

And in 1977 did you also think so? -- There could still be, even up to this moment.

Now, what were your thoughts when you took these people out, I am now referring to the second trip that took place in July, 1977, when you assisted these people to get up to Johannesburg? What were your thoughts what were they to do on their departure from the RSA? -- They had said they were going for education.

When did they say so? -- When they asked me to get transport for them. (10)

That is the second group? -- I am referring to that group.

And what they would do on their arrival in Swaziland would be their own business. -- They said they were going to study.

And it would be up to them to do what they would like to do on their arrival in Swaziland. -- I cannot understand that question now unless it is explained because I have already said they had told me that they were going for educational purposes, they would study on their arrival there.

Did they tell you where they would study? -- They did not make mention of any school's name. (20)

Did they tell you in which country they would study? -- According to my understanding seeing they were going to Swaziland, they had said they were going to study and they would study in Swaziland.

They did not explicitly tell you that they would study in Swaziland? -- They said they are going to Swaziland to study, they did not tell me any other thing.

Now these people they were very poor, they were young, poor people. -- Yes.

How would they be in a financial position to look (30) after themselves in Swaziland? Did you ask them anything about that/...

that? -- Yes.

How would they be in a financial position to look after themselves in Swaziland. Did you ask them anything about that?

-- But it is already clear to everybody that as they had said, they are going to Swaziland to study. I did not ask them anything. I did not ask them who would help them financially.

You never even bothered to ask them how they would manage to make a living in Swaziland? -- The little knowledge I gained from reading papers is that whenever persons get into a country as a refugee such a person may be welcomed by the government of that country and be given help by the government. (10)

These people did you think at that stage that they would get this refugee status in Swaziland? -- Yes, I did.

And what assurance did you have at that stage that this would be the position in Swaziland? -- There were during that time reports in newspapers that children who had fled this country to these other countries had been received as refugees.

Was the position that you would only take them or see to it that they would be taken up to Swaziland, to the Swaziland border? And that you had nothing to do with what would happen to them on their arrival in Swaziland? -- These people were living under the care of Mncedisi and my part in this matter was only to see to it that they get to Johannesburg. Their transport from Johannesburg further on was in their hands. This is the reason why after arrival in Johannesburg I insisted that the vehicle in which they travelled from Cape Town go to the place where I was to put up. (20)

Didn't you think about the possibility that these people as soon as they had arrived in Swaziland could be taken up by ANC or PAC members or anyone of these two organisations? (30)

-- No, I did not think of that because these people's plans were/...

were to go and study on arrival there.

You told us about the ... (intervenes)

BY THE COURT: Doesn't the PAC provide for studies if you want to study? -- According to what I have read in this article, it does not provide.

No, no, I am not talking about that article. Are you under the impression that the PAC does not provide people facilities for studying? -- I do not know.

I want to try and understand your answer. You said: I did not think of the possibility that these students (10) were being taken up by PAC or ANC because these people planned to go and study. -- I did not think of this because from the knowledge I gained from the papers I have read I never came across such help being given by any of these organisations.

MR ACKERMANN: You say that there might have been PAC members in Swaziland in 1977. -- Yes.

Now these youngsters taken away on the second trip, they were in a very desperate position. Do you agree? -- Yes, I do agree.

They had to terminate their school education in the (20) Cape, they were running away from the police and they would have to make an illegal entry into Swaziland. -- Yes, that is so.

Now what assurance did you have that these people would not eventually join the ranks of the ANC or the PAC after entering Swaziland? -- What I knew was that these people had their plans that they were to study on arrival in Swaziland and I knew of organisations like the United Nations which does provide for education and during that time there was also a report that the United Nations had built a large school in Swaziland near a place known as Mawela-Wela and that it (30) would accommodate about 60 000 people.

Was/...

Was that to be a refugee camp? -- It was said this would be a school.

For 60 000 people? -- Yes, according to what I read this would be divided into sections for boys and for girls and it was also said that they would also stay there.

By that you are saying that provision would be made for 60 000 students to stay in Swaziland on a permanent basis? -- Yes, according to my understanding.

What I want to say is that you did not have any assurance that these people would not join any of the two South (10) African liberation movements, the ANC or the PAC after their departure for Swaziland. -- I have already said this did not occur to me then.

Quite rightly at that stage in 1977 you believed that the dignity of these people should be upheld. These people were the people who were leaving on the second trip and you said that these people, these poor youngsters had been maltreated by somebody. You gave us a picture of broken bones and wired-up jaws, they were chased all around by the police, by the White system. Wouldn't they be much better off to join the (20) ranks of the ANC and the PAC according to your mind? -- What I mean is this that these people had been complaining about their treatment, the blend of education given to them and for that they received this maltreatment of being injured, chased about; they were then running away to go to a place where they would try and get the blend of education that would satisfy them. Going further on this, one of these very students was a younger brother of mine who had been taken into detention and within an hour after he had been detained, he died.

The question still remains, wouldn't they be much better (30) off in the ranks of the ANC and the PAC? -- Yes, they would have been/...

been better off if these organisations had schools in the countries where they are banned, but as far as I know they do not have schools. The only organisation that has a school is the United Nations.

Now leaving the schools aside for a moment, would they then be better off? -- How could it be better for them without the education they wanted?

Now is your version that you only took these people up, that is the second trip, to Johannesburg and from there onwards it would be another man's responsibility to get them to (10) Swaziland? -- The journey originally was in the hands of Kaya Magodla and Mncedisi. What I had to do was to provide them with transport as they had asked me.

That is transport from Cape Town to Johannesburg? -- Yes.

Did you have any interest in the transport from Johannesburg to Swaziland? -- Mncedisi had personally said they would further see how to get to Swaziland from Johannesburg.

Did you know who would fetch.. (intervenes)

BY THE COURT: As I understand you .. (inaudible) -- Yes, in so much that I took the Combi from them, the Combi in which (20) they travelled from Cape Town.

