

IN THE SUPREME COURT OF SOUTH AFRICA

(TRANSVAAL PROVINCIAL DIVISION)

CASE NO.: 18/75/254

DATE: 14TH JUNE, 1976

THE STATE

VS

S. COOPER AND EIGHT OTHERS

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LUBBE RECORDINGS (PRETORIA)

THE COURT RESUMES ON THE 14th JUNE, 1976.

GESSLEL MOSES NKONDO: still under oath:

FURTHER EXAMINATION BY MR SOGGOT: Before we continue with the theme which we were dealing with on Friday afternoon, were you present at the SASO meeting which formed the off-campus ground, I think somewhere around March, 1974? -- No.

Do you have any personal knowledge of the mass meeting which was initiated by a petition of Mr Gallens? -- Yes, I got to know of it.

Were you in that mass meeting? -- No. (10)

You were not there. And then it is common cause that an SRC headed by accused No. 6, Nefolovhodwe then came into operation on the campus. Is that right? -- Yes.

And that SRC was subsequently replaced by another SRC headed by accused No. 7, Mr Sedibe. -- Yes.

Now, what I want you to deal with please at this stage would be the commencement of the rally and the unfolding of events associated therewith. -- Yes.

When did you first hear that there was going to be a rally? -- On the Monday afternoon, that was the 23rd when I received a letter from the SRC. (20)

You received a letter from the SRC. -- As chairman of BASA, yes.

I think that letter may be before the Court. May he be referred to EXHIBIT RALLY B.3. Have a look at that. Can you identify that letter? -- Yes.

Is that the letter you received? -- Yes.

And you say it was on Monday afternoon? -- Monday afternoon.

You will notice there is a request in the letter: (30)

"You are however also requested to

prepare/...

prepare a paper so as to deliver it  
on the very day."

Who did you understand to be the 'you' in that letter? --

The chairman of BASA.

And that was? -- Myself.

Yourself. Now, I think if you will have a look at RALLY B.4.

Does that bear your signature? -- Yes.

Was this handed over to the president of the SRC? -- Yes.

Could you tell us briefly the circumstances under which  
that letter came to be written? -- Well, we had got into (10)  
some discussion with the SRC executive.

Who is we? -- The executive of BASA.

Yes. -- That was on the Tuesday. We felt that before we  
could get a copy of the Government Gazette we would rather use  
our discretion and not encourage the holding of the rally.  
We got this thing in the air, in the newspapers, but there was  
no certainty about the actual time of the banning order.

You got it over the air, is that right, and in the  
newspapers. -- Newspapers.

But you say there was no certainty. -- Yes. (20)

Who was on your executive at that stage? -- That is  
myself, Mr Motshologane.

I think perhaps for the record if you could just spell  
that name. -- M-o-t-s-h-o-l-o-g-a-n-e. He was vice-chairman.  
Mr A.K. Msimeki - M-s-i-m-e-k-i. Mr W. Tladi - T-l-a-d-i and  
Mr but now Professor Moses Bopape- B-o-p-a-p-e.

She is a professor of? -- Professor of Social Work.

Of Social Work. -- Yes.

Now, you have indicated to us what your discussions were.

-- Yes. (30)

When was this letter signed would you say? -- On the  
morning/...

morning of the rally.

And did you hand it over? Can you say? -- Yes, we did.

Well, I think it is common cause. Now, did you have any discussions with accused No. 7 apropos of the holding of the rally prior thereto? -- No. 7 is?

That is Sedibe. -- Oh, yes, I did.

And would you tell His Lordship briefly the circumstances of the discussion and what was said? -- We .. (inaudible) our argument. He felt that in our uncertainty we could not take the risk of supporting a rally which might be illegal, (10) but he argued that in their understanding .. (intervenes)

Now when was this discussion? -- That discussion started on the Tuesday before the rally and developed into Wednesday morning, very early the morning.

Yes. -- And if they contended .. (intervenes)

MR REES: If this witness says 'we felt' I would like know who we are. -- The BASA executive.

I want to know who the members are.

BY THE COURT: He has already given the members.

MR REES: He has only given the members, but I have reason (20) to believe that the whole executive were not involved. He must state quite clearly whether the whole executive were involved or not.

MR SOGGOT: I think my Learned Friend should wait his turn for cross-examination. The evidence is what he has given. Can you please tell His Lordship what you mean by we? -- We are myself as chairman of BASA and Mr Motshologane as vice-chairman acting on behalf of the executive and association.

MR REES: That is the point I wanted to get clear. Just now they left the impression that it was the whole executive;(30) now it is the two of them only. -- But acting on behalf.

BY/...

BY THE COURT: Only these two discussed it with No. 7? -- Yes.

MR SOGGOT: That is on Tuesday afternoon, is that right? --  
Tuesday and then Wednesday morning.

And Wednesday morning as well? -- Yes.

Now tell us what the discussion was about. -- Mr Sedibe termed it that in their own understanding of the times of the banning order, the SCR rally was not covered by the order, that is how they understood the order. We felt that from our point of view before such time that we had a very close look into the terms of the banning order we could not take (10) the risk.

You could not take the risk. -- Yes. We were using our discretion and secondly not being legal experts we could not support a rally before getting clarity on it.

Did you have at that stage, that is at the stage of your discussion on Tuesday or Wednesday, the benefit of any legal assistance? -- No.

Just for clarity sake on this point, you say you and Motshologane met accused No. 7. -- Yes.

On Tuesday. -- Yes. (20)

Where did this discussion take place? -- In the SRC office.

Were any other persons present? -- Members of the executive - of the SRC executive.

Of the SRC. -- I cannot remember who was present, but there were of the executive.

And from BASA present were you and Motshologane. -- Yes.

No one else? -- No.

Then can you tell His Lordship whether there was any discussion with Sedibe relating to the rector? -- Yes. We tried to find out from Mr Sedibe whether they had (30) informed the rector about their intention to hold the rally

and/...

and we were told that there are normal channels by which the rector comes to know of any SRC resolution. There are normal channels established by which the rector comes to know.

What did you understand by that? -- We were told that the rector .. (intervenes)

MR REES: I object to hearsay evidence. One of the accused could have given that or the rector could come and give it, if it is relevant, but what he understood from somebody else saying is not relevant and I submit is not admissible.

MR SOGGOT: I think my Learned Friend's view of what (10) is hearsay and not hearsay is rather liberal in his favour. I do not think that hearsay comes into it at all. This witness is describing a discussion, he has given his - described it in certain words and what I am asking him to do is sum up his understanding of what was told to him.

BY THE COURT: That is hearsay.

MR SOGGOT: Well, that would be a matter of his interpretation of the words. The words which we have at the moment amount to saying that there are the normal channels. Perhaps if I can put it this way and ask him to perhaps develop it. (20) You have indicated that he said these were the normal channels. -- Yes.

Or there are normal channels. -- That the rector receives ... (intervenes)

MR REES: I want to make this quite clear. My objection is to the whole of this because the only purpose for which this evidence can be placed before the Court is to confirm accused No. 7's evidence if No. 7 gave any such evidence at all and that is not permissible. Here what this man said about the channels, etc., if it is important, No. 7 could have (30) said it, but this witness's evidence is clearly hearsay and it takes/...

takes the matter no further. The only people who are concerned is the man who made the communication and the rector, if he received it.

MR SOGGOT: My submission is that there is no substance whatsoever in my Learned Friend's objection. This conversation relates to the state of mind of one of the supposed conspirators and the question of hearsay does not begin to figure in the conversation and I do not know why my Learned Friend objects now.

