

Gaye where you people decided that you are leaving the country, in other words Cape Town, and the country South Africa to go and undergo military training? -- No, I never attended such a meeting.

Did you ever say to Vuyisile Gaye in Cape Town before you left Cape Town, that you wanted to leave Cape Town and go and undergo military training? -- No, I never said that.

Now, on your way to Johannesburg .. (intervenes)

BY THE COURT: Just let me get it clear, you are jumping a bit. Did you in fact then leave Cape Town? -- Yes, we left Cape Town. (10)

Did you go with Vuyisile, Sam? -- Sam and Nontando Balfour.

MR SKWEYIYA: Right, you are now on your way to Johannesburg.

BY THE COURT: That is by train, is it? -- Yes.

MR SKWEYIYA: Did you all have tickets when you boarded the train? -- The tickets were bought at the booking office by Sam.

There is evidence by Vuyisile Gaye to the effect that when you came to a place called De Aar, you met a person known as Vuyisile and that - is that correct? -- That is correct.

And that you travelled with this Vuyisile in the same compartment until you came to Johannesburg. -- That is correct. (20)

Now before you met this Vuyisile did you know him? -- I did not know him.

Did anyone of you people know him? -- No, none of us knew him. We were in actual fact afraid of him because we thought he was a policeman.

Now this Vuyisile was he a young person, a middle-aged person, an old person? -- He is of about the age of the Interpreter, Mr Mahlangu. (30)

M'Lord, I would say about 35, I may be wrong. And there was/...

was also evidence that during this journey with this gentleman there was some drinking which took place. Is that correct? -- Yes, he was actually drinking and he said he wanted to drive away his worry; his mother in Johannesburg had died.

Now Vuyisile Gaye has also given evidence in this court and said that whilst you were travelling with this Vuyisile in this train, you then discussed in front of him and said that you people were going for military training. Did that sort of thing happen? -- No, there is no such.

After your arrival in Johannesburg where did you go (10) to? -- We went to stay with Reverend Molape in Orlando East in a Mission House.

And for how long did you stay there? -- We stayed there for about 2 weeks.

And whilst staying there what were you doing in Johannesburg? -- I tried to contact Solly Rametsi after our arrival in Johannesburg.

Why Solly Rametsi? -- Because he is the person I had known from Cape Town, he was staying at my home while in Cape Town.

Is there anybody else you looked for or anyone of (20) you looked for? -- I wanted Solly Rametsi for accommodation because Reverend Molape was not willing to accommodate us. He had told us his son who is Gordon Molape was in Beaufort West. BY THE COURT: Was where? -- Was in Beaufort West. Reverend Molape then also accompanied us to a lady whom I also knew by the name Tutu who was working at the Baragwanath Hospital as a nursing sister.

MR SKWEYIYA: And did you continue staying at Solly Rametsi all the time or did you change places?

BY THE COURT: Did you find Solly Rametsi? -- Yes, we (30) found him while we were staying at Lena's home.



MR SKWEYIYA: And how did it come about that you came to stay at Lena's home? -- I met a Mr Mzimande who was driving in a Datsun and he is a member of the music band to which Solly Rametsi is a member. And I asked him how I could get Solly Rametsi. He told me it is difficult to find Solly Rametsi because he was busy advertising clothes.

Did you ultimately find Solly Rametsi? -- Yes, after I had gone to stay with Lena.

Who arranged that you should go and stay at Lena's place? -- We were told about Lena's home by this Solly Rametsi's (10) friend, Mr Mzimande. This was because Lena was the girlfriend of Solly Rametsi.

Did you ultimately meet Solly Rametsi? -- Yes, I met him at a disco.

And did you also stay at his place at some stage? -- Yes, I stayed at his place together with Fikile.

And whilst you stayed .. (intervenes)

BY THE COURT: With who? -- Fikile.

MR SKWEYIYA: And for how long did you stay at Solly Rametsi's place? -- I did not stay there for a long time because we (20) often went to Pretoria to stay there in Mabopane.

There is evidence in this court that you stayed at Lena's at the time that you left and went to Swaziland in January, 1977, you were staying at Lena's place. Do you remember that? -- Yes, I was staying there at Lena's place.

Now I want to know the names of the people who were staying at Lena's place at the time when you left in January.

BY THE COURT: What year?

MR SKWEYIYA: 1977.

BY THE COURT: Is this after you had been to Solly (30). Rametsi? -- Yes, it is. It was myself staying at Lena's home/...

home, Vuyisile Gaye, Sam, Mission, Bantu .. (intervenes)

I am sorry, just before you give me a lot of names I must try and clear something up on my notes. I gathered from your evidence (and you must tell me now if I am wrong) you said you found Solly Rametsi while staying at Lena's home.

-- Yes, I was staying at Lena's home when I met Solly Rametsi.

And then did you go to Solly Rametsi to stay? -- I met him at a disco, He suggested that I go and stay at his parents' home. I then went to stay there and I used to go with Fikile to stay there. We used to go to his parents' (10) home in the evening and we would come back during the day to Lena's home.

MR SKWEYIYA: At the time that .. -- (M'Lord, he had also said Sabelo, Fikile.

BY THE COURT: Now we have got Vuyisile Gaye, Sam, Sabelo. -- He was staying with Vuyisile Gaye and Sam as well as Nontando. And then Sabelo ..

Where was this now? -- Fikile, myself, Sam, Vuyisile Gaye and Nontando were staying at Lena's home and the other people whose names I was mentioning, were staying with Lena's (20) sister, Anna. When I met .. (intervenes)

That is who? Sabelo? -- Sabelo, Fikile - Sabelo Bata, Fikile Mdlelani, Mission and Bantu were staying with Lena's sister. When I met Solly Rametsi, Nontando was no longer staying with us at Lena's home, she had gone back to Cape Town.

MR SKWEYIYA: Now there is evidence by Vuyisile Gaye that before Nontando left you people were one morning called from Lena's place of residence to Lena's sister's place of residence where you met a certain Father O'Reilly.

MR ACKERMANN: No, M'Lord, I think the witness said (30) Father O'Rea.



BY THE COURT: Yes, some father or another. -- Yes, we met Father O'Reilly from the Roman Catholic Church which is situated in Mofolo.

