and do a traditional dance with a stick and is that old tradition not carried out in the lives of the people? -- Yes, it does happen in that way, but now if I may ask this. I do not understand, I am now being asked about weddings and ways of dancing.

I do not understand what is happening now, why I should answer such questions.

COURT : It is many people that do not understand often what is happening in a court. You are not the only one, but (10) we suppose that counsel has some purpose with the questions.

-- I understand that.

MR BIZOS : And would you agree that a combination of song and dance of a traditional nature has crept in even to Christian funerals? -- No, that I do not know.

And will you agree that this dancing that you have spoken of is not confined to the Zulu's but to the Sotho people as well? -- I am used to seeing that being done by the Zulu's in most cases. I therefore do not agree with what is being put. (20)

COURT : You do not know of it being done by the Sotho's or by the others? -- I only know of the Zulu's.

MR BIZOS : And you do not of any cross pollination of cultures that may have taken place in Soweto and elsewhere? -- No, that I do not know.

Could we deal with page 31(b) please of V(1). I am taking Isibhami e Angona. Do you know the origin of this tune? -- I may be mistaken, but what I know is that if my memory serves me well I heard this tune in a song by Miriam Makheba. If not, what I can tell this Court is, it was not for the (30)

first/...

first time that I heard this particular tune in this song.

Well, you are quite right about that. You yourself, have you been to a circumcision school or a traditional school? -- No, I have never been there.

Because I am going to put to you that this is an old traditional tune preceding Miss Makheba, but it is really a well-known tune which is used in all sorts of circumstances and areas along the lines "Tell me more news." That is really its theme. "Tell me more news" and people relate what they believe is happening or what has happened or what they have (10) seen, what is happening in the world. Do you agree that that is how this traditional song is used. In its original form it was Kawuze nawo. I am not against what you are saying. I quite agree with what you are saying. It was a tune to the song, but in this song here the message is different.

COURT : This song here being on page 31(b)?

MR BIZOS : 31(b). But do you agree that the tune was well known to you before you left South Africa? -- Yes, that is quite true. I knew the tune.

And the way in which the tune is used is to convey (20) information? -- Yes, that is true.

You have told us that the song appearing on page 31(e) - what can you tell is about this song appearing on 31(e)?

COURT : To which one are you referring? The one is a slogan, the other one is a song.

MR BIZOS : I am referring to the song Nezingane Zawu. What can you tell us about that song? -- What I can tell the Court about this song is that I came to know this song outside the country at the camps of the ANC.

How did you come to know about it? -- The people who (30) are/...

are found at the camps, namely the soldiers who were there before me were singing this song on my arrival at the camps.

Were there many new songs - let us put it this way. Were there songs sung there towards the end of you stay that were not sung at the beginning of your stay? -- Yes, there were.

And if you were absent in the German Democratic Republic or in the Soviet Union or elsewhere on a mission, you came back some times and found new songs? -- Yes.

And unless you went about cross-examining people (10) you would not know whether any particular new song was brought in by new recruits or whether it was composed by people who had been already in the camps or whether the ANC issued out song sheets? -- No, I do not agree with that, because what happens is. The defence has already said we go to the Soviet Union and East Germany. That is where we learn some of the songs and that is how we learn how to compose our own songs. On return from there then we come and compose the songs in our original camps which songs then you come to know after having taken part in it while it was being composed or (20) while it was being sung at the camps. Those are the songs I am talking about.

COURT : Were you taught how to compose songs? -- No, not direct, but what happens is, for instance you sit down and think at your own and there are certain tunes that you know for a song and then you use that tune in composing a song with revolutionary wording.

MR BIZOS : I am sure, especially during the lonely cold nights in Germany and the Soviet Union you must have had lots of thoughts about songs. What I am asking you is this. (30)

When/...

When you came back to Angola, did you not find that some of your comrades now were singing songs which you had not heard before? -- Yes, it happened.

And these new songs that you found there when you were returning to Angola for instance, you would not know whether those songs were composed in the camp or whether perhaps the new recruits that came from South Africa had taught the other comrades in the camps the songs that they had brought from South Africa? -- There are such songs, but they are not contained in this book we are referring to now. So, therefore I have (10) not made mention of any of those songs.

COURT : Do you limit what you say to this book or to songs discussed in court during your evidence here? -- No, I do not limit that to the book. I am saying from all the songs that have been mentioned in my evidence, I have not spoken about the songs that I was talking about now.

That is new songs? -- Yes.

MR BIZOS : I just want to get absolute clarity on the answer. Are you saying that everyone of the songs that you have spoken of in this court you found there in 1977 when you went to (20) the first camp?

COURT : He has not said that yet. He was speaking about the German Democratic Republic and his return from there. That is where we ended.

MR BIZOS : I am sorry, I thought that Your Lordship's question was more general. Your Lordship asked the songs discussed in court.

COURT : He limited it to the book. So, I was not clear whether it was this particular book V(1) or whether he means all the books.

(30)

MR BIZOS/...

MR BIZOS : Could we get clarity. The songs that you have spoken about in court, all of them, not of this book only, are you saying that those songs you found them all when you went to the camp for the first time or did the songs develop from time to time, different songs during different periods? -- What I am saying is, there were additional songs to those that I have found originally being sung at the camps and in fact some of the additional songs were those that we sung on our return from UDR and Soviet Union.

Was there a steady stream of recruits from the camp - (10) I am sorry, from South Africa coming into the various camps that you were in? -- Yes, there was.

Was there social inter-action between the new recruits and the old guard? -- What I will say on that is, the old people, the old cadres were in their camp, which is a different camp from that of the new recruits.

Do they not mix? -- They did mix only while they were in the transit camp.

WITNESS STANDS DOWN.

COURT ADJOURNS UNTIL 15 SEPTEMBER 1986.

DELMAS TREASON TRIAL 1985-1989

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