BY THE COURT: He says you did not lead this evidence (10) from No. 7, so you cannot really lead his state of mind through this witness.

MR SOGGOT: With respect, No. 7 may or may not have given that evidence as to a specific conversation, but he is giving evidence as to his state of mind. There is no obligation for No. 7 to lead evidence of every statement. In fact I am not sure whether that would be admissible.

BY THE COURT: You could lead evidence as to what he did.

MR SOGGOT: Well, the state of mind is also fundamental in this matter. (20)

BY THE COURT: Well, it can only be gathered from what he did I mean, not from what this man said.

MR SOGGOT: Or intention to do. If for example there was an intention to communicate with the rector .. (intervenes)

BY THE COURT: I am not going to infer his intention from what this man tells me what the normal channels are.

MR SOGGOT: No, that is so, that expression as to normal channels does not take the matter very further, but as I understand it my Learned Friend's objection to evidence of this discussion and my submission is there is no (30) substance .. (intervenes)

BY/...

BY THE COURT: He says you are not entitled to lead any evidence relating to these normal channels because it is for accused No. 7 to say what he did in this connection and then the Court can infer from that what ... (intervenes)

MR SOGGOT: Then there is a misunderstanding. I am only interested - I am not asking him a question now relating to what the normal channels are. My question now relates to what he understood No. 7 to say to him.

BY THE COURT: That will be hearsay evidence.

MR SOGGOT: My submission is it would not, but I would bow to Your Lordship's ruling if Your Lordship rules on this point. (10)

BY THE COURT: He cannot tell us what No. 7 told him, well, how can he tell us what he understood from what No. 7 said?

MR SOGGOT: No, my contention firmly, with respect, is that he is entitled to inform Your Lordship of what No. 7 told him they had done or intended to do.

BY THE COURT: That is if No. 7 told the Court what he did.

MR SOGGOT: That he has done. My submission is ..(intervenes)

BY THE COURT: He did not tell us about the normal channels that he should have pursued. (20)

MR SOGGOT: I do not propose to lead this in order to show what the normal channels are but simply what No. 7 was saying he thought and understood he should do and was entitled to do. My submission is that this evidence is as relevant as the evidence of the discussions on Monday, but I can take the matter no further.

BY THE COURT: The Prosecutor cannot cross-examine him on the state of mind of No. 7 accused as to what he did and what he did not - said and did not say. So the only man who can tell us what he said and what he thought is No. 7, because he/... (30)



he can - then he is subject to cross-examination.

MR SOGGOT: Yes, I appreciate that. Then does Your Lordship not wish me then to put it?

BY THE COURT: I think it savours of hearsay evidence.

MR SOGGOT: As the Court pleases. Now, did you have, apart from the discussion on Wednesday morning which you have just referred to, any other discussion with accused No. - that is Sedibe? -- Yes, on the Tuesday before the rally.

On the Tuesday before the rally? -- Yes.

But that you have already dealt with, have you not? (10)  
-- Yes.

I am now talking about after the Wednesday morning discussion that you referred to, did you have any further discussion? -- The rally took place at two o'clock on Thursday. I did not have any discussion.

You had no further discussion. Now, I think that I should take you back in time slightly and ask you about the posters which appeared on the campus that morning. -- Yes.

Now, have you any personal knowledge as to the manner in which the posters or the blank sheets were handed out? (20)  
-- No.

Now I take it that you woke up on Wednesday morning and went about your affairs. -- Yes.

Tell us where you came across the posters and what posters you read and what your reactions were. -- I must say that it is long ago, that some of the posters have become indistinct, but as I came into the campus I saw a lot of posters, Viva Frelimo, Viva Samora Machel, Viva Mozambique, Irreponsible Dutch Boys.

And Irreponsible Dutch Boys? -- Yes. (30)

One of those posters? -- Yes.

I/...

I will show you the posters in due course. At this stage I just want you to give His Lordship an overall view of your impression of the posters and where you saw them. Where did you see these posters? -- Firstly at the gate, the western gate of the campus, the main gate as you come from our township, there was a big poster there, you know, on .. (inaudible) and I cannot imagine rightly what it said, but it was a very big one at the gate and then so also on the walls of the lecture halls there, in the parking bays. There was I think one, the .. (inaudible) this time, something written (10) across the road that leads out of the university to Pietersburg.

Can you remember what that was about? -- Down with Vorster.

And then in the lecture halls or at the site of the lecture halls. -- Yes.

Themselves. -- Yes.

Would it be outside or inside? -- They were outside.

Now, you then came to the lecture halls, you saw posters, then what did you do? -- Well, I had a look at quite a number of them.

Were you alone? -- No, I was with other members (20) of the Black staff.

The Black staff? -- Yes, people like Mr Motshologane and we went around looking at the posters.

Were there students around at that stage? -- Oh, yes, they were around looking at the posters also.

And to put it in topographical terms, where did you look at the posters on the campus? Which lecture halls for example or any other place? -- I remember lecture hall A, lecture hall B, lecture halls C and D, the K block with the .. (inaudible) block, the social work block which is (30) called the J block.

Are/...

Are these more or less clustered together? -- Yes.

And is that all that you looked at? -- Oh, yes.

You did not go round the campus looking? -- No, I did not go down for instance to the pharmacy block which is a way down from my office.

Can you just tell us what the posters were about? Your overall memory and impressions at this stage. -- Well, Viva Frelimo, that is the general thing. Viva Frelimo, Viva Samora Machel, I think was in praise of Samora Machel and I think there is an celebrating we said the people of Mo- (10) zambique I mean on the achievement of independence. This generally was the spirit of the posters.

Any others in a different spirit? -- I remember one which is quite distinct now, White Pigs, and I thought that did not fall, you know, within the general tone of the posters.

What were the terms of that poster with the words White Pigs in it? -- I just remember White Pigs.

And what was your response to that poster personally? -- I thought that poster was a bit indecent and offensive. It reminded me of some of the cartoons the posters which (20) some irresponsible students went and put up.

Irresponsible students ... -- We have found now and then they have indecent obscene posters.

And what would you say the reaction of other people around you, if you can describe the reaction, was to these irresponsible posters? -- Well, they were offended. I think they were not quite happy about this particular poster as well as this one, the White Pigs, but that is the only one I remember which sticks out clearly now. I think it is so striking that it easily sticks in the memory. (30)

Now what I want to know from you, as far as you could gauge/...

gauge, the posters which appeared on the campus that morning, did they affect the atmosphere of the campus in any way? The mentality or attitude or hostility of the students? -- I must say as we went/looking at the posters, there was a general bustle of amusement.

Bustle of amusement? -- Of amusement, yes. Laughter, chuckling, giggling, this was the general tone of the reaction of the staff and the students, the Black staff and the students.

Now, I will return to the posters. Did you talk to White and Black staff that morning? -- Oh, yes. I talked to (10) quite a number of the Black staff and a few of the White staff.

What would you say the reaction ... -- I would say the reaction .... (intervenes)

MR REES: I would object again, M'Lord. These people can come and say what their reactions are. Here we have got at third hand opinion of what other people's reactions were. He can say what his reaction was, but he can certainly not say what somebody else's reaction was.