MR SKWEYIYA: At Lena's sister's place where you met this reverend gentleman, Vuyisile Gaye said that you people then started telling Father O'Reilly that you wanted help and the type of help you wanted was to go and undergo military training. What do you say to that? -- This is not true. We wanted to be helped with food.

And did this reverend gentleman then help you with (10)  
food subsequently? -- Yes, he used to send tinned stuff, mealie meal and eggs.

Can you remember what you actually said to Father O'Reilly when you met him? -- Yes.

What did you say to him? -- We told him who we were and that we were from Cape Town and also that we were students. We asked him to help us in supplying us with food to assist the people with whom we were staying. This was because we personally did not have money to buy our own food.

Vuyisile also said that after you had told this (20)  
reverend gentleman that you wanted help to be go and trained militarily, he then gave you R25. Is that correct? -- No, it is not correct. The only money he gave us was R5.

And what was that money for? -- It was for food.

THE COURT ADJOURNS.

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THE COURT RESUMES ON THE 20th FEBRUARY, 1979.

GOODWELL ZOLILE MONI: still under oath:

FURTHER EXAMINATION BY MR SKWEYIYA: I think we stopped where the witness was talking about the incident when they had gone to see Father O'Reilly or O'Rea as my Learned Friend prefers to call him. Now still dealing with Vuyisile Gaye, he gave evidence in this court and said that on a certain day a certain person known as Vusi came to Lena's home and he wanted to know from you people if you wanted help and you people told him that you wanted help to go and undergo military training. (10)  
What do you say to that? -- That is not true. Vusi came to Lena's home to see Lena. He greeted us on his arrival and asked us where we came from. We told him that we were Comrades and we are from Cape Town. Lena then told him that we intended skipping this country. She said nothing about military training. Lena also told Vusi to try and find help for us because we wanted help. Vusi promised to do that.

Vuyisile did not only end there, he said that Vusi said to you people that he would organise things for you to leave the country for military training. What do you say to that? Is that true? -- That is not true. (20)

Gaye then continued his evidence and said that on a different day Vusi again came in a white van and he was in the company of three other young men. -- That is true.

Now he says that these young men also asked you people if you wanted help and you said to these young men yes, you wanted help, you wanted to go and undergo military training. Is that true? -- No, that is not true. This is what actually happened. When Vusi came there in company of these young men in a white Mazda van, he called me and Bantu and we went to the young men who were in the van and the young men then asked/...



asked us if we were the people who wanted help. We told them yes, we are the people who want to go to school. They then asked us where the others are and we told them they were in the garage in the house. Thereafter they got off the vehicle and went into the garage. Vusi thereafter asked me and Ngangeliswe Qongqo.

Is that the Ngangeliswe Qongqo who gave evidence in this court? -- Yes.

BY THE COURT: Yes, he asked you? -- He asked me and Ngangeliswe .. (intervenes) (10)

Did you not go - did Vusi not go into the garage or did you all go to the garage? -- Vusi, Harrison and Vuyisile went into the garage.

Vusi, Harrison and Vuyisile went into the garage. -- Me and Ngangeliswe left on Vusi's request to fetch one Patso.

MR SKWEYIYA: Is that Patso Mpila? -- Yes, he is also a Comrade from Cape Town.

BY THE COURT: Let me just get it clear. The three young men, that is not Harrison and Vuyisile? -- The people who came in the company of Vusi are Harrison, Vuyisile and Ngangeliswe (20) Qongqo.

And you say you were asked by Vusi to go and fetch Patso. -- Yes.

MR SKWEYIYA: You then fetched Patso? -- Yes, we did.

And what happened thereafter? -- We went back to Lena's home to the garage. On arrival there Vuyisile spoke to us, telling us that there is talk about going for military training and/or for scholarship. He said this talk is in the outside country. He wanted to know what we were going for. I then said to the others they should reply for themselves because I (30) know what I am going for. My intention from Cape Town had been/...

been to go for education.

Now during that discussion did you at any stage say to the other students from Cape Town that it would be better for them if they leave and they say they are going to go and undergo military training? -- No, this is not correct. I did not say that.

BY THE COURT: Yes, well tell us, go on. -- We all then said we were going to school, none of us made mention of going for military training. Vuyisile then told us to prepare ourselves. He also said we would leave on the following day which (10) would be a Monday, the 20th January, 1977.

MR SKWEYIYA: Did the gentlemen then leave? -- Yes, they all left us.

That was the four young men. -- Yes, the four of them left in the van in which they came.

Now before they left, did these four young men tell you that, people, we will help you to go and undergo military training and that you people would join the PAC? -- No mention was made at all about military training or the PAC.

Now Vuyisile went further and said that the next day (20) a certain man who he knew as Baye, who, when he was giving evidence, he knew as accused No. 2, then came the next day and he also asked you - accused No. 2 in other words came the next day and he asked you whether you wanted help and you told him that you wanted help and that you wanted to go and undergo military training. What do you say to that? Is that true? -- No, that is not true because the only people who came there on the Monday are Vuyisile and Vusi in accordance to our arrangements of the previous day.

BY THE COURT: Did you not see No. 2 there either on the (30) Sunday or the Monday? -- No, he did not come there.



MR SKWEYIYA: Now you yourself were you always at Lena Mawela's place? -- I was sometimes during the day there at Lena Mawela's place.

What do you actually mean by that? I do not quite follow you. I am asking you whether you were always there, every day. -- I was at all times at Lena Mawela's place when we were about to leave, but before that I used to go to Pretoria or to Solly Rametsi.

BY THE COURT: That does not make it any clearer to me.

MR SKWEYIYA: M'Lord, I leave that because I cannot just (10)  
really ..

BY THE COURT: I think what -

MR SKWEYIYA: Look, were you always sitting with those men from the time you wake up in that garage up to the time you sleep every day? -- Yes.

BY THE COURT: I see. Yes, go on.

MR SKWEYIYA: Anyway, you then left the next day, is that correct, and went to Swaziland. -- Yes.

Did you leave in a Combi?

BY THE COURT: Was that the Monday? -- Yes, it was. We (20)  
left in a Combi, yes.

Who is we? -- Myself, Vuyisile, Patso Mpila, Vuyisile Gaye, Mission, Bantu, Sam and Sabelo Bata; Filike Mdelelani was in a Valiant motor car.

You say you left on the Monday for Swaziland and you mentioned the people who went with you. -- Yes, I mentioned the people who were with me in the Combi.