Do I understand that you had no interest? -- I had no interest.

MR ACKERMANN: When they started with this journey in Cape Town did you at that stage know whether they had any travel documents in their possession? -- No, I did not ask them.

Did you at that stage know that these people would make an illegal crossing of the border between South Africa and Swaziland? At that stage when they left from Cape Town, did you at that stage know that they would have to cross the border (30) between South Africa and Swaziland in an illegal fashion? -- Yes.

And/...

And did you know at that stage that you were risking prosecution, in other words that you could get prosecuted? -- By taking people from Cape Town to Johannesburg?

Yes, full knowing that they would make an illegal crossing into Swaziland, leaving South Africa illegally. -- I will not deny that.

That is not an answer. Did you know that you were risking prosecution by doing that? -- No, this did not occur to me that I was risking prosecution by taking people from Cape Town to Johannesburg. All I knew was this that I was helping these (10) people to leave Cape Town for Johannesburg.

BY THE COURT: So it did not occur to you? -- It did not occur to me then.

MR ACKERMANN: You were assisting people to run away from the police in the first place and in the second place you knew full well that these people would leave South Africa illegally. -- Yes, I knew that.

And at that stage you had been detained on quite a number of occasions. -- Yes.

Now didn't you consider it a possibility that you were (20) risking prosecution for assisting these people? -- I did think that I could be arrested if these people were to be arrested in Soweto. Many stories about their presence in Soweto could be guessed as is the case in this case of mine.

Still you say that you had no interest in their journey between Soweto and Swaziland? -- How they would leave Johannesburg and ultimately get to Swaziland was entirely in their hands. The only part I had to play was just to transport them from Cape Town to Johannesburg.

I find your explanation as a person who participated (30) in such a very risky project or program most ridiculous. I put it/...

it to you that you had all these plans neatly worked out how they would get to Swaziland and what would happen to them on their arrival. Earlier on you told us that you learned in April, 1977 that the people who had gone to Soweto on the first trip had left the country. -- Yes.

Who told you that? -- The first people to tell me about that were the parents of Mpazamo and Tyrone.

Did they tell you that in Cape Town? -- Yes.

Who else told you that? -- I afterwards read in a newspaper, the Daily Mail, that Mpazamo was studying for a B.Sc Degree (10) in London.

When did you read about that? -- This was in about April.

BY THE COURT: April, 1977? -- 1977. He was then on his way to London.

MR ACKERMANN: Did you then read that he was busy studying for a B.Sc. degree in London? -- He was on his way to London where he was going to study for his B.Sc.

Now to finally deal with this first trip you told us this morning about, the people who had left on that first trip: Tyrone, Mpazamo, Oupa and an unknown person; these were (20) the people from the Western Cape SRC. -- Yes.

Now this Oupa did he have another name? Did you know him by another name? -- Yes, he does have another name, but I have forgotten that other name because their nicknames were more often used like Oupa.

When did you last know what his other name was? -- What do you mean?

You say that you forgot what his other name was. -- I have forgotten it now.

When did you forget it? Before your detention; after (30) your detention? -- I have said I have forgotten it now.

BY THE COURT: I think what Counsel means is this, for example when you consulted your Counsel did you tell him Oupa's name then or couldn't you remember it then? -- When I was consulted by my Counsel I told him about Oupa and I gave him the name Oupa.

Oupa only? -- Oupa. And afterwards he asked me if this Oupa does not have another name and I think I did tell him what his other name is, though I am not very sure.

When was that? Last year? -- It was last year.

MR ACKERMANN: Before the State started calling witnesses? (10)

-- This was while the State was calling witnesses.

Now this fourth person of the Cape SRC you referred to him now as an unknown man. Was he then unknown to you or did you know him by some or other name? -- But I said earlier today there was also the fourth person whose name I have forgotten. I did not say this is an unknown person to me.

Oh, I see. I am sorry, then I misunderstood your evidence. Now, the Soweto SRC, Zweni Sizani, did you know him by any other name? -- No.

Nkoli Molite did you know him by any other name? -- (20)
He has got a nickname, he is sometimes referred to as Tiger.

Sheila Bam, did you know her by any other name? -- The name Sheila is a nickname. This Sheila is not a woman but a male. It is only because he behaves like a woman. Even when they were playing or joking he would just always behave like a woman, that is why he was nicknamed Sheila.

Now this name Bam, was that his surname? -- Yes, it is his surname.

In cross-examination of Bathembu Lugulwana Counsel put certain names to the State witness of people who had (30).
accompanied Mazamanzi on this first trip. I want to put these
names/...

names to you, that is in Volume 42 on page 1 796 onwards.

The first person was Tyrone, the second one Mpazamo, then there was a person Mapasa referred to as an ex-detainee. -- Mapasa is the one with the broken jaw.

BY THE COURT: Which is he then? -- This is the fourth person whose name I could not remember.

Then one Eric Mangali, he also went along.

BY THE COURT: Do you know him? -- Yes, I know him.

His name was not amongst the names you mentioned. -- Eric Mangali is the person referred to as Oupa. I am sorry to (10) make reference to the Interpreter, but he is as short as the Interpreter.

You tell me that Eric Mangali .. -- Is Oupa. But he was not younger than 20 years of age. He had a beard, that is why he was nicknamed Oupa.

MR ACKERMANN: You were referring to the Interpreter? -- He is as short as the Interpreter.

Then another name was put, Cecil Mamanzi. -- Cecil Mamanzi was not in the first trip.

It was put by your Counsel on page 1 797: (20)

"Did you know Cecil Mamanzi, one of the people I am suggesting to you was on that first trip?"

And then the witness replied from there on. -- No, Cecil Mamanzi was not in the first trip but in the second trip. This could just have been a mistake.

Did you perhaps tell your Counsel this, that Cecil Mamanzi was in the first trip? -- No, I do not remember.

Would you have told him? -- Yes.