MR SOGGOT: I really cannot understand my Learned Friend's timing, because he has given evidence of reactions. My (20) Learned Friend will be the first to argue that these posters created a certain atmosphere of tension or hostility or whatever word he chooses and I think, with respect, that this witness is as entitled to give evidence as to the reactions as he is entitled to give evidence let us say of the existence of a poster or of a building and one cannot determine reactions other than from people's outer behaviour and in particular their speech.

MR REES: Then he must give exactly what these people said, how they react, but he cannot say - he can say the (30) reaction to that one was this and people said this and people said/...

said that in my presence, that was their immediate reaction, but he cannot say my general opinion is their reaction was this, that and the other thing.

MR SOGGOT: I wish my Learned Friend would listen to the question because the question was what did they say. Would you carry on please? -- Well, I talked to a few of my Black colleagues and White colleagues and they said this is students' pranks.

Students' pranks? -- Yes, students' pranks and it is out of adolescence. (10)

Now that morning was anything out of the ordinary on the campus? Did you yourself see for example and everyone else? -- Yes, I taught.

And everyone else. Things were normal or not? -- I do not quite understand your question.

I am sorry. Did the campus educational activities and its activities and lecturing carry on as normal that morning or was there anything out of the way? -- Oh, yes, we carried on teaching, I mean we were .. (inaudible)

If you will just raise your voice a little bit (20) please. -- Oh, yes.

Then I think this would be an appropriate moment for you to deal with the actual events of the rally itself. Were you in the cinema hall or near the cinema hall at the stage of the meeting? -- No, I was not in the cinema hall.

Where were you? -- The south-eastern embankment, you know, on the south-eastern side of the cinema hall on the embankment. At the time when in fact if I could explain. I went back to the campus after lunch at 2 o'clock, I was with Mr Motshologane. We stood between lecture halls A and B. (30) At that time students were filing into the cinema hall. So we

stood/...

stood there, looking at what was happening and at about 2 o'clock we heard some singing coming from the cinema hall. So we stood there talking and about 2,15 we saw a whole convoy of police cars moving into the campus and more staff members came to where we were, more Black staff, I remember Mr Msimeki too was there, Mr Mashiki was there, Mr Mphalale was there and others. So the presence of the police seemed to sort of attract some attention. So we stood on and then the police started moving towards the south-eastern portion of the hall. They stopped there and moved towards the cinema (10) hall. So we grew more interested in the facts in front of us so we moved closer to the cinema hall and stationed ourselves on the south-eastern embankment. As we stood there looking at the police moving towards the cinema hall, we saw Major Erasmus with a megaphone.

How far would you say you were from the cinema hall at the stage that the events took place? Could you perhaps point out a distance in this court or multiples of this distance? -- I think from that corner to that corner, or a little beyond. (20)

BY THE COURT: 25 paces? -- About 30 paces.

MR SOGGOT: Carry on please. -- And then we heard Major Erasmus beginning to speak through the megaphone, but unfortunately there was a disturbing noise so we could not hear exactly what he said.

And could you see into the cinema hall? -- No, I could not.

You were really external and what you can describe are the noises or utterances, if any, which you heard. -- Yes.

Well let us just hear what did you see? -- As soon as the police got to the cinema hall some stood at the door (30) and there was some noise in the hall, an apparent disturbance in/...

in the hall, but we could not hear clearly what was said at that stage.

What was that noise? Of people or singing or crashing or what? -- Well, of people speaking louder than they ever did. And then we stood there. After some time we saw students filing out through the south-eastern door of the cinema hall.

That is the side away from the soccer field? -- Yes, away from the soccer field.

Yes. -- And they moved in a column towards the soccer field and there they assembled. (10)

Now just while you are dealing with this, in what manner did they move towards the soccer field? -- I said they moved in a column.

In a column. In an orderly ... --- ... orderly ....  
(intervenes - both speaking simultaneously)

... fashion? -- In an orderly manner.

In an orderly manner. -- Yes.

At that stage as they came out, can you remember, did you see any posters or banners held aloft or just held? -- No.

You cannot remember? -- I cannot remember. (20)

Carry on please. -- And then as .. (intervenes)

MR REES: M'Lord, it is different. The witness said he did not see them, then my Learned Friend put it into his mouth you cannot remember. There is a vast difference as to whether he did not see and he cannot remember.

BY THE COURT: And he said he cannot remember.

MR REES: No, he said he did not see them. Then my Learned Friend says: you cannot remember.

BY THE COURT: And then I think he said yes.

MR REES: And then he said yes, and that is what I am (30)  
objecting to. My Learned Friend should not put matters of this  
nature/...

nature into the witness's mouth, because it will be important from what I have to ask him eventually.

MR SOGGOT: I have the impression that he said: I cannot remember. If he did not say: I cannot remember, and I said it, then my question or suggestion would have been wrong.

BY THE COURT: Anyway, he confirmed that he did not remember.

MR SOGGOT: Would you carry on please? -- So they assembled at the sports field and they started singing. After at the end of the song they broke into two groups; one group which was .. (intervenes) (10)

May I interrupt you please. What were they singing, just before you deal with the division into groups, what were they singing? -- From where I stood it seemed to have been the National Anthem, but as I said, I could only have the sense of melody but I could not hear clearly the words of the song, but it sounded like the National Anthem.

At that stage had you shifted from your position 25 yards from the cinema hall? -- Yes, towards the more southerly position next to - there is a tree there.

Well, let me just show you a photograph which might (20) help you. -- I stood next to the tree.

M'Lord, may he be shown, it looks like RALLY B.54. Have you got that photograph? -- Yes.

Does this photograph assist you at all? -- Yes, it does.

To establish where you were standing. -- Yes.

BY THE COURT: Let us get the compass points right. You will see that on your right-hand side is north, looking at the photograph. -- Yes.

East is the bottom of the picture. -- Yes.

You were standing on the south-eastern side of the (30) hall, you said near the embankment. Now what embankment? --

Unless/...



Unless that is the wrong word, this embankment here - this point here.

MR SOGGOT: Can you perhaps make a little dot or something like that? Put an N there - you have made a cross. -- A cross, yes.

We have already got a cross. Now we have got a double-cross.

BY THE COURT: You moved to the sort of clump of trees there? -- Yes.

That clump of trees would be on the south-western (10) corner of the building. -- Of the building.

MR SOGGOT: M'Lord, may I for the record mark that N. My Learned Friend suggests, and I agree with him, may the first position be marked N.1 and the second position N.2. Yes, carry on. You then moved to position N.2. -- N.2.

When you were at N.2 who was with you? Can you remember? -- Sorry, I made a mistake here.

You made a mistake? -- Yes, I am sorry, I made a mistake.

BY THE COURT: Then you moved to the south-eastern side of the sports grounds? -- Yes. (20)

To that solitary tree there? -- Yes.

MR SOGGOT: Then I asked you the question, while you were at position N.2 who was with you? -- Mr Motshologane.

Anyone else? -- .. (inaudible) came as this, I mean, the rally broke up.

I actually cannot hear you. Do you mind speaking up? -- There is the other staff members in this vicinity, Mr Mashike, Mr Mphalale, he joined us at a later stage.

At a later stage. -- At that point N.2. But initially we were only two. (30)

Now you said that there was singing on the field. -- Yes.

Was/...

Was there any singing at a prior stage? -- Yes, as they were filing to the sports field, they sang.

What did they sing? -- I cannot remember what.

Although you cannot remember that, can you remember what the mood of the song was? -- Solemnity I would put it.

Solemnity, all right, carry on.