In the Combi. Now Fikile you said was in a Valiant. Do I understand that the Valiant and the Combi went together or what relevance has the Valiant then? -- They went together. (30).

MR SKWEYIYA: Now, Vuyisile also gave evidence here and further  
said/...

said that at the border as you were driving to Swaziland, the driver of the Combi instructed you people to get out.. (intervenes)

BY THE COURT: May I just ask this: did the Combi come to Lena's home and the Valiant? -- No, it did not come to Lena's home, the Valiant and the Combi.

They did not? -- They did not come to Lena's home.

MR SKWEYIYA: Did you get into that van and that Valiant at Park Station? I mean the Combi and the Valiant. -- Yes, we got onto the Combi and the Valiant at Park Station. We (10) went to Park Station in taxis.

Vuyisile also said that the driver of the Combi then said to you, after you had crossed the fence at the border, you would then see some houses to which you should go and ask for accommodation and sleep there. Did that thing happen? -- That is not true.

And when you were now in Swaziland, where did you ultimately land and stay, land up and stay? -- We went to the Mawela-Wela Refugee Camp and stayed there.

And to your knowledge what sort of camp is this? -- (20) It is a government camp for the Swazi Government and the United Nations.

Did either the PAC or the ANC to your knowledge have anything to do with that camp? -- No.

Now, Vuyisile Gaye also gave evidence and said that at some stage the Deputy Prime Minister of Swaziland, Mr Zonke Khumalo, or the then Deputy Prime Minister, and a UN representative came and visited you one day there and the group from Cape Town stood up and said that they wanted to go and undergo military training. This they said to the Deputy Prime (30) Minister and to this UN representative. Did that happen? --

No/...



No, that is not true. This is what actually happened: Mr Perkins who is the representative of the United Nations, asked the group from Cape Town to stand up. We then stood up. After having stood up, we said we wanted to go to school. There had at the time been some people in the camp together with us who had already been interviewed. These people were only waiting for the schools to be re-opened because it was said that schools will re-open in about September or October.

Now what did this man Perkins say to you people? -- Mr Perkins then told us to wait and stay in Swaziland because (10) there was at that time no accommodation in the schools in Swaziland for us. He had spoken to the Swazi authorities trying to negotiate for our stay and getting education in Swaziland, but that this had failed because there was no accommodation in the schools in Swaziland. He also said that some children in Swaziland could also not be accommodated in the schools.

Did you at any stage whilst in Swaziland have any intention of going for military training or of joining PAC or ANC? -- No, we did not. (20)

How did you spend your time in Swaziland? -- We used to play football with the police, the Swazi police, with the students from the university. We would sometimes go to the disco or to the swimming-pool.

Is the position that then you were fairly free to go around at certain times or any time? -- Yes, we could go anywhere during the day but we were to be in the camp by 19h00 in the evening.

Now let us now deal with the evidence of Ngangeliswe Qongqo. Ngangeliswe Qongqo gave evidence about two trips (30) which you and Lena made to Swaziland. Do you deny having gone on/...

on trips with Lena Mawela on two occasions? -- I went to Swaziland on two occasions in the company of Lena Mawela.

BY THE COURT: When was this?

MR SKWEYIYA: Can you remember when this was? -- The first trip was on the 2nd April, 1977 and the second trip was on the 21st April, 1977.

Did any of these trips have anything to do with PAC insofar as you know? -- No, none of these trips had anything to do with the PAC.

There is also a person known as Ngwenya, Sipho Ngwenya (10) who gave evidence in this court. -- Yes.

Now, could you tell His Lordship when you came into contact for the first time ever in your life with this Sipho Ngwenya? -- I first met Sipho Ngwenya after my return from Swaziland in the company of Lena when we were travelling in the Ford Granada.

BY THE COURT: Is that the first or the second trip? -- The first trip, it was on the 2nd April. Sipho Ngwenya I met on a Tuesday.

MR SKWEYIYA: Now the Tuesday you referred to in relation (20) to the Easter week of 1977 was that Tuesday during that Easter week, the week before the Easter week or a week after the Easter week? -- It is the Tuesday of the Easter week.

BY THE COURT: Well you say you went down with Lena on the 2nd April. Is that correct? -- Yes.

What day was that, the 2nd? Was that a Friday? -- It was on a Friday.

Friday. -- No, the 2nd was on a Saturday.

Saturday. -- We left on the 1st but we could only cross on the 2nd. (30)

That is right. And then the Sunday would have been the 3rd.



-- Yes, we returned on the Sunday the 3rd.

And then Monday the 4th. -- Yes.

Now Tuesday would have been the 5th, a Tuesday would have been the 5th. Now was it that 5th that Tuesday or was it the 12th? -- On the 5th.

MR SKWEYIYA: If Ngwenya gave evidence in this court and he says that he met you for the first time when you came to him when you were brought by a person known as Kolobi and this was before the Easter week. -- No, it is not true. I started knowing Ngwenya after my return from Swaziland. (10)

BY THE COURT: Let me just get clear what is not true. Did you get introduced to him by Kolobi or did you meet him in the company of Kolobi? -- I never went to Ngwenya's place in the company of Kolobi but in the company of Vusi and Lena.

And is that when you say you first met him when you went with Vusi and Lena? -- Yes.

MR SKWEYIYA: As a matter of interest, do you know Vusi, do you know how he looks like? -- Yes, I do.

Is he dark-skinned, light-skinned, as you are or what? -- He is of the complexion of the interpreter. (20)

What about his stature? He is darkish, M'Lord. -- He is tall and slender.

And would I be correct then in saying that insofar as you are concerned, the trip of the 8 boys plus yourself which Ngwenya has given evidence about, before the Easter week, that never took place, you were never involved in such a trip with Ngwenya? -- No, I was never on such a trip.

BY THE COURT: With 8?

MR SKWEYIYA: Yes, with 8 young men, the accused being the 9th person. Now, Sipho Ngwenya also gave evidence and said (30). that after this trip with these 8 boys and yourself, according to/...

to him, before Easter, one of the boys who had left on this first trip, as he called it, then came back to him and came with 15 other boys and said that - that boy said that he had been sent by you to Sipho Ngwenya. Did you send anybody to Sipho Ngwenya? -- No, I did not send anybody to Sipho Ngwenya.