If he was not on this first trip, would you have told (30) your Counsel this? -- No, you see, this is what happened:

mention/...

mention was made of all the people who left Cape Town. I made a list of the names of the people I could remember, people who had left Cape Town.

Yes? -- This name could mistakenly have been mentioned as the name of a person who left on the first trip, but I had given a list of the names of the people who had left Cape Town.

But didn't you hear your Counsel putting this to the witness? -- The names of the people I could then still remember.

Didn't you hear your Counsel putting this to the State witness that Cecil Mamanzi was on the first trip? -- I (10)
would not say I did not hear that.

Were you then in a position, when you handed your Counsel this list of people who had left Cape Town, were you then in a position to tell him which one had left with the first trip and which one had left on the second trip? -- I could not then with certainty say which of these people left with the first trip and who then left on the second trip. This was because I had to draw up a list of all the people who left Cape Town when the witness was giving evidence. This was in preparation for his cross-examination and I had limited time to do that. (20)

BY THE COURT: Do you say you did not have enough time? If so, did you tell your Counsel? -- Yes, I had limited time in prison.

No, you did not use the word 'limited'. Are you telling me you did not have enough time? -- I do not mean the Court did not give us enough time, but what I actually mean is we had limited time in prison for consultations. If M'Lord will remember, my Counsel once stood up and said they had been ordered off the premises of the prison and then the Court replied by saying the Court had phoned in connection with that and what actually happened in prison is that if the Court (30)
adjourned after 12h00 our Counsel would not be permitted to

go into the prison to see us until after two. They are not allowed to consult with us over weekends especially on Sundays.

Did you complain to your Counsel that you did not have sufficient time in order to instruct him properly as to who went on the first trip and who went on the second? -- Yes, I did complain and this is also why he raised this in court.

MR ACKERMANN: Now you see, Mr Lugulwana gave his evidence-in-chief from the 8th June, 1978, either the 8th or the 9th June, 1978 and he was cross-examined on the 12th June, 1978. Are you saying that that did not provide you with ample (10) opportunity of properly instructing your Counsel? -- If I remember well the date you have mentioned is the day on which my file and some of my documents were taken from me by the prison authorities. I had been separated with accused No. 9. I was complaining to them that I have to be with accused No. 9 because I was preparing my defence and there were certain other things that I could not remember.

You say the first time when this first trip was mentioned in the State evidence was when Mazamanzi gave his evidence-in-chief, and that was on the 29th May, 1978 and then you had (20) the whole of the long weekend to instruct your Counsel because Mazamanzi was cross-examined on the 5th June, 1978. Do you say that at that stage you did not have ample opportunity? -- We were then kept in separate cells during that time and we complained to our Counsel about this and another thing which has been done by the prison authorities was taking our files from us. Another thing again which was being done there was putting us into the hall and we were not allowed to sit in groups of more than two whilst preparing our defence and there would also always be a warder right next to you while you (30) would be preparing your defence even though we objected to that it/...

was not considered. The Senior Counsel for the State also once went to the place and he also saw us there.

Now this indictment you received on the 5th December, 1977. Is that correct? -- On the 5th?

Yes. You received this indictment in December, 1977. -- We received the indictment in the evening and we were to appear in court on the following day.

Yes, the 4th and the 5th December, 1977 and you are charged, Schedule 8, paragraph 2 that you procured Zolile Mazamazi on two separate occasions to transport groups of (10) recruits for military training from Cape Town to Soweto. -- Yes.

Did you not from that stage onwards think of giving this list or drawing up this list of people who had left from Cape Town on these two separate occasions with Zolile Mazamazi? -- We had no writing utensils when we were represented by the first lawyer, Mr Omar and when Mr Chetty came here, he came with a number of files but these were taken by the prison authorities and locked up and it was also said we would only get them when the trial starts.

You see, there is only one explanation for all these (20) inconsistencies between your story and the cross-examination on your behalf and that is that you are lying to this Court. What do you say about that? -- But you are getting the true version of what actually happened for the first time today from me because I have also tried my best to show you that the State witnesses who testified here did not give a true version of what actually happened.

I want to deal with the so-called Masakhane Educational Promoters. Was this movement launched in November, 1975? Did I get the launching date correct? -- On the 25th November, (30) 1975.

Now the purpose of this organisation was to provide money for bursaries and educational purposes. -- Yes.

And Vuyisile Selando he was one of your fund-raisers. -- Yes.

The money he had sent you in July or June, 1977, that was Masakhane money? -- Yes.

That was the money that was brought along by Victoria Makheta? -- Yes.

Was this Masakhane money in fact used to get a bunch of fugitives out of the country in an illegal fashion? -- (10)

The Masakhane money is the money I used when I went to board a plane. It is not the money I used for hiring the vehicle on the trip.

So this money brought to you by Victoria Makheta, the R700, that money was not used to get these students from Cape Town to Johannesburg and from there on to Swaziland? -- No, I did not use that money on that trip for the students to leave Cape Town for Johannesburg. I used that money when I went to board a plane.

Was that an entirely different occasion? -- No, this (20) was at the same occasion. I travelled by plane while these students travelled in the vehicle.

I know that, but did you go up to Johannesburg to see them off? -- I went as far as Johannesburg and the reason was that I should be able to return to Cape Town with the vehicle.

So that was the sole purpose of this visit of yours by aeroplane. -- Yes.

Now what did you do with the rest of the R700?

BY THE COURT: Did you tell Victoria that this was Masakhane money? -- Yes, I did. (30)

Was that in your place at Cape Town? -- Yes.

MR ACKERMANN: What did you do with the rest of the R700? --

It is in the savings account for Masakhane.

Tell us more about this savings account. Where was it held? When was it opened? -- At Claremont with the Barclays Bank there.

And under which name? -- It is in the Masakhane Trust Fund.

That is the name of that account? -- Yes.

When did you deposit the rest of that R700? -- It was deposited all at the same time on a Monday. I had received it on Saturday and on the first Monday after that Saturday (10) I deposited it in the bank.