BY THE COURT: You said there were two groups, they broke into two groups? -- Yes, they broke into two groups. The one that moved in a northerly direction was the predominantly female group towards the women's residence and the one (10) that moved southwards was a predominantly male group towards the men's residence. And as .. (inaudible) it was at that point as the students were parting into two groups that the police came in between them and started walking behind them.

MR SOGGOT: Do you know of your own knowledge what brought about the division of the students? -- I was told later that .. (intervenes)

No, do not worry about what you were told. I only want to know if you of your own observations or hearing. If you do not know, then leave it. -- It - at a point Major (20) Erasmus was standing on one of the stands here, on the easterly direction. I think he was speaking again through the megaphone, but I could not hear again what he said to them. It was at that stage that the students, after completing their song, broke into two groups.

They broke into two groups. -- Yes, and the police came in between them.

Now while the students were on the soccer field, did you see any banners or posters? -- No.

Then while the groups were moving in their different (30) directions, tell us what happened. What were the police doing

at/...

at that stage? -- They came in between them and started moving behind the two groups. At a point there was a baton charge and there was tear-gas and dogs were unleashed at that stage when the students now started running towards their residences.

Now I want you to pause at this stage because I think it is of relative importance. At the stage of the baton charge, where were the male students? -- There was a group which was on the topmost step of the sports field and the .. (intervenes)

Just a moment, the topmost step of the sports field?

BY THE COURT: Stairs he said. -- Stairs, yes. And then (10) there were students here that had already moved beyond the road, but there were still quite a batch of students at the bottom of the sports field.

MR SOGGOT: The bottom of the? -- Of that embankment.

Of the embankment? -- Yes.

When you refer to stair, what were you referring to? -- I do not know what they call this.

Well point it out on the photograph. -- Yes. I mean the sports field has ... (inaudible) .. place where people sit as they watch the game. (20)

Can you just point it out on that?

BY THE COURT: There are terraces there. -- The terraces.

There was a group at the bottom of the terraces, one halfway up the terraces and then another group which you say were beyond the road. -- Yes.

More or less on the left side of the bus on RALLY B.54. You would then be very close to the groups of students. -- Oh, yes.

MR SOGGOT: Just to get that quite clear, you point to a group of students at the top of the terraces, then another (30) group which would coincide with an existing dot there. Got that/...

that? That dot appearing just a little bit above a tree, a fairly big tree which is to the south of the terraces and then across the road slightly to the south of the bus you made another mark.

BY THE COURT: The tree near which the witness was standing.

-- Yes.

MR SOGGOT: Can you just tell His Lordship the group which was at the terraces, how far were they dispersed? Were they in a small group or dispersed over an area? Give us some idea. -- They were dispersed over an area, over quite an area. (10)

And at the stage when the police charged who was there on the soccer field itself? What people were there on the soccer field? -- The students.

The students. -- And the police.

Can you give His Lordship at that stage .. (intervenes)

BY THE COURT: What were they doing on the soccer field at the time just before the baton charge started? -- They were moving towards the .. (intervenes)

Did you see that? -- Yes.

They were moving. -- Yes. (20)

But why was there such a gap between them and the other students here on the left-hand side of the bus? -- No, I cannot tell.

Pardon? -- I cannot tell.

But you saw them leave the hall. Did you notice what happened ... -- As soon as the police started with the baton charge and the students started running.

Yes, but you have just told us that there were three groups or actually four. Students on the soccer field, students next to the terraces, students halfway up the terraces (30) and then students beyond the road or across the road to the left

of/...

of the bus. Now how did it happen that there were these different groups of students? -- I cannot tell. I mean perhaps there is .. (intervenes)

Unless the group on the left-hand side of the bus ran, and if they kept on moving to the south, why were they so far ahead of the group that remained on the - or were on the soccer field moving to the south? -- There were three groups, the one at the bottom of the terrace which I referred to, the one which was still on the sports field and the one up the terraces and then the third group beyond the road. (10)  
How it came about that they broke up into three groups I cannot tell.

MR SOGGOI: Now the students, just before the police charge started, what were the students on the terraces doing? -- They were looking back at the police and at those who were still coming up the terraces.

Did you at that stage see anyone throwing stones? -- No.

Could you tell His Lordship then when the police charged, what did they do? -- They baton charged.

Did you see anyone being struck? I want you to (20) describe it macroscopically and also any particular individuals which might stand out in your mind. Just tell us in your own words. -- It was after the first baton charge that I saw somebody being struck by the police. I saw the one man, after the first baton charge there was some calm and one student moved across the sports field towards the women's residence. It was a certain Mr Tsie. T-s-i-e. And then he moved across the sports field in the direction of the tuck-shop, this is in a northerly direction towards the women's residence and just when he was about to mount those terraces, I saw (30) police running towards him and started beating him.

With/...

With what? -- With the batons.

Will you just describe then .. (intervenes)

BY THE COURT: Just tell us where the tuck-shop is. -- The tuck-shop it is .. (intervenes)

Can you see it on the picture? -- No.

Is it to the north of the picture? -- Yes, to the north of the picture.

I do not know whether I followed you correctly. Was he actually moving in the direction of the women students? -- Yes, but he was moving towards the tuck-shop but the tuck- (10) shop is in the direction of .. (intervenes)

Would the tuck-shop be to the east of the women's residence? -- Yes, south-east.

MR SOGGOT: If Your Lordship looks at RALLY B.53, there is, although it is not the most elegant of maps, there is the tuck-shop which is shown as lying more or less in line with the cinema hall but to the north thereof.

BY THE COURT: Well then it is correct and it is to the east of the residence.

MR SOGGOT: M'Lord, may he be referred to RALLY B.64. (20) -- Yes, it appears here.

Can you identify the tuck-shop on the photograph please? -- Yes.

BY THE COURT: The women's hostels are really not to the north, they are more to the west of the soccer grounds. You say the women students they actually moved to the north. -- To the north. The women's residence is spread over quite an area. There is the tuck-shop there.

MR SOGGOT: Can you just mark it there?

BY THE COURT: Anyway, the tuck-shop is really to the (30) east of the women's hostels. In RALLY B.64 it is the building to/...

to the left of the cinema hall.

MR SOGGOT: It would be, as I understand it, on the extremity of the photograph. The extreme left building.

BY THE COURT: Yes.

MR SOGGOT: All right, so much for the attack on Mr Tsie. Can you come back to the actual baton charge itself, tell us what happened; the one which took place.

BY THE COURT: Was he chased before he was struck down or not? Tsie? -- Yes, there was a - when the police saw him go over to the terraces, they ran towards him and caught up with (10) him.

Didn't he try and run away? -- He did.

Was he then chased? -- Yes.

What distance? -- I couldn't tell.

MR SOGGOT: Would you return then to a description of the main events, the actual baton charge and what happened? Whether the students dispersed or did what? -- When the police started baton charging, the students ran away then towards some ... (inaudible) .. south group. They ran towards the residences, but as I said earlier, there was a group which moved (20) beyond the road, there was a group which stood on the top of the terraces and still another group which was moving up still to the terraces.

Did you see dogs in action? -- Yes.

How many would you say? -- I saw two.

You saw two. And what did the students do? Did they disappear or did they congregate anywhere? Just tell us. -- After the first baton charge they came back, a lot of them, and stood next to that furrow there.

BY THE COURT: What furrow? -- Yes, this furrow next to (30) that bus. And there was a time when as they stood around there, milling/...

milling around and talking, a certain student here was savaged by a dog just next to that tree there.