He also says that after he had delivered these 15 boys or 15 of these men who allegedly was sent by you in Swaziland, he then met you at a place called Nhlangano and he told you that he had delivered the 15 boys and you thanked him for that trip. Did that happen? -- I did not thank him for having taken (10) anybody, nor did he tell me anything about boys he had taken, but what actually happened is that I met him in Nhlangano where he usually parked his van.

BY THE COURT: Is this in Swaziland? -- Yes. And I was then in the company of Vusi.

And? -- On the 17th April, a Sunday.

You just met him casually, you just saw him there? -- I was on that day with Vusi on our way back to the Republic. This is the day on which I was carrying Isaac Radebe's passport.

Anyway, you say you did not speak to him except to (20) say hello I suppose? -- I just greeted him, I did not have any conversation with him though I travelled in his van with many other people whom we found there.

MR SKWEYIYA: Travelled whereto? -- We were travelling back to the Republic.

BY THE COURT: Who is that now, we? You and Vusi? -- Yes.

MR SKWEYIYA: Now Sipho Ngwenya says that he transported you and six other young men in his van on the Thursday preceeding the Good Friday, in other words the day before Good Friday of 1977. (30)

BY THE COURT: I am getting my notes so confused now. Is this now/...



now after he had taken No. 11 accused on this occasion with Vusi back to the Republic?

MR SKWEYIYA: No, it was before that. M'Lord, I first dealt with what the witness denies, the trips h e denies. In other words you were on a trip which left in his van on the Thursday before Good Friday in 1977. Is that correct? -- Yes, it was on the 7th April.

BY THE COURT: Transported where? -- We were going to Swaziland.

From where? -- From Soweto.

(10)

I can only say that it is extremely difficult for me to get sort of clarity about exactly what has happened with this. Is this now another trip entirely that we are talking about?

MR SKWEYIYA: Yes, M'Lord.

BY THE COURT: Not the trip from Lena Mawela or the Park Station.

MR SKWEYIYA: No, it is a completely different trip. It is a trip of Sipho Ngwenya.

BY THE COURT: No, I am not concerned about Sipho Ngwenya. I am trying, in fairness to your client, I want to find out (20) what he says. Is this a completely different trip from Lena when they left from Lena Mawela?

MR SKWEYIYA: Yes, M'Lord, it is.

BY THE COURT: I see.

MR SKWEYIYA: It is at page 2 2 .. (intervenes)

BY THE COURT: No, I do not want to know what the State witness says, I have got to understand your client's evidence. Now this was from Soweto was it, not from Park Station. -- It was from Soweto from Emndeni.

Emndeni. Is that another suburb in Soweto? -- Yes, (30)

it is a township in Soweto where Sipho Ngwenya stays. And this

was/...

was my first trip with Sipho Ngwenya to Swaziland.

Then I understand it correctly from what you told me, this is then after you had been taken by Vusi and Lena to Sipho? -- Yes, it was.

Now can I ask, when did Vusi and Lena take you to Sipho? Was it on the same day of this trip or the day before or the day before that? -- Vusi, Lena and myself went to Sipho on a Tuesday, the 5th April. And this trip to Swaziland with Sipho I was in the company of Vusi and five others. These were members of the SSRC. (10)

MR SKWEYIYA: Now Sipho Ngwenya said that you paid for the others on this trip. Is that correct? -- Vusi had the money and he paid for us all. This was when we were nearing the border-gate and before we went to cross the border. We crossed the border through the fence.

Now Sipho also said that .. (intervenes)

BY THE COURT: Was that also via Oshoek? -- No, it was through Gege.

Gege. -- Bothashoop is the bordergate's name on the South African side. (20)

MR SKWEYIYA: Sipho also said that you told him in this trip that these young men who were with you and Vusi, were going to a shooting school. -- We did not discuss anything with Sipho. We were only in his van and we paid him when we were nearing the bordergate, and we did not say anything about what we were going to do in Swaziland.

Now, Sipho also spoke of a trip after this one. He did not mention the date but he says that you travelled in his van and you were alone carrying two paperbags. -- Yes, that is true. This was on the 29th April, it was on a Friday. (30)

And he says that he asked you why you were carrying these large/...



large paperbags and in reply you told him that the paper carriers are containing your belongings and some other belongings of boys who had left the Republic. Did you say that to him? -- This is not true. He did not ask me anything.

Sipho went further and said that you told him during this trip that you are leaving the Republic forever and that you were going to a school where you were going to learn how to shoot and that you would come back and shoot the Whites because they shot the children. Did you say that to him? -- This is not true, I did not discuss anything with Sipho. (10)

What was the relationship between you and Sipho? Was he a friend of yours? -- No, he was not a friend, he was just a person in whose vehicle I was travelling.

Now Lena Mawela also gave evidence in this court and she said that you went to Swaziland on several trips with her and that on one of these trips you were conveying two boys in a Granada car. -- It is true that we were travelling with three other boys. We were altogether five in the vehicle. I was driving the car. We went to Swaziland.

And the important thing on this trip, she said that (20) whilst you were travelling to Swaziland, these other boys said they were going to Swaziland to school on scholarships but that you said you were going for military training. -- I did not say that. It was clear what I was going to Swaziland for, which is going to school.

BY THE COURT: I do not think you have answered your Counsel's question completely. Did the other boys say they were going for scholarships? -- Yes, they were also going to school.

No, it is not a question if they were going. Did they say they were going on scholarships or to school? -- Yes, they (30) did say that.

To Lena? -- We were just talking amongst ourselves, they were not talking to Lena. I was driving the vehicle, they were busy drinking and we were just talking.

MR SKWEYIYA: Now Lena also gave evidence and said that after she had come back from Swaziland on one of these trips she gave you an amount of R120. Did you receive an amount of R120 from Lena? -- No, I was never given money to the amount of R120 by Lena.

And she has also given evidence about you and the other boys whilst you were staying at her home and said that you (10) people from your discussions in the garage where you were staying at her place, had made your intentions clear and that was that you were saying that you were going to train militarily. What do you say to that? -- We never said anything about going for military training.

She has also testified concerning you that when you were leaving the Republic for good, in other words when you were having the two carrier bags and you boarded Ngwenya's car or van, you said before you left that you are now going, leaving for good and you are going to undergo military training. (20) What do you say to that? -- No, I did not say that.