To sort of pinpoint that occasion. Victoria Makheta testified that she went down to Cape Town on the 3rd June, 1977. Did she see you on that very same day? -- I cannot remember the date, but she saw me on a Friday. This is the day on which she arrived, it was in the evening.

And then the following day she gave you the money? -- Yes.

And that next Monday you deposited this amount in your account there. -- Yes.

When did you open that account? -- The first money (20) we received was received by us in December, 1975 and the account was opened in January, 1976.

Was any Masakhane money used for the first trip, that is in March, 1977? -- No.

Not at all? -- No.

You also testified in-chief that Lugulwana was a board member of Masakhane. Is that correct? -- Yes.

Now this Lugulwana, was that Bathembu Lugulwana who testified here? -- Yes, it is Bathembu.

When did he become a board member? -- In about (30) February, he was appointed in February.

70? -- 1976.

And did he stay on in that position? -- Until his arrest.

And was he well aware of the fact that he had been appointed a board member of Masakhane? -- Yes, he was aware of that and he also explained here in court that he was a member of an organisation which helped people in Cape Town.

You see, he was asked about Masakhane and he said that he had heard about it but he knew nothing about it. -- He did make mention of this movement in his evidence-in-chief but in cross-examination when it was put to him that the name (10) of the movement is Masakhane, he just said he had heard of it.

BY THE COURT: Well the evidence is there, he said he knew nothing about it except that he had heard of it. -- But he said he was a member of a movement which helped people. He said what he had to do in this movement was to see who of the residents in Cape Town were in need of help and he was doing that while myself and accused No. 9 concentrated on fund raising.

MR ACKERMANN: What did you think about it when he was asked whether he knew anything about Masakhane, he said he had heard about it but he knew nothing about it? What did you think (20) of that answer? -- I thought of him as a liar. This I am saying because even if we could go to his place of residence now we will find the brochure which was produced here in his room just above his pillows.

BY THE COURT: Is this Bathembu Lugulwana? -- Bathembu Lugulwana. Bathembu, after having given evidence in this court, went to my people in my house and said he was forced by circumstances to give evidence. He is such a liar that I cannot rely on him.

Anyway, it was false what he said. -- It was completely (30) false.

MR ACKERMANN: Totally false, as you put it. Now did you ask your Counsel to pursue the matter? In other words, that it should be put to this witness, this lying witness, Lugulwana, that he in fact had been a board member of this Masakhane Promotions? -- Yes, this was put to him but he denied it.

BY THE COURT: That he was a board member? -- He denied knowledge of the existence of this movement. He spoke of it as a movement he had only heard of, a movement which he was not a member of.

MR ACKERMANN: Are you saying that you did instruct your Counsel to pursue the matter, to put to him that he had (10) been a board member? -- Yes, I did.

A certain exhibit was handed in here, that appears to be an editorial from the Moslem News, EXHIBIT SSSSS. Now, what was published first? Was the Moslem News first published containing this particular article or was the brochure first published? -- We formerly had letters which were being circulated. The brochure only came afterwards and then the brochure was published before the editorial.

How shortly before the appearance of the editorial? -- I cannot certainly say but it was within a period of less than (20) a month.

BY THE COURT: Mr Ackermann, I understand that one of the accused unfortunately has to go to a specialist tomorrow and it is an accused who is vitally interested in this particular stage of the evidence, I mean in this particular Cape Town. Is that correct?

MR SKWEYIYA: That is correct, M'Lord.

BY THE COURT: Well, I do not know how you can cross-examine tomorrow this witness in the absence, I understand he wants to be here because he is vitally interested in the matter. (30). It is unfortunate but he is certainly entitled to be here and

I can only suggest that you pursue your cross-examination on Monday, unless you have anything to say against it.

MR ACKERMANN: If it is convenient to Your Lordship, there is only one very small aspect pertaining to this Masakhane Educational Promoters which I would wish to finish now.

BY THE COURT: Very well.

MR ACKERMANN: You testified that you went to see the Rev. Hendricksen - sorry, that a letter was sent to this Reverend Hendricksen in connection with some accommodation for Masakhane in Athlone. -- We first had an interview with Reverend (10)
Hendricksen and afterwards a letter was sent to him.

And where did you receive your mail before you approached Reverend Hendricksen for accommodation in Athlone? -- In a box letter which is in Athlone, a post office box rented by us.

M'Lord, that is the last aspect of this particular point.

THE COURT ADJOURNS.

THE COURT RESUMES ON THE 12th FEBRUARY, 1979.

JULIUS LANDINGWE: still under oath:

FURTHER CROSS-EXAMINATION BY MR ACKERMANN: When did you first print this brochure, EXHIBIT ZZZ? -- I cannot remember the date but it was just before that editorial.

Just before the editorial? -- Yes.

Was it in June, 1977? -- No.

How shortly was it before the publication of this editorial in the Moslem News? -- It could have been in March or April, though I am not sure. (D)

Now turning to Victoria Makheta's visit to Cape Town, she testified that she went down to Cape Town on the 3rd June, 1977. Was that the first day that she came to visit you during the evening? -- Yes, that is what she said to me as well that that was her first day in Cape Town.

BY THE COURT: Was that a Friday? -- That was on a Friday.

MR ACKERMANN: Did she leave the following day, Saturday, the 4th? -- No.

When did she leave? -- I do not know when she left Cape Town, but we went to see her on Saturday. (20)

Now this person, Vuyisile Selando, do you know whether he could move freely from Botswana to Swaziland to the Republic of South Africa? -- Yes, that is what I knew.

Now, why didn't he bring you the money then on this particular occasion? -- He was used to sending the money to me.

And do you know when Victoria Makheta first met this Vuyisile Selando? -- No, I do not know.

As far as you were concerned she was a stranger to Selando. -- I cannot say.

As she was a stranger to you. -- She was a stranger to me. (30)

Did/...

Did you ask her how it came about that she had been sent on this mission by Vuyisile Selando? -- No, I did not ask her that.