Which tree? -- That tree where - next to that tree on the westerly direction.

MR SOGGOT: Is this the tree where you were standing next to?

-- Yes.

Only to the west thereof? -- Yes.

Who was that student? -- Mr Mamabola.

Mr Mamabola? -- Yes, M-a-m-a-b-ol-o. And at the time when the dogs were savaging him, the students then came (10) round, milling around and started shouting.

What were they shouting? -- Go away, all that.

Carry on. -- Then at the stage when the dog started savaging this student that I decided with Mr Motshologane to look for the dean of students that he could come to the scene of the rally and talk to Major Erasmus. Then we moved towards the administrative block which is - looking for him because we saw his car parked next to the administration block and as we were .. (intervenes - both speaking simultaneously)

... to the east of the cinema hall. -- East of the (20) cinema hall. And just before we met Mr Mapena then, Prof. Mapena now, just before we met him, we met Prof. Mateya and we asked him to go and talk to Major Erasmus as we looked for the dean of students, which he did. We met Prof. Mapena and asked him to go and talk to Major Erasmus so that he can assist in the bringing about peace on the campus. So they did that and they moved back to where Major Erasmus was standing at that point, Major Erasmus was standing not very far from the tree itself. .. (witness is speaking away from the microphone)

Will you please repeat that? I do not think it (30) is quite into the microphone. -- At this point he was standing next/...



next to that lonely tree .. (inaudible)

BY THE COURT: He was standing at the point where the road which passes to the west of the cinema joins the road where the bus is standing? -- Yes, there was a police van there.

A police van? -- A police van, yes. And I saw three students being taken into the police van when we came there from looking for .. (intervenes)

MR SOGGOT: May we mark that position E for Major Erasmus. Tell us what happened thereafter please. -- So when we got back to where Major Erasmus was, we found Prof. Mathivha (10) talking to him. He was saying to Major Erasmus that if Major Erasmus could order the police to leave the campus then he would help in calming down the students because the longer the police stayed on the campus the more heated the tension among the students, particularly after Mr Mamabola was assaulted by the dog. There was a lot of agitation I might say among the students and Prof. Mathivha felt if the police could leave the campus there was a great likelihood of the students calming down and at that moment Mr Sedibe came to join in the discussion with Prof. Mathiva and Major Erasmus and I remember(20) him saying that if Major Erasmus could order the police to leave the campus he would take it upon himself to calm down the students.

What did Major Erasmus say to that? -- I do not remember quite what he said.

You do not. -- Yes. But then it was at that point that at about 3 o'clock if I remember properly, that the rector and Mr Kirsten who was, I think the registrar administrative, came to the scene of the rally.

Who was the .. -- The registrar administration. (30)

The registrar administration. -- Yes.

He/...

He came with the rector, Mr Boshoff. -- Yes.

And they appeared on the scene and did they talk to Major Erasmus? -- Then they talked to Mr Erasmus.

Was Mr Sedibe present at that stage? -- Yes.

What was the discussion? -- Mr Sedibe went on to say that if the police could leave the campus then he would take the responsibility to calm the students.

No, what I am asking is when the rector arrived, what did he say? When Mr Boshoff appeared on the scene, what did he say? -- I remember him saying to Mr Sedibe: if you (10) do your bit, I will do my bit too. You control your students, I am going to request the police to leave, but you must take charge of the students and then Prof. Boshoff apparently succeeded in having Major Erasmus order the police out of the campus because after the rector had left, the police started moving out.

At that stage had the police arrested any students? -- Yes, there were three students I remember who were arrested.

And where were they? Were they taken away? -- They were in the police van. (20)

They were in the police van? -- Police van, yes.

Well, what happened to them? -- The details about that I cannot remember clearly, but I remember Mr Sedibe saying that if the students could be released, that would help water down the tension, because the students were becoming more agitated because they saw their colleagues arrested and he pleaded with Major Erasmus.

THE COURT ADJOURNS FOR TEA. THE COURT RESUMES.

GESSELEL MOSES NKONDO: still under oath:

FURTHER EXAMINATION BY MR SOGGOT: I think you have got (30) as far as describing some discussion which took place, relating to/...

to the students who should be released. -- Yes.

Were they released? -- Yes, they were released.

Now, it may be that my questioning took you out of the chronology of events. You told His Lordship that there was a first and a second baton charge. Remember that? -- Yes.

Now can you tell us about the second baton charge? And how that came about. In other words, I think to have a complete picture to the events which you saw that afternoon... -- .. The second ... (intervenes - both speaking simultaneously)

... as far as talking about the first baton charge, (10) people running away and Mamabola being attacked by the dog. Now carry on from that point. -- The second baton charge seems to have been - came after Mr Mamabola was savaged by the dog. It was at that point that the students started throwing stones at the police.

Now where were the students? Just describe the situation to us please. -- The students were meeting around in the furrow there, along the furrow and next to this M.B., this dormitory M.B. They were all over that area.

Let us just pause there. Dormitory M.B. -- M.B, yes.(20) Is that on the photograph? -- Yes, on the photograph.

I do not know if Your Lordship has got that; we haven't. Have a look at 54. That one there. M'Lord, may that be marked M.B. You refer to a building on the extreme left-hand side of the photograph RALLY B.54 and it is the first building appearing from the bottom of the photograph. -- Yes.

Marked M.B. Now you say the students were milling around there. -- Yes, they were milling around there.

And where were the police? -- The police they formed a sort of a line on the other side of the road, the side (30) of the lonely tree.

The/...

The northern side of the road? -- Yes, north of the road. And when Mr Mamabola got savaged by the dog, then the students became so agitated that they started throwing stones at the police and then the second baton charge erupted.

At that stage had any of these people you have already mentioned such as Prof. Mapena or the rector or the registrar administration, had they appeared on the scene yet? -- No.

The second baton charge took place and what happened? -- They .. (intervenes)

Tell us globally and individually your recollections. (10)  
-- When the police started baton charging there was tear-gas and the students ran into the dormitories and then the police after some time came back to the northern side of the road and then we then left to look for Prof. Mapena.

And then you returned and you found Major Erasmus at the point marked E. Is that right? -- Yes, talking to Prof. Mathivha.

Talking to Prof. Mathivha. -- Mathivha, yes.

And then the discussions which you have already described, took place. -- Yes. (20)

Now during the discussions we have it that Sedibe was present. Did you see any other students near or visible? -- No, I cannot remember anyone outside Sedibe. There were students around.

There were students around. -- There were, but I cannot remember them.

Where were the students congregated during the discussion? -- They were now moving towards the road, almost going over that furrow there but as the discussions continued, we took - me and Mr Motshologane took it upon ourselves to (30) keep the students off the road and we told them to stay there.

You/...

You went to them and you kept them off the road. -- Yes.

How many students were there that you were keeping off the road? -- There were many.

Many? -- Yes, quite - I cannot remember.

BY THE COURT: Now why did you keep them off the road? --

Because after the savaging of Mr Mamabola a lot of students now moved towards the police van which and at that time the three students had been arrested. They were now moving towards the police van insisting that the three students be released. And we felt if we do not keep them off the road, they (10) are going to interrupt the negotiations.

MR SOGGOT: Is there anything further you want to add to what you have described as discussions which took place, prior to the departure of the police? -- No.

Then the police departed. Is that right? -- Yes.

And then what happened? -- Oh, well, I left, went home. Because the students started walking away from the scene of the disturbances, so I took it everything had come to an end, so I went home.