BY THE COURT: I am not quite certain. Did you not see her before you left? Or did you just not tell her that you were going for military training? I am not certain what your answer means. -- I was still staying at her home, I saw her before I left.

Before you left for good. -- But I did not say I was leaving for good or for military training.

Oh, I see. Did you say anything to her? -- I said I would come back again because the schools were not going to be (30) re-opened soon.



Is that all you told her? -- Yes. She in fact did not want me to leave on that day. She wanted me to stay with her. Her worry was that she was going to stay alone. This is why I said I would come back again, she should not worry.

Did you tell her why you were leaving? -- I did not tell her why I was leaving. I only told her I was going away, but I would come back again.

MR SKWEYIYA: Now before you embarked on these trips with Lena Mawela, what was the relationship like between the two of you? (10)

BY THE COURT: Just a moment, could I just get clear, was that the 29th April? -- Yes, she accompanied me as far as Emndeni.

MR SKWEYIYA: What was the relationship between you and Lena Mawela? -- We were lovers. We became lovers before we went to Swaziland together. This was after my return from Swaziland.

After your return from Swaziland from the first trip? -- I returned from Swaziland after Bantu. Bantu left before me, in February and I only came back in March and this was after I had met the United Nations delegation.

BY THE COURT: That person, Bantu, was one of those who went (20) with you in January in the Combi to Swaziland. Is that right? -- Yes, he is one of the persons who left together with me to Swaziland in January.

And he had come back to the Republic in February? -- Yes, he came back on the 6th February, a Sunday.

And then you came back the following month. Is that right? -- I came back on the 11th March but only arrived in Soweto on Friday, the 12th. I was travelling by train.

MR SKWEYIYA: Do you know whether Bantu remained in the Republic after having come back to the Republic on the 12th February?(30). On the 6th, I am sorry. -- He went back to Swaziland in April.

Were/...

Were you yourself ever a member of PAC?

BY THE COURT: Just before you go on. Bantu went back in April?

-- Yes. It is one of the three young men, he is one of the people we met when we were in the company of Lena. These people told us then when we met them that they went to Swaziland in a van.

MR SKWEYIYA: And was this in Swaziland? -- Yes, this was in Swaziland.

BY THE COURT: That was then on your first trip with Lena to Swaziland? -- Yes, it was on our first trip with Lena. (10)

And you met Bantu there and other people. -- Yes.

Was this in Mbabane? -- Me and Lena and three other young men were on our way to Lobamba. We met Bantu and these people who were in his company after having gone through the gate Mahamba Bordergate.

Yes, I remember now, there was some talk about near a bus stop. -- Vusi was also in Bantu's company - Vuyisile, I am sorry.

MR SKWEYIYA: And did you reply to my question about PAC? I do not know if you did. Were you ever a member of PAC? -- No, I was never a member of PAC. (20)

M'Lord, that is all, thank you.

THE COURT ADJOURNS FOR TEA. THE COURT RESUMES.

BISHOP ALUISIUS MANDELENKOSI ISAAC ZWANE: affirms:

EXAMINATION BY MR PITMAN: You belong to the Roman Catholic faith. -- Yes.

Are you the bishop of Swaziland? -- Yes, the whole country is one diocese.

And that is your diocese? -- That is my diocese.

And have you been bishop of Swaziland since the 16th May, 1976? -- Yes. (30)

And are you also the chairman of the Council of Swaziland Churches/...



Churches? -- Yes.

And have you been so since November, 1976? -- Yes.

Have you lived in Swaziland nearly all your life? -- Yes.

And do you know the country intimately? -- Definitely, yes.

Have you been a Roman Catholic priest for 15 years? -- 15 years in April this year.

And have you also worked in Nova Scotia, Canada? -- I did some studies there for one scholastic year.

And in London, United Kingdom, for three months? -- Yes.

Now there are two people who have been mentioned a (10) number of times in this trial, one Joe Makwanazi and one Joe Moabi. Do you know those two people? -- Yes, I think I know them very well. In fact I married Joe Moabi.

Did you perform the marriage service? -- Yes, he is a Catholic.

Now, did you know of an educational committee for refugees in Swaziland? -- Yes, Joe Makwanazi and Joe Moabi were members of this committee.

What was its purpose? -- Its purpose was education for refugees in Swaziland. (20)

Was there anybody else on that committee whom you knew? -- Yes, the ANC man was the secretary and Joe Makwanazi was the chairman on this committee.

What was the name of the ANC man? -- Stanley Mabusela.

BY THE COURT: And who was the chairman? -- Joe Makwanazi.

MR PITMAN: And you said that Stanley Mabusela was the ANC man. What was Joe Makwanazi so far as you know? -- He was PAC.

What was your function in relation to this committee? Were you - did you have dealings with it? -- A number of times, yes. They used to come and ask for funds to help some (30) of the refugee schools in the country, the number of schools.

And/...

And did you provide funds? -- Yes, I did.

And you say you provided funds. What were these funds to be used for as far as you were concerned? -- Well, this was for high schools, primary, secondary and high schools in Swaziland itself.

For what people? -- For the refugees.

Where did these funds come from? -- I provided them myself.

BY THE COURT: I think what Counsel wants to know is was it the church funds? -- The church funds.

It was not your own personal .. -- No, it was church funds. (10)

MR PITMAN: And are you aware at all of what it was actually spent on, the funds that you provided? -- Oh, yes. I actually asked for receipts at the end of the year and they always provided me with the receipts.

That is the receipts for whatever the money was expended on by them. -- Ja.

Did you ever come into contact with any students or young people or refugees yourself? -- In the country?

Yes. -- Constantly. (20)

And where did they come from these people? -- From the Republic.

Of South Africa? -- Of South Africa, yes.

And did they used to make requests to you themselves? -- A number of them. Some would come and ask if I could find a source for scholarships and others used to come when they had scholarships to buy things like clothes, mostly suitcases, or whatever, because sometimes the scholarships they got did not include things like suitcases and a number of things, so I used to help them there too. (30)

Now, we are dealing particularly with South African students or/...



or South African refugees, who came to Swaziland and wanted to - wanted education. Was any place arranged for the accommodation of girls falling into that category? -- At the beginning the government I think kept the girls in women's prisons and then eventually they took them to near the Swaziland College of Technology was an old school and eventually they asked the Council .. (intervenes)

BY THE COURT: Swaziland Institute of Technology?