You see, she went to considerable lengths in order to deliver this sum of money. She went back to Johannesburg and she travelled by air to Cape Town and back merely to deliver the sum of money of R700. Now why was it necessary for her to take all this trouble to deliver this sum of R700 to you? -- She said she was sent.

Wouldn't it be easier for Selando to transfer this (10) sum of money from his bank account to yours or Masakhane's? -- Vuyisile used to send all the money he received directly to me. He did not deposit any money into any savings account.

Can you remember the names of any of the other people that brought you money from Selando? -- I cannot remember all the names.

Can you remember any name? -- Mate Viseko.

When did he bring you some money? -- No, I cannot remember. All I can remember now is that he is one of the persons who brought me money. (20)

Can you remember any other name? -- Beki Langa.

And on how many occasions did Selando send you some money for Masakhane? -- The money he used to send was not for Masakhane alone, it was also for NAYO.

Nevertheless we leave it at that. Now according to your evidence Victoria Makheta appeared to be quite uninformed as to why this money had been sent to you by Vuyisile Selando. -- Is this according to what I said not what Victoria said?

According to your evidence. -- Yes.

Now, can you think of any reason why Vuyisile Selando (30) would not inform her about this completely innocent or innocuous scheme/...

scheme, specially in view of the fact that she had to take so much trouble in order to deliver the sum of money to you in Cape Town? -- I do not know.

Did you ever bother to ask her where she had first met Selando? -- She told me she met Selando in Swaziland in a hotel.

Yes? -- And it was then that there Selando gave her the money.

BY THE COURT: Did she say the name Selando? -- No.

MR ACKERMANN: Did she tell you anything else about this meeting between her and Selando? -- I asked her who this (10)
Vuyisile is and she said it is the Vuyisile from Soweto. I then knew who this Vuyisile is. This was the only Vuyisile with whom I had dealings.

Yes, and what else did you discuss? -- Nothing else.

She was a total stranger to this Vuyisile Selando. Did he then merely walk up to her and ask her to take some money to you in Cape Town? -- Who said she was a stranger to him?

That is what I want to know. Didn't you ask her to find out more about the circumstances of this meeting in Swaziland? -- But I have told this Court what I asked her and what she (20)
told me as well. I did not ask her anything further.

According to your evidence - is it correct that according to your evidence she handed you the money only on the second occasion, not the Friday evening but on the Saturday? -- Yes.

Why did she not give you the money on the first occasion? -- She said that she had been sent to me by Vuyisile. It is our practice that when a person first arrives at your place or first meets you, that you first get acquainted to each other.

Yes, but why did she not hand you the money? -- She arrived in the evening and she also told me that she had just (30)
arrived, she was from a plane.

Did/...

Did you think that it was safe for her to carry this amount of R700 around the township? Sorry. -- I then permitted her to go and have a rest and said that I would see her on the next day.

Wasn't she eager to get rid of this sum of R700, in other words to fulfil her mission, to put it that way? -- No.

Did you not get that impression? -- I did not know then what she had with her.

Did she not tell you about the reason for her visit to Cape Town and why she came to your place? -- After telling me that she had been sent by Vuyisile from Soweto, I knew who (10) this Vuyisile was and I said within myself that is Vuyisile Selando and after having had tea with her and the lady who was in her company, one Maud, I asked this Maud if Victoria would be putting up at her place. When she confirmed this, I said O.K. I will see her on the following day. Besides it is also my practice to do whatever I have to do for our organisation with my secretary so that the secretary will also know about everything I do.

That is accused No. 9? -- Yes.

Was anything mentioned about this sum of money, that (20) is on the Friday evening the 3rd? -- No.

Nothing at all? -- Yes, not at all.

What business did you think then - what did you think then at that stage was the reason for her visit apart from having been sent by Vuyisile? -- I did not think.

Isn't the position that at that stage you were afraid to deal with this Victoria Makheta because your house was being watched by the police and that her version on this particular aspect is much more acceptable? -- No, that is not correct. I do not fear the police. It has been happening for quite (30) some time that the police park their motor vehicles right in front/...

front of my house insomuch that I do not always have parking place for my car and when having parked their car in front of my house, they would sit in their car and as a matter of fact one of them is a neighbour of mine. She was frightened by seeing Whites at that time of the night in Guguletu; these Whites were seated in a car in front of my house at the gate and I said to her no, be not afraid, these are policemen.

Now the following day, the Saturday, was Maud Seleko present when she handed you the money, that is Victoria Makheta? -- Yes, she was present in the house but not with us, (10) while Victoria Makheta handed the money to me. Maud was busy preparing tea.

And did Maud take any part in this conversation regarding the money or Vuyisile Selando? -- No, she did not.

Do you know whether Maud Seleko is aware of the actual reason for Victoria's visit to Cape Town? -- No, I do not know, I did not ask her.

Did you at any stage tell Victoria Makheta about the arrest of Vuyisile Selando? -- No.

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

Now, you read about the arrest of Vuyisile Selando (20) in the morning paper on the 8th June, 1977. -- Yes.

And did you at that stage know what the reason for his arrest was? -- I did not know, but we are used to that just getting arrested, detained and then released later.

That is my whole point that according to your view at that stage the system, the government, its agencies would pounce on any Black organisation and the like. -- Especially the leaders of the BPC. We did get arrested often, when you are seen you just get arrested.

And at that stage you were planning the departure of (30) students that they would leave South Africa in an illegal way.

By that stage I am referring to the stage when you read this particular newspaper report. -- I did not plan anything.

Your evidence was that you would take these people from Cape Town to Johannesburg. -- Yes.

According to your version they would go for schooling in Swaziland but in order to get there they would have to cross the border in an illegal way. -- Yes, in any manner they would be .. (inaudible)

And when I asked you about the second trip you told me that you knew at that stage that you were risking prosecution. (10)
-- Yes, I knew that I could be prosecuted for taking people from Cape Town to Soweto knowing that they would later cross the border in whatever manner they would decide.