Have you any personal knowledge of the attack on (20) certain members of the White lecturing staff? -- Yes.

Did you see that? -- I came back at about 4 o'clock, I was going back to my office again in the afternoon. Then I saw Prof. Olivier, he was driving a Peugeot station wagon 404 and as I came I just heard the cracking of glass apparently.

Did you see the assault on the vehicle? -- I heard the stones, you know, had been thrown and it breaking.

Do you know who threw the stones? -- No, I do not know.

And what did you do after you heard that? -- I went to my office and then the police came back again. (30)

I am not sure that I understand you very well. You said  
you/...

you heard the noise of glass breaking. Did you know what was happening? -- I just suspected that stones were being thrown, I cannot say if I know precisely.

BY THE COURT: How did you know that - why did you mention the fact that Prof. Olivier - you saw Prof. Olivier with his Peugeot? -- Because the car I saw is a Peugeot.

Did you see him drive away or did you see him come or what did you see? -- I saw him drive into the campus. And then at some point when there was a huge noise, he reversed back. (10)

MR SCGGOT: You see, in fairness to yourself, just describe what happened otherwise it does not sound very clear. -- He reversed back from the campus.

Did you see that? -- Yes. I was coming into the campus.

Yes. And then what happened after that? You see him drive with his 404 onto the campus. Did you see him drive onto the campus? -- Yes.

Now where were you at that stage? -- After he had reversed from the campus .. (inaudible)

What was the next thing you saw or heard? -- Before. (20)

Then he reversed and where did he go to? -- I do not know.

Did you see his car when he reversed, did you see its condition? The throwing of the stones was that before or after the reversing? -- I did not look properly at the car. He reversed and I will say he was very fast.

Did you see his car when he reversed, did you see its condition? -- No.

Well, just to understand your own action, what did you think had happened? -- I cannot tell exactly whether I saw any specific damage. Just at that moment before I (30) could think of doing anything is that I thought the car had been stoned/...

stoned.

Yes, and what did you then do about it? -- The police came back to the campus.

If the witness, M'Lord, could be referred to the Rally posters commencing at what appears to be RALLY B.6, that is subsequent to the events of that day did BASA write a letter to the rector? -- Yes.

Relating to the SRC. -- Yes.

To the rector. -- Yes.

About the events that day. -- Yes, we met and then (10) we discussed the events and then we reached a conclusion.

don't  
I/want to ask you what your conclusion was, but had you people reached a certain conclusion? -- Yes.

I do not think that conclusion is admissible, but you people reached a certain conclusion and you communicated that conclusion to the rector. -- Yes.

RALLY B.6 Mozambique Free Azania, that appears to be painted on bricks. Did you see that? -- Yes.

Now I want you please with each one to describe your responses, your understanding. -- Yes, this one reads (20) 'Mozambique Free Azania' now this is a statement of - it is Mozambique .. (intervenes)

M'Lord, I think there is another word. My recollection is 'Mozambique is free'. That is subject to correction. -- There is a question mark also.

And what do you understand by that question mark? Azania appears to have a question mark. -- Yes. Mozambique free Azania? I think this is a question in colonial rule. That is the first statement. It refers to that Mozambique is free. This is the difference. The question is that the Blacks (30) in this country .. (ineudible)

Would/...

Would you please turn to RALLY B.10. -- Yes.

Do you remember seeing that? -- Yes.

Look at RALLY B.10. 'White man it is time to proceed to India as you promised. Get going.' -- Juvenile .. (inaudible)

BY THE COURT: Juvenile? -- Sort of Juvenile .. (inaudible)

MR SOGGOT: Did you see that? -- It is to tease.

To tease. -- Yes.

The White man? -- The White man.

When you saw that photograph .. (belt faulty - change over to the next belt) -- I think that came after, (10)  
I do not remember what they said, but it came after...  
(inaudible)

B.11. 'Who next if not Vorster' how do you interpret that? -- 'Who next if not Vorster', how do I interpret it?

Yes. What does that mean, first of all and what is your response? -- Well, I think it is a question that seems to suggest that now that the indigenous people of Mozambique had obtained their freedom from colonial rule, the next possibility of that is that the Blacks in this country would achieve their freedom. I think in this context Vorster (20)  
symbolises .. (inaudible) .. system in this country.

Does this suggest to you anything as to the manner in which Mr Vorster and those whom he symbolises would be dealt with? -- No.

BY THE COURT: I do not know whether I missed something. You say Blacks to get freedom in South Africa. Now what did you say after that? How did you relate it to this poster? -- When it says "when next" I either thought that to mean after the achievement of independence in Mozambique the next possibility would likely be that the Blacks in this country might (30)  
achieve their own independence.

How/...



How does Vorster come into it? -- Vorster is a symbolic figure. He stands for the .. (inaudible) system in the country.

MR SOGGOT: And then my question was does this communicate to you how Mr Vorster, although he symbolises, would be dealt with? -- No.

B.12 please. Did you see this? Can you remember? -- This I did not - I cannot remember seeing this one.

It shows a hand grasping the southern end of Africa. -- Let me look at it.

I do not know if - B.12, have you got the right (10) one there? -- B.12, yes. I did not see this one.

You did not see it. What does it suggest to you? -- Well, there is so much detail in this that could I be given enough chance to examine it further?

BY THE COURT: Well, do you want him to take time to consider it?

MR SOGGOT: M'Lord, I think - can you just have a look at it now? There is a hand there and you will see that a lot of Africa is coloured in, suggesting presumably that it is black and then the former protectorates which are of Lesotho (20) and Swaziland which are little black dots there. -- Oh, yes. I would say that my reaction is that that hand stands for the general trend of the emancipation of the Africans from colonial rule is the continent over and that that is the trend, since the moving towards Southern Africa and the case of Mozambique seems to indicate the general trend. This is my initial reaction.

What does this photograph suggest, if at all, anything in the way of hostility to Whites or the use of violence against the State? -- I do not think it suggests violence or (30) any strategy to be used. It suggests a historical trend that is/...

is observable in our time. I think it is more of an analogy of a phenomenon than an expression of a feeling.

All right, would you look at B.13 please? 'Frelimo made them run. Frelisa will drown them. Cowards run.' Did you see that? -- No, I do not remember seeing this.

What do you understand it to say? M'Lord, I just want to say I have left out the photos between 6 and 10, not because I am nervous about dealing with them, but I just haven't got them in the file which was handed to me. -- I think I understand the first part of this poster 'Frelimo made them (10) run', that in a way the people of Mozambique, it applied so much pressure that Portugal had to withdraw from Mozambique. This is how I understand it. 'Frelisa' what does that mean in fact, 'Frelisa'?

BY THE COURT: Well, I do not know. -- Well, I do not know too .. (intervenes)

... the State it means that - Frelimo means freedom to Mozambique and Frelisa means freedom to South Africa. That is what Mr Rees suggested. -- Well, I do not know.

MR SOGGOT: 'We will drown them. Frelisa will drown them.' (20) -- Well, my reaction to - I mean if that is the case then my reaction will be that of amusement. It is another juvenile act which to me caused amusement.

And then it says 'Cowards run'. Who would the cowards be? Have you any idea? -- Well, it - I cannot say.