MR PITMAN: Near .. -- They call it near, it is part of the complex, it is called Swaziland College of Technology, and (10) from there we were asked to house them at the school which we eventually founded, that is Phokoza School. Because there there were .. (intervenes)

BY THE COURT: At what school? -- Phokoza School.

MR PITMAN: You say you founded that school. Just very briefly. -- Yes, I think towards the end of 1977 when we - 1976 when we formed the Council of Swaziland Churches, there was then this influx of students from the Republic and at the beginning of the year a man from the States, from America, Menanites, there is a group of .. (intervenes) (20)

A Menanite group? -- A Menanite group.

Is that a church group? -- It is a church group, yes. They - he suggested if the Council could not form or try to help found a school. He actually took me and gave me an example of Zaïre during the Sudanese Civil War, they put up a school for Sudanese children in Zaïre.

Those were refugees .. -- Refugees.

Into Zaïre. -- Into Zaïre and eventually when the conflict ceased in Sudan the school was handed over to the Zaïre Government. So he made an example whether we could do (30) something like this and in April we started this school.

That/...

That is Phokoza. -- Phokoza and here we were assisted by the United Nations High Commissioner for Refugees and the Deputy Prime Minister's Office also were encouraging us to set up the school and that school so far gone up to December.

Of last year? -- Of last year. Then the government meanwhile was setting up a school in Mpaka. That is between Manzini and Isateki. This, together with the United Nations. So we stopped our work then, but now the government is going to take over the school and this school the Deputy Prime Minister mentioned publicly that this school is going to be (10) for South African refugees and something he termed and said those who ran away from Bantu Education and those who are around, the Swazis around the area where they could benefit from this school.

In other words the Swazi nationals as well, who live in the vicinity. -- Ja. That is the school and the history of Phokoza basically ended last year December.

So the school at Mpaka is due to open this year? -- Is taken over by the government. The Menanites though have offered teachers to the government if they want teachers. (20)

To assist in the teaching at Mpaka? -- Ja.

Now you were just talking about the girls who were I think you said at first housed in a prison, did you say? -- Ja, the girls were first - those two I mentioned that eventually they were in the hostel where the school is running. Phokoza is both hostel and a few facilities for classes, but the boys were slightly away from the school, they were at Mawela-Wela, that would be approximately 20 miles from Mbabane. So there was a problem of transportation and so UNICEF ..

Is that United Nations Organisation? -- United Nations (30) .  
bought a small bus for them .. (inaudible) .. they had to  
take/...



take them every morning and every evening back to Mawela-Wela.

Is the position that Mawela-Wela had previously been a prison? -- Of some sorts, a prison of some sorts. It was not really.

But it was under the Prison Services as far as you understand. -- Complete, even now. Even these boys are actually looked after by the Prison Department.

Who provides the food and so on for these youngsters? -- The government.

Swaziland Government? -- Swaziland Government, helped (10) by the United Nations.

Have you yourself in fact taken an interest in and done a good deal of work for refugees in Swaziland both from South Africa and from Mozambique? -- Yes, and in fact I have been afraid that the Catholics might think I am no longer doing the job of the diocese, I am always with these students. There are all kinds of needs obviously, like clothes and so forth.

Are there in fact a number of refugees from Mozambique in Swaziland? -- My guess the influx now is more from Mozambique than it is from South Africa. (20)

At the moment? -- At the moment.

Have you in fact made a suggestion in this regard to the Deputy Prime Minister of Swaziland that a national refugee committee should be formed and did you make this suggestion in the form of a memorandum to your Deputy Prime Minister? -- Yes, I think that was 1977 I actually wrote this memorandum, I copied to the King and to the Prime Minister.

Is this your report with regard to those people, the refugees? -- Yes.

BY THE COURT: In 1977? -- In 1977. (30)

MR PITMAN: May I hand that in. -- I beg your pardon, it is the/...

the beginning of 1978.

That will be EXHIBIT VVVVVV.

THE COURT ADJOURNS.

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THE COURT RESUMES ON THE 21st FEBRUARY, 1979.

ALUISIUS MANDELENKOSI ZWANE: still under oath:

CROSS-EXAMINATION BY MR WILSON: This education committee for refugees that you referred to, you remember it? -- Ja.

How many members were there of the committee? Can you remember? -- No, I would not remember, I know those who came, but I do not know how many members there were in the committee.

Approximately. There were many members, several members? -- I would not be quite sure about that. I know the three I mentioned yesterday, who constantly came and asked for assistance. (10)

Were there other people also on this .. (intervenes)

BY THE COURT: Just a moment, Mr Wilson.

MR WILSON: Sorry, the three he mentioned yesterday.

BY THE COURT: Just a moment.

MR WILSON: Those are the men of the committee who came to you. -- Ja.

And is it also correct that the Swaziland Government provided accommodation for the refugees? -- Well, that is an obligation. (20)

Yes, they did do so. -- Yes.

CROSS-EXAMINATION BY MR SKWEYIYA: Now we have had evidence here about a refugee camp known as Luyengo. Do you know this camp? -- No, I know the place where the students are housed even up to now.

Is this camp different from Mawela-Wela Camp? -- No, the area is called Luyengo. The university college, the agricultural college and that whole area is called Luyengo and just about a mile from Luyengo there is this place called Mawela-Wela, that is where the students are. (30)

Am I correct in saying that the Mawela-Wela Camp is in the/...

the Luyengo area? -- It is in the Luyengo area.

Now, we have also had evidence in this court about a Mr Perkins who had something to do with UN. Do you know him? Have you heard of him? -- Well, I met him once when he came to discuss partly discuss to go with the school with the local UNSCR's representative. At th at time it was Mr Vingus. Then I was called in, but at that time we were particularly discussing the school I mentioned yesterday.

Do you know if this Mr Perkins had anything to do with refugees? -- Perkins was in Botswana and he was senior to (10) the man who was in Swaziland, so he came a few times in Swaziland specially after June, 1976.

That is after the influx of refugees from South Africa? -- Yes.

And we have also heard evidence about a Deputy Prime Minister. Do you know who that Deputy Prime Minister was between 1976/77? -- Yes.

What was his name? -- Zonke Khumalo.