Shortly before the arrest of Vuyisile Selando he had sent you R700 for this purpose. -- It is not true that this money was sent for the purpose of transporting these students, but it was sent for Masakhane. What I actually did was taking part of this money to buy a ticket.

The sole purpose for that trip down to Johannesburg was to see to it that these people would leave Johannesburg and (20) to bring back the Combi. -- No, that is not correct. I went to Soweto just to go and make sure that this Combi does not proceed any further than Johannesburg as I had given instructions that it would not be used any further than Johannesburg but be brought back to Cape Town.

The fact still remains that you went to Johannesburg for no other reason but the fact that these youngsters had left for Johannesburg, and that this sum of R700 received by you had everything to do with this second trip of the students. -- That is totally not true because even one witness, Lugulwane, (30) also clearly said the money which was used in hiring the Combi was/...

was brought by Mncedisi. This Mncedisi had come in the company of Lugulwane to me to ask me to assist them in getting a Combi.

Nevertheless, shortly before the arrest of Vuyisile Selando you had dealings with both him and Victoria Makheta via Victoria Makheta. -- I do not understand that question.

BY THE COURT: What I think Counsel means is that through Victoria Makheta you had a message from him, money from him, you had some dealings with him. -- Yes, that is correct.

MR ACKERMANN: Now how did you know that this arrest of Vuyisile Selando did not have anything to do perhaps with the (10) mission of Victoria Makheta? -- I did not know then why he had been arrested because he was taken from the BPC office.

That is what I want to put to you. Didn't you think about the possibility that this man had been arrested in connection with this trip by Victoria Makheta from Swaziland via Johannesburg to Cape Town? -- No, I did not know. Vuyisile was also shortly thereafter released.

But I am referring to this stage when you read about this arrest of his in the newspaper. Why did you not contact Victoria Makheta to find out whether she had been approached by (20) the police as well? -- This money which was brought to me by Victoria Makheta from Vuyisile was completely innocent. There was no evil intended with this money. It would not be a reason for me to enquire from Victoria why Vuyisile had been arrested. What also led to this conversation about Vuyisile's arrest between me and Lugulwana was that I was telling Lugulwana that there is a possibility that I may go to Johannesburg because our president had been taken into detention, our secretary as well and Vuyisile was also then in detention.

BY THE COURT: All of them? -- Yes, they were all in (30) detention.

Is/...

Is that the BPC? -- The BPC executive.

MR ACKERMANN: I want to suggest to you that the actual reason for not telling Victoria Makheta about the arrest of Vuyisile Selando or discussing it with her, is that she did not have anything to do with Vuyisile Selando on this particular occasion. -- Did I say she had anything to do with him?

BY THE COURT: No, he is putting that to you. -- Yes, I hear that.

You said that this was innocent money and there was no reason for you to enquire from Victoria about what had (10) happened to Selando because the money was for a perfectly innocent purpose, that is for Makhasane. -- Yes, that is so.

I think also, I do not know if you said it but I want to write that down, I do not think Victoria or you have said that these boys were going to go to Selando, were they? -- Yes, this was not said.

MR ACKERMANN: Now, Vuyisile Selando, did he go to Botswana? -- For NAYO activities he was going to Botswana.

Did you used to see him after his arrival back in South Africa? -- I do not understand clearly. (20)

Did you ever see him after he had undertaken a trip to Botswana in connection with NAYO activities? -- I at times saw him though I did not always see him when he was in the Republic. This is because he would at times come while I am in Cape Town.

BY THE COURT: Would he come to your organising office in Johannesburg? -- Yes.

MR ACKERMANN: Do you know Bokwe Mafuna? -- I know him.

Do you know where he is now? -- When I last knew of his whereabouts is when he was in Botswana.

When did he go to Botswana? -- Not long after his (30) release from jail. He was put under banning orders, he broke his/...

his banning orders, got arrested and shortly thereafter he left. In 1973 or 1974.

Did you have any contact with him since his departure for Botswana? -- No.

Didn't you ask Vuyisile Selando about the activities or the whereabouts or the wellbeing of Bokwe Mafuna in Botswana? -- No, I did not ask him. All I knew was this, that he was in Botswana.

Now, I want to turn to the trip, that is with the Combi from Johannesburg back to Cape Town. That is in July, 1977 (10) when you got arrested. Now, Mazamanzi testified that you received a parcel in Soweto, Johannesburg, and that you told Mazamanzi that this parcel contained documents and that this parcel was intended for accused No. 9. Is that so? -- Yes, these were reading books.

Now, tell us more. When did you receive this parcel and from who? -- From my secretary of the NAYO organisation.

Who was he? -- His surname is Moletsane, his first name is Thabo.

Where did he give you this parcel? -- He gave this (20) parcel to me in the Diepkloof Hotel.

Did he then tell you that this parcel contained documents? -- I had asked him on the previous night to borrow me books from the books that were kept in the library and he promised to bring the books to me which he also did.

Is that the library of NAYO? -- The library of the Christian Institute.

And why did you get these books for accused No. 9? -- I used to lend them books because they did not have all the books they needed in our library. (30)

Which library is that? -- The Christian Institute library

in/...

in Cape Town. Some of the books that were in the library in Johannesburg were not available in the library at Cape Town. We could therefore freely get books from the library in Johannesburg as long as it would only be known that one is a member of the BPC.

And did you know what books were contained in this parcel?
-- No, I did not open the parcel, I only received it.

BY THE COURT: I am sorry, I may have misunderstood you, then I must correct my note. I thought you said that you had asked your secretary to get you a particular lot of books which (10) were not in the library down at the Cape. -- I did not specify what books this man should bring to me. I only asked him to select a few good books in the library and bring them to me.

MR ACKERMANN: How did he or you know that these books were not in the Cape Town library? -- I used to set the library in Cape Town and I had lent them almost all the books in that library though I did not know which books this man had brought to me.