Then B.14 did you see that? 'Stamp out tyranny'. And if you see there, there is a boot apparently over the head of a person who .. -- I cannot tell whether I saw this. It is such a long time ago, you know, that .. (intervenes)

Well have a look at this and tell us how you (30) interpret it, and what response it elicits in you. You see it says/...

says there 'the hottest place in hell is reserved for those who maintain a state of neutrality during a moral crisis' and then it says 'stamp out tyranny' and something 'be removed rapists' .. -- It is difficult to say exactly what this poster means because what moral crisis here stands for I cannot tell what moral crisis. Then 'be .. (intervenes)

'Be removed rapists'. -- 'Be removed rapists'. It is difficult to define one's response to this, except identify some confusion in the concept here.

'Down with the Pretoria regime' did you see that? (10)  
-- Yes.

And what is your response to that? -- This, it falls into the pattern of students' posters and slogans. I say it falls into the pattern in .. (inaudible), but they understand it, is that Pretoria in this case again stands for the system of .. (inaudible) .. this country which discriminates against the Blacks. That is how I understand the Pretoria regime.

RALLY B.16 'Which way. South Africa stinks. Welcome Frelimo.' Then you see two eyes there. Did you see that? -- No, I cannot remember seeing this one. (20)

Now 'South Africa stinks.' How does that strike you? -- 'South Africa stinks', it is a comment on the - it is the nature of the bourgeois philosophy that we have in this country. The stinking there it is an inflated metamorphical way of commenting upon the negative, unacceptable nature of our bourgeois philosophy in this country. It will not be the best of words but it is an attempt to express extreme dislike of the system that we have in this country.

Then the next one which I want you to pause on, RALLY B.17, 'Azania my love don't let pigs rape your children'. Did (30) you see that? -- No.

Now/...

Now what do you say about that? -- This falls into .. (inaudible) it is an image that you - one comes across of South Africa here referred to the attempt of the mother image and the system of discrimination of depriving the Black man of his dignity is coined usually in the image of the rapist. So I would say it falls into the same vocabulary which one comes across particularly in the poetry.

You have come across it in the poetry. -- Yes.

And what do you say about this insofar as the elements of violence or hostility are concerned? -- No, .. (inaudible) (10) to comment again it is the vocabulary one finds among students and one finds if an African poet, if you look at the poets of Ghana before independence, if you look at the poets of ... (inaudible) you find this image of the rapist.

Of the rapist. -- Yes.

The use of the word 'pig' has interested my Learned Friend. Have you heard the use of that word before? In students talk, to start off? -- Pigs. No, I haven't heard it.

Has 'pigs' a significance? You are a student of English and linguistics. -- Well, pigs here I will say is an (20) image of that which is most unacceptable to you.

BY THE COURT: An image of? -- That which is most unacceptable to you. It is an image that would suggest how despicable this particular thing is.

I do not follow your imagery about South Africa as being the mother... -- The mother it is usually .. (intervenes)

The rape is not in respect of the mother, the rape is in respect of the children. -- Yes, but you find in some poetry by Blacks that South Africa is regarded as a mother and the mother image runs through some poetry and even the image (30) of raping in some poetry it is used to suggest how the

system/...

system here, the bourgeois arrangement tends to deprive, to take away human dignity from the Blacks. I think this is how I see it.

MR SOGGOT: Would you look at that as a poster please. It is not a poem, it is a poster. Tell us what reaction it arouses in you, if anything. -- Again to me it is just a part of the students' pranks. That is how I would look at it.

That is RALLY B. 17. Would you look at RALLY B.18 please. Have you got that? -- Yes.

'Vacancies government of Azania. They call for (10) majors, captains, lieutenants to train and lead 50 million Blacks. Apply SASO BPC before we reach the fourth century of racist oppression.' -- Yes.

Did you see that? -- Yes.

And what was your response? -- Oh, well, that again is - it is that of - I tended to dismiss it as part of the exhibitionism of some students on the campus in an attempt to shock and this attempt to shock goes on an authority. It is to be found among some students.

Who would they want to shock on the campus? -- I (20) think in this case those who are associated with local power in this country.

Do you think - let me put it to you this way - do you recall any reaction of students to this? -- Yes.

What was that? -- They laughed at this type of thing, I mean this type of advertisement; it is funny.

BY THE COURT: What I do not follow about your evidence, you say it is an attempt to shock those associated with power, but will any person who is associated with power come to read this? -- Oh, yes, there are some - your White staff (30) members would go .. (intervenes)

You/...

You say it is intended for the White staff members? --  
If they are associated with power.

MR SOGGOT: M'Lord, I am not sure if that answers Your Lordship's .. -- I do not know what I am to say. Is the effect of the poster on students and staff, that nobody took it seriously as an advertisement.

But the question is who was it intended to shock? You said people associated with power. Now I am not sure whether in reply to His Lordship you included the White lecturers as being people who are associated with power. -- Oh, yes. (10)

Well, I think RALLY B.18 seems to - that is another one. B.19 'The dignity of the Black man has been restored to Mozambique and so shall it be here.' Did you see that one? -- Yes.

And what do you say about that? -- Oh, well, I look at it in this way that the achievement of independence in Mozambique has got now the dignity of the Blacks in that country and that if the Blacks in this country do achieve their freedom, their dignity in turn will be restored.

What about bearing in mind that the struggle in (20) Mozambique was associated - I think this is well known - was associated with the use of violence, does this anywhere suggest that violence is a thing to go for in South Africa? -- Oh, no.

Why do you say that? -- It is not stated in any way there nor even suggested in any way here.

Would you turn to RALLY B.20 please. 'Viva Frelimo', have you got that? -- Yes.

'Azania is bored and from this boredom a revolution shall erupt. Down with Vorster and his dogs, boors. Power. (30) We shall overcome.' Did you see that? -- No.

You/...

You didn't see it? -- No, I did not, I do not remember seeing this.

Well, just consider that please and tell us what your response is. -- 'Azania is bored and from this boredom a revolution shall erupt.' Again this one seems to sound the warning that if there is no change in this country a revolution might erupt if there is no change. This is how I look at it.

'Down with Vorster and his dogs, boors'? -- Oh, well, again it is like the other one I just looked into. It is (10) again a kind of an undergraduatish way of expressing sentiment.

B.21. 'Samora Machel is now coming and Vorster must go'. Did you see that? -- No.

What do you say about it, 'Samora Machel is now coming and Vorster must go'? -- I do not understand firstly how Samora Machel he could be coming to South Africa. To me it says that - I do not understand that part of that.

You do not understand that part. -- No.

But what response does it arouse in you when the student says 'Samora Machel is now coming and Vorster must go'? (20) Would you answer that please? You told His Lordship you do not understand the logic of this. -- I can only guess at the meaning of this, I can only guess, is that Samora Machel in this particular context seems to stand for the achievement of independence. The type of leader who can get his people to achieve independence.

And is the method suggested anywhere? -- No.

I am not going to take you through all the posters in the same way. I want you to just look at them and tell us whether you saw them. B.23. -- No. (30)

Have you got that? You did not see that. -- It says:

'Down/...

'Down with Mulder, up with Terrorism', no, I did not see it.

'Down with Mulder, up with Terrorism, to hell with the Vorster Government'. -- No.

You did not see that? -- No, I did not see that.

RALLY B.22 I overlooked. Did you see that? -- I cannot see what this is about.

You cannot see what it is about. 'Azania shall be free'. -- No, I did not see this.

'Azania shall be free no matter what tankers' is that the word - yes, 'tankers', just look at that - 'Azania (10) shall be free no matter what tankers Vorster has'. Tell us what your response is to that. -- In fact I think it is - it expresses a general confidence among - a general confidence that the Blacks in this country are going to be free one day, no matter what opposition is put up against them. I think this is how I look at it.