Could you tell us when the school term in Swaziland started and when it ended? -- The school worked on a (20) three term system.

BY THE COURT: You have three terms, do you? -- Three term system. I do not know where you begin, but I can tell you where they start, all of them. It is January up to between or thereabouts April and May, then from May through June, July, the holidays begin in August. Then beginning September up to December.

To December. -- Up to December, yes.

They are long terms. -- They are three terms.

They are long terms. -- Yes. (30)

Well certainly from September to December is a long term. --

Yes/...



Yes, that is when they - that is the last term, September - December.

MR SKWEYIYA: Is that when the exams are written - are exams written in August in fact? -- No, that is university.

Is that university? -- The schools, the exams are written at beginning or round about November, December.

BY THE COURT: They are three like here, isn't it? The three term system. -- But you have your holidays in July.

Yes, that is a slight difference, but the exams invariably at school is the end of the year. -- The end of the year, (10) yes. And at the university the exams are in May, because that is the end of the scholastic year.

MR SKWEYIYA: Now, do you yourself have knowledge of any South African student who are students in Swaziland at the university there? -- There are quite a number, yes, and those mostly have their scholarships from the United Nations, one of the branches of the United Nations. But I can give an example that you see, the ..(inaudible).. I know is that they are not allowed during the holidays to stay in the university and their allowance does not cover accommodation during the holidays, so normally (20) I help them to pay whatever accommodation they have found.

And do you have any knowledge about students who are South African refugees who after coming to Swaziland have gone to school overseas, in other words to a country other than Swaziland? -- Last year four went to the United States. They got their scholarships from a foundation whose name I cannot remember. The two people from that foundation came to Swaziland and interviewed the students and they got four to the United States and those of course they .. (inaudible) .. they came looking for a suitcase because the suitcases and clothes (30) which was again the scholarship did not cover all those things and/...

and this year the West German Government has given 30 scholarships to those students, but they haven't gone yet but they have got a scholarship from the German Government.

You spoke about people coming to interview students in Swaziland. Where do they interview them for scholarships? -- It is usually at the United Nations.

BY THE COURT: Where is that? -- United Nations High Commissioner for Refugees Office.

Where is that? -- At Mbabane.

MR SKWEYIYA: And do you know what the procedure is if (10)  
for instance a student from here runs to Swaziland and seeks refugee papers what steps more or less one has to follow? -- Well, the common one is that they within 48 hours they should report to the police and there they are interviewed by the police and they are referred to the Deputy Prime Minister's Office at the time because the refugee department was under the Deputy Prime Minister's Office.

And then would it take a short time for one to be accorded that status? -- It differs, I am afraid. Sometimes they stay for months before they are actually called by the assign- (20)  
ment committee.

We have had evidence about a Black Renaissance Convention or Conference which was held at Hammanskraal some two years back I think it is or two or three years back, I cannot remember precisely when. -- It must have been 1974 I think.

Do you know anything about that conference? -- Yes, I do.

Were you at that conference? -- Yes. I was giving a paper actually.

And what type of people were invited to this conference? -- I was not in the committee at all. I was someone asked (30)  
from outside to come and give a paper on social communication,  
normally/...



normally we call it mass media.

I see. Were there other people who gave papers on various topics? -- I cannot remember them all, but I remember there was he must be a lecturer at Turfloop was one.

Is that the University of the North here in South Africa?

-- Ja.

CROSS-EXAMINATION BY MR SAAIMAN: No questions.

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

CROSS-EXAMINATION BY ACCUSED NO. 12: No questions.

CROSS-EXAMINATION BY MR HAASBROEK: You testified about (10)  
Joe Makwanazi and Joe Moabi. Is that correct? -- Yes.

Now, is Joe Moabi also a member of the PAC? -- I thought both of them, yes, they are.

That was your impression? -- Yes.

And did he also render assistance to the refugees? -- Who? Joe Moabi. -- Did he?

Yes. -- That I would not know.

You do not know. -- No, that I do not know.

But do you know about Joe Makwanazi? -- Yes.

He was on the committee. -- Yes. (20)

Who approached you for funds. -- Yes.

And you also testified that Stanley Mabusela was a member of the ANC. -- Ja.

And he was also on that particular committee. -- Yes.

The education committee for refugees. -- For the children of refugees in Swaziland, yes.

For children of refugees. -- In Swaziland.

In Swaziland.

BY THE COURT: I beg your pardon? For children? -- For the children of refugees in Swaziland. The point of this is (30)  
that those people who turned 15 years in Swaziland, those  
refugees/...

refugees who became 15 years, they were actually integrated in the Swazi community and so they had families. So my understanding that this committee was formed to help the children of refugees in Swaziland.

I am sorry, I do not quite understand it. You say 15 years. -- People like Joe Makwanazi and Stanley Mabusela, like Joe Moabi, they all came a long time ago. Now that group was basically integrated. The only time when the separation came after 1976 which happened with the Soweto students but those were - but they always found that they could not meet the (10) expenses of their children in school.

Of their children? -- Ja.

Of the old refugees. -- Of the old refugees.

Is that what this committee was for? -- That is what that committee was for.

To help the children of these then refugees, the older refugees in Swaziland? -- Yes.

Oh, I see. Can you just give me the name of the ANC, he was the secretary, was he not? -- Stanley Mabusela.

MR HAASBROEK: And Stanley Mabusela naturally looked after (20) the interests of the refugees of the ANC.

BY THE COURT: The children.

MR HAASBROEK: The children.

BY THE COURT: Of the old refugees of the ANC. Is that correct?

-- Well that again is one of the interesting things that you see they formed the committee before I knew them, but when they came to me, as I mentioned yesterday, I discovered that Makwanazi was a PAC and he was the chairman and Mabusela who was ANC was the chairman and yet they were - ..

You said that the .. -- Was the secretary. And yet (30) they were looking for the interests of all South African refugees/...



refugees in Swaziland, irrespective whether they belonged to the ANC or PAC.

MR HAASBROEK: But that only concerned the children of the old refugees and not all the young refugees going to Swaziland during the riots of 1976 and later on. Is that correct? -- That is correct.

Who looked after their interests? -- Who?

The recent refugees from South Africa. -- That was the United Nations and the Swaziland Government.

And did Joe Makwanazi and Joe Moabi at all feature in (10) those arrangements? -- That I would not know.