THE COURT ADJOURNS FOR TEA. THE COURT RESUMES.

JULIUS LANDINGWE: still under oath:

FURTHER CROSS-EXAMINATION BY MR ACKERMANN: Do you say (20) that these documents, EXHIBIT PPP to RRR, they were intended for the Christian Institute Library in Cape Town?

BY THE COURT: No, he did not say that. He said that, as I understood him, that these were for No. 9 because the Christian Institute Library in Cape Town ..(inaudible) Is that correct?
-- Yes, it is correct.

MR ACKERMANN: You also say that you were not aware of the contents of the parcel.-- Yes.

Now, was there any communication between this person Moletsane and accused No. 9 that you were aware of? -- No. (30)
No, I am not aware of any communication.

How/...

How did you know which books or documents to bring along to Cape Town? -- No, I only asked Thabo to bring good books and I did not know what books these would be.

Did accused No. 9 request you at any stage to get some books for him? -- Yes.

When? -- He is one of the people who used to lend books from me. He would sometimes buy some of the books and this was not the first time that I had to get books for him.

But when did he request you to bring some books along from Johannesburg? Was that before leaving on the aeroplane for (10) Johannesburg? -- I cannot remember when he asked me this.

Did he specify the nature of the books required by him?
-- No.

Did he ask or tell you where to get these books? -- No.

So he merely told you to get some books from Johannesburg.

-- No, he did not say from Johannesburg.

What did he say then? -- He usually asked me to borrow him books. I actually sell books like books entitled 'Black Review', 'Black Creativity', 'SASO on the Attack' and other books.

Did you have a look - you say you did not look at the (20) books contained in that parcel when you received it in Johannesburg. You did not know the contents of that parcel except that books were contained in that parcel. -- Yes, I did not open the parcel and all I knew was that books are contained in the parcel.

You drove all the way - I suppose that Mazamanzi was doing the driving when you went back through the Free State. -- Mazamanzi did drive; I also drove.

You say that you did not have a look at the contents of this parcel? -- No, I did not.

According to - well, you accepted responsibility for (30) this parcel when it was handed to you by Moletsane. -- Moletsane gave/...

gave the parcel to me and it was so under my responsibility.

According to a traffic inspector who gave evidence here, Mr Henn, you claimed ownership of this parcel. -- Yes.

Why did you do so? -- But whose parcel was it then?

Where did you keep this parcel when you drove down to Cape Town? -- It was in the Combi.

Where in the Combi? -- At the back seat.

On the back seat? -- Yes, I put it on the back seat though it was found on the mat.

When Mr Henn gave evidence he said that is in Volume (10) 38, page 1 672:

"DEUR DIE HOF: In elk geval, jy het die Combi verder deursoek. Is dit reg? -- Ek het die skuifdeur aan die linkerkant oopgemaak, die mat opgetel, 'n pakkie onder die mat gesien toegedraai in bruinpapier en teruggegaan."

Why did you put the parcel underneath the mat? -- The parcel was found on the floor of the Combi. It could have been found under a mat, but this is not the mat that covers the (20) complete or the entire floor of the Combi. It is one of these small loose mats that are usually kept in vehicles. The parcel would possibly have got under that mat.

How? -- While the Combi was in motion.

Do you agree with me that the impression one gains from this evidence is that this parcel was hidden underneath the mat in the Combi? -- No, I do not agree with that.

I see that EXHIBIT RRR, the title thereof is 'Azanian News', January to March, 1976, 'Incorporating the Africanist Official Organ of the Pan Africanist Congress of Azania.' (30) Now can you give us a description of this Christian Institute Library/...

Library in Johannesburg? Can anyone go in there? -- Only the members of the Christian Institute are permitted to go in there and also the members of the BPC, not just anybody.

Do you want to tell me that they kept there a publication of a banned organisation? -- No, I do not know. What I did was just to ask that person to borrow me books.

And that they actually, this Mr Moletsane as a representative of the Christian Institute gave this publication to you for .. (intervenes)

BY THE COURT: No, he was the secretary of No. 8 accused (10) at NAYO. He did not say he was a member or whatever word you used, of the Christian Institute.

MR ACKERMANN: Yes, I withdraw that. This document was given to you for distribution in Cape Town? -- No.

What do you mean by no? -- I mean that I asked the person to borrow me books. My intention was to give these books to accused No. 9 and then I would take them later again to return them to Johannesburg.

I want to deal with the three accused concerned in the evidence, accused No. 9, 10 and 11. Accused No. 9, was (20) he present when you made arrangements for the first trip in March, 1977? -- He was present.

BY THE COURT: Can you just tell me because I am trying to think back. You said that on - was that the time you said that you got a message to go to Mpazamo's house? -- Yes.

And is that the same day after you got to Mpazamo's house that you went and got the Combi? When I say you went, you know what I mean, you went along and lent your name as security, that type of thing. Was that the same day? -- I went on the day following the day on which I had gone to Mpazamo for the (30) Combi.

What/...

What I mean - I think you have got it wrong, Mr Interpreter - you went to Mpazamo and then you say the following day you went and got the Combi. -- Yes.

Now when you said to the Prosecutor that No. 9 was present, do you mean on the day that you went to Mpazamo's house or the following day when you went to get the Combi or on both occasions? -- He was present on both occasions.

MR ACKERMANN: And as far as the second trip was concerned, that is in July, 1977, did he in the first place know anything about the presence of Victoria Makheta in Cape Town? -- But I (10) have already said that I went to Victoria Makheta in the company of accused No. 9.

BY THE COURT: Sorry to interrupt. I just cannot understand about the trip. Am I right that Bathembu drove on both occasions? -- Mazamanzi.

Sorry, that Mazamanzi drove on both occasions? -- Yes, Mazamanzi drove. You have said, I think, that No. 9 was present when you saw Victoria on the Saturday. -- No. 9, yes.