Now, I think I asked you, I am not sure what your reply was. Did you see B.22? -- No, I did not.

B.24. Did you see that? -- No.

Let us have a look at that please. I would like (20) you to familiarise yourself with it. -- It is so detailed, I will take some time on it.

BY THE COURT: There seems to be different sentiments in different paragraphs. -- Yes, I cannot get the feeling. Well, could you just read the part it says there, Vorster ...  
(intervenes)

I think you had best indicate to the witness really what you are interested in.

MR SOGGOT: In particular just concentrate on the first column: 'Black man your land is at stake - wake up. Come Frelisa, (30) come SASO. Samora Machel has shown you dialogue cannot solve your/...



your problem." Then there is a picture of a gun, an arrow. 'This my son, I give you. Don't be a coward. Doubly dying shall thou go to the vile dust unsung, unhonoured, unwept.' -- Yes, if you look at it in the context of the other things that are said, you are struck by the unseriousness of the man behind it.

What do you understand by the words 'SASO Samora Machel has shown you dialogue cannot solve your problem.' -- Oh, well, this is - oh well, I mean, the student's way of saying that there was - there seems to have been virtue in (10) Samora Machel to have taken to violence. There seems to ... (inaudible) in that context because Samora Machel did actually achieve independence.

And what is your understanding of being addressed to SASO? -- Well, I think this is a way of - really it is a negative comment on SASO's approach. SASO, you use dialogue, SASO you do this and this is what is happening.

Have you in the campus come across similar criticisms before? -- Oh, yes, there are many people who - I mean students and staff who feel that SASO is using the methods that (20) have never worked in this country. There are people who talk like that.

You mean what methods? -- I mean consultation, dialogue, collaboration.

RALLY B.25 please. 'Go home irresponsible Dutch boys', did you see that? -- Yes, this one I saw.

And your reaction? -- Funny, just funny. It made me laugh myself out.

And were there students there? -- Yes.

And what was their reaction? -- Oh, well, laughter (30) in their case.

RALLY/...

RALLY B.26 please. Did you see that? -- No, I did not see that.

I do not want to take you through every one. RALLY B.27? 'We shall drive them to the sea. Long live Azania'. Did you see that? -- No, I do not think I saw that one.

RALLY B.28 'Viva Zambezia'. -- Oh, yes, this I saw.

What does that mean 'Viva Zambezia'? -- Oh, well, ..  
(intervenes)

What is Zambezia? -- Zambezia is what is called Rhodesia.

And B.29 did you see that? 'Revolution. Machel will(10) help. Away with Vorster. Ban! We are not afraid. Black Power.' Did you see that? -- That I cannot remember seeing.

You cannot remember seeing. RALLY B.30 'Viva Frelimo. To hell with Vorster. Long live Azania.Samora Machel'. -- Oh, yes, this I saw.

Tell us your response. -- Oh, well, my response again here is a man who wants to project the figure of Samora, because Samora Machel is a symbol of independence, as a man who has achieved independence in his own country.

Look at B.31 with particular care please. Did you (20) see that? I think this one was on .. -- Oh, yes.

A canvass or a calico sheet. -- Yes, I saw this.

Can you remember where you saw it? -- I cannot remember where it was.

And I think that the words 'killed' and 'won' are in red. I say that subject to correction. Tell us how you interpret that. -- 'Frelimo killed and won. S.A. Blacks.' Well, it struck me as being ambiguous. The audience meant here it is not quite clear whether the people who are being addressed are the Blacks or the Whites. (30)

BY THE COURT: What did you say? I did not hear what you said.

-- I said it is ambiguous 'Frelimo killed and won' is he addressing the Blacks or he is addressing those who are in power. If he is addressing the Blacks it might mean that look, there are people not very far from here who have used violence and they have achieved freedom. It is definitely true that violence should be adopted as - only because .. (inaudible) .. I mean it is so ambiguous that you can give it any interpretation.

MR SOGGOT: And if it is addressed to Whites? -- If it is addressed to Whites, you can say in Mozambique violence (10) was used, people were forced to take to the gun and they have achieved freedom. The Portuguese were forced to withdraw. Don't you think it is possible that in this country if you do not change the system significantly, the same might happen to you. It seems to be a warning if it is addressed to the Whites. But there is this ambiguity in the poster.

Now, you say you saw it but you do not know where it was. Can you say was anybody with you when you saw this? Or were there any students present? -- Well, usually .. (intervenes)

Do not worry about the usual, just if you can (20) remember specifically. -- No, I cannot remember specifically.

Then RALLY B.32, which brings the series to an end. 'Viva Frelimo'. I do not think I will ask you for your comment on that.

BY THE COURT: Just as a matter of interest. As a Black intellectual, did you follow the events in Mozambique since the 25th September, 1974? -- Yes, I have followed it but usually in the newspaper reports.

If the newspaper reports are correct, is that the type of government they do want, the Blacks want in South Africa, (30) the type that you have in Mozambique at the moment? -- I want

to/...

to .. (inaudible) .. there is a lot of ignorance about what is said about the bourgeois philosophy in Mozambique. I do not know it is enough to risk an opinion.

I am just talking about the factual position now. I mean, I also know very little about the philosophy. -- Could I be reminded about a general argument in the newspaper reports? Because I am not very clear .. (inaudible) often you read comments on Mozambique but nothing really that might be outlining the philosophy behind except that it is a kind of socialism that seems to be moving towards communism (10) but what that actually is in detail I cannot say.

No, I am more interested in the practical result that you have there. That is purely on the assumption that what we read in the newspapers is correct. Do you think that is an ideal position in South Africa for the Black man? -- No, I personally am looking forward to an egalitarian society where there is no discrimination or I am for a certain measure ... (intervenes)

Yes, I know what these people are for, I know, but I just want to know, here we have, I mean you have been (20) celebrating Frelimo's victory in Mozambique. Now that happened now nearly two years ago. Now looking back, as a Black intellectual do you think that would be an ideal position in South Africa, the results that you have there? -- I have a great difficulty in this regard because the newspapers have their own bias in this matter and I myself never had enough confidence in the newspapers in this country commenting on some of these things in Africa.

Assuming now for the moment what we read in the newspaper is correct, what would your views be about the set-up (30) there? Would you regard that as freedom? -- .. (inaudible) ..

you/...

you do not know what type of specific philosophy there is adopted .. (intervenes)

No, apart from the philosophy, I believe every one walks with a gun or with a machine-gun. -- Well, if that is the case then I would not accept it.

Pardon? -- If that is the case where the - if the gun is law, I will not accept it, I would not accept it.

Why not? -- No, because .. (intervenes)

It is the Black man that is governing there. -- No, I think there is a point I must raise. It does not mean (10) that if the government is Black whatever they do is right. I think we are very, very critical and we are looking forward not just to a Black government, but a government of the people of South Africa, not Black or White, but the people of South Africa who are both Black and White. And I think this is my approach to the problem. I mean if Samora Machel asks for the gun as the way of organising the society, I think that is condemned in my opinion. Where Idi Amin rules by the point of a gun then it stands condemned in my opinion, but my approach in this country is that we must together share (20) the responsibility of running this country. I think there is a sharing of responsibility between Black and White, this is my approach to the problem and that does not need a gun I think. It needs a good conscience and good will.

MR SOGGOT: It does sound as if Idi Amin is not your pin-up