You do not know about that. -- That I would not know because I only deal with the refugees that had been established been government as refugees in the country and the procedure I mentioned earlier on that all those who were in Mawela-Wela had to go through this established procedure of interviews by the police and then going to the DPM's office and then the assignment committee meeting and then giving them the refugee status.

Yes, I can understand that. But then it also follows (20) that their number was not so large, the children of the old refugees. -- No, it was not big, no, it was not large at all.

How many were they more or less? Is it possible for you to give an indication? -- No, I would not. I only know the amount of money that each time I gave. At no time was it over 3 000, because these were - some of them were in the primary, so the fees in the primary are lower than the - even from the money I could not actually say how many there were.

So these children then had been there since before the rioting in Soweto and other Bantu areas in South Africa (30) in 1976. Is that correct? -- Yes.

And/...

And do you know anything about the activities of Joe Makwanazi and Joe Moabi in Swaziland? -- I know very little because my knowledge of them is socially. I began to know them socially.

Socially. -- Yes, and also when they were in need they would come and ask if I could help either one of the South African refugees, a wife or a child but eventually everybody began to know them in Swaziland, as I mentioned earlier that they were integrated in the community for a long time, but then I knew them personally when they personally came. (10)

BY THE COURT: Didn't Makwanazi have a responsible position with the Coca-Cola organisation at .. -- Yes, he was sales manager, yes.

At .. -- Manzini.

Manzini. -- Yes, he was the sales manager.

MR HAASBROEK: The government of Swaziland was not very happy with their presence there in Swaziland. Is that correct? -- Well, I can guess as well as any other person can guess that is when they locked them up. It does mean that some time they did not perhaps see eye to eye with them. (20)

BY THE COURT: When they locked them up, you said? -- When they were locked up then it is the only way one can say definitively that yes, therefore it means some time somewhere .. (intervenes)

Were they locked up? -- They were locked up.

Are they still in Swaziland? -- No.

MR HAASBROEK: Where is Joe Makwanazi at the moment? -- Joe Makwanaza and Joe Moabi they are both in England.

In England? -- Yes.

In London, perhaps? -- No, I would not be quite sure. (30)

BY THE COURT: Well how would he know except by hearsay?



MR HAASBROEK: Yes, M'Lord. Not only those two then were locked up but quite a number of them were locked up. -- A number of PAC's yes.

About 14 altogether or were there more? Do you know perhaps? -- I do not remember the number, but there were over 10, yes.

Is that because the government of Swaziland did not want to have Swaziland used .. (intervenes)

MR WILSON: M'Lord, the witness cannot .. (intervenes)

BY THE COURT: Let him finish the question. (10)

MR HAASBROEK: They did not want to use Swaziland as springboard for terrorism. -- Again one can come to the same conclusion.

Do you know about refugees arriving in Swaziland and then some of them going for education in Swaziland and others for military training to other places, other countries? -- Again this is hearsay that not all the students went for education. I am not ..(inaudible)

That is hearsay to that effect. -- That is, yes.

M'Lord, I am cross-examining and I am entitled to put hearsay. (20)

BY THE COURT: I realise you are entitled to put anything you like, but the point is, is it really of any value to me to hear what the bishop says - firstly, let me give an example: he says the PAC lads were locked up and obviously deported. Now he says he can put two and two together and from that he infers the Swaziland Government .. (intervenes)

MR HAASBROEK: No, I appreciate that .. (intervenes)

BY THE COURT: Now you ask him whether he has heard about other people going over. Well, he says he has heard but is that really of any value to me? Because the person who told him (30) might have been telling a lot of nonsense or a lot of lies. It

is not a question of general reputation in other words, a game which you can get and it is up. I mean you are going to ask him directly did Joe Makwanazi ever tell him, the bishop, that he was taking people out for military training; that would be direct evidence because I think he is cited as a co-conspirator. But I should think nothing is more unlikely than that Joe Makwanazi told the bishop that he was wanting money to send them out for military training.

MR HAASBROEK: No, I must agree with that.

BY THE COURT: So I do not know if it is of any value to (10)  
me, although you are entitled to ask him.

MR HAASBROEK: Is it then also correct, do you know from your own knowledge, that in the beginning of 1977 there was no accommodation available in the schools in Swaziland for the various refugees in 1977? -- Put it differently. I think I mentioned yesterday when they started the council and I gave a short history of the council, the council started in 1976 and it began to work in March and the schools started in April. So most of those students who were looked after by the United Nations and government were in Mawela-Wela. I mentioned (20)  
where the girls were. There was no school ..(inaudible) .. that time 1976 up to April when we started the school at Phokoza that it was at that time when because the government refused to integrate them with other schools until we started this school then they were allowed in this school but that was in April, 1977. So it is true that from perhaps those who escaped towards the end of June, July, up to the following year there was nowhere where they were actually going, because the government did not want them to be dispersed at all.

Yes, I see. But so many refugees, apart from the (30)  
children of the old refugees, went out to Swaziland. Now, was  
it/...



it possible for the schools to accommodate them all if they wanted to go to Swaziland schools for education? -- The number I think perhaps the number compared to Botswana, yes, because some of the things you see my memorandum in the DPM's office, we actually asked the DPM to disperse these students to all the schools, then we offered to build a school for the country and asked the government that in turn they should disburse the students, they could. The only thing it meant, it meant extending facilities in a number of schools. They would have accommodation. (10)

BY THE COURT: But the government you say was not happy to do that. -- No, it was not happy. It just wanted to .. (intervenes)

..... your school and it started in March/April. -- In April, yes.

MR HAASBROEK: Is it done in Swaziland that the recent refugees from the rioting in Soweto and other places, that they crossed the borders without carrying passports or don't you know? -- They would find it very difficult to be accepted in Swaziland as refugees if they crossed with passports. (LAUGHTER) (20)

Is that so? -- Yes. Because they would not have been recognised by the .. (intervenes)

They would not have been considered to be refugees. -- No, as an example, part of the difficulty which the Mozambiquans, some of them came with passports, ..(?) .. passports and the United Nations is very reluctant to accept them as bona fide refugees and the Swazi Government is also afraid that since they ran away from that side, it is difficult to bring them back to Mozambique but respected the convention that they can only accept a person who came without documents, to prove (30) that in fact he was a refugee. If he came with a .. (intervenes)

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