Is that what you said before I interrupted you? -- Yes, I think that is what I was trying to explain. (20)

MR ACKERMANN: He was present when Victoria Makheta gave you the money and you had that discussion. -- Yes.

He assisted you in getting the students onto the Combi driven by Mazamanzi. -- No, I do not understand that question.

Was he present when Mazamanzi drove off, that is on the second occasion in July? -- He was present.

Accused No. 10, what did you tell him when you - I am sorry, you did not speak to him directly but you phoned him and you left a message. What was that message? -- I was asking that Victoria be told to fetch me at the airport. (30)

You went then to the house of Victoria Makheta after your arrival/...

arrival in Johannesburg. -- Yes, I did go to her place.

Accused No. 10 was he there at that stage? -- No. 10 was not there when I went to Victoria's place.

Did you see him at any stage during your stay in Johannesburg? -- Yes, I did see him.

When? -- He came to Victoria's place while I was also there.

Was that before or after the departure of the youngsters? -- The departure of the youngsters where to?

To Swaziland or to wherever they had to go. -- But he (10) said he arrived when the students were about to leave for Swaziland.

BY THE COURT: No, he is asking you whether you saw him at Victoria's place before the students went to Swaziland or after they had already gone. That was the question. -- It was before their departure.

MR ACKERMANN: And at that stage did you then know that he would be taking these students away from Johannesburg?

MR SKWEYIYA: M'Lord, with respect, there is no evidence that these students were taken out of Johannesburg. It is (20) alleged that they were taken out of Johannesburg. The evidence, as I remember it, is that the Combi left Victoria Makheta's place. As to where those students landed, there is no such evidence.

BY THE COURT: Well, the point is firstly it is a question being put, a legitimate question. You must remember No. 8 has already said that he was aware that these students were going to Swaziland. Perhaps - I do not know whether you were here then but he has already said that he knew they were going to Swaziland and they were changing to another Combi. He has (30) already said so. It is a fair question to ask him whether he

knew/...

knew that No. 10 was then the driver.

MR SKWEYIYA: To drive them, yes, but not .. (intervenes)

BY THE COURT: The question is perfectly legitimate.

MR SKWEYIYA: No, I appreciate that. The point I am raising is as long as it is not implied by that but in fact No. 10 drove that Combi to Swaziland. That was the only objection I was raising.

BY THE COURT: Yes, I do not think you can - anyway, you can put the question, it is a legitimate question.

MR ACKERMANN: Did you know that accused No. 10 would drive (10) these people, these students to Swaziland? -- No, I did not know that and no such decision was taken.

Why did you go to Victoria's place? -- What I said before leaving Cape Town was that these students would get or make their own arrangements for further transport from Johannesburg. What I asked Victoria to do was just to accommodate them until such time as when they would be having transport to proceed.

Evidence has been given here that these people changed from one Combi to another. Now did that in fact happen? -- What actually happened is this: After arriving at Victoria (20) Makheta's place we stayed there until supper-time, we had our supper there.

BY THE COURT: Who is we? -- All of us.

Yes, who? -- Myself, Moffat and the students.

MR ACKERMANN: And Victoria? -- She was serving us.

Yes? -- After we had supper, the students asked No. 10 to take them to Zweni's place. This is also after a little discussion we had.

What discussion?

BY THE COURT: Who had? -- The discussion was between me, (30) accused No. 10 and Mncedisi.

MR ACKERMANN: What did you discuss? -- Mncedisi wanted my permission to use the Combi from Cape Town and I refused and accused No. 10 would not allow them to sleep at his place. Accused No. 10 was also not prepared to offer them his vehicle.

Yes? -- Mncedisi then asked accused No. 10 to take him and the students to Zweni's place.

Who was Zweni? -- I then asked to be directed to the Diepkloof Hotel. Zweni was also present at accused No. 10's place. He agreed that these students and Mncedisi be taken to his place seeing that it was already night. (10)

Who was Zweni? -- He is the organiser for SASM. This is the person who was said to have been fetched before we had this discussion and it is No. 10 who went to fetch him. He went in the company of Mncedisi.

Do you know whether he was also going along to Swaziland? -- No, I do not know.

Didn't you ask? -- He only offered to accommodate them.

Did you ask or did you not ask whether he was going to Swaziland? -- I did not ask him.

Now you say that No. 10 was not prepared to give them (20) his vehicle. -- He did not agree.

What did they tell him what did they want to do with his vehicle? -- They said they wanted to go.

Whereto? -- To proceed on their journey to Swaziland.

Anything else? -- Nothing else.

And for that sole reason No. 10 was not prepared to give them his Combi. -- He did not agree. He even got annoyed; I became aware of that.

Now, did he ask them what they were going to do in Swaziland? -- I do not remember him talking to the students. (30) He spoke to Zweni, myself and Mncedisi.

You/...

You arrived there together with the students. -- At Victoria's place, yes.

It was not possible for No. 10 to have spoken with them before your arrival at this place? -- He did not have the time to talk to them.

Did he ask them where they came from? -- He did not ask them but he asked me.

What did you tell accused No. 10? -- I said they are with me, they are from Cape Town.

BY THE COURT: My memory may not be right. Hadn't you seen (10) No. 10 before that day, before you met him at Victoria's place? -- I had seen him at his place of employment.

MR ACKERMANN: You told accused No. 10 that they were with you from Cape Town. -- Yes.

Why did he ask you? -- He had seen people in his house, people not known to him.

Did you tell him anything else? -- No, I did not tell him any other thing.

Did he know whether they were in possession of travel documents? (20)

BY THE COURT: Can I just get it clear: do I understand that is the first time that you spoke to him about these students? -- Yes, it was the first time.

MR ACKERMANN: Did he know whether they were in possession of travel documents the students? -- No, he did not ask that.

Was it not discussed how these people would leave South Africa? -- No, it was not.

But it was discussed for what purpose they would leave? -- What was discussed was just that they are on their way to Swaziland and that they were in need of transport. (30)

But didn't you tell accused No. 10 that these people were young/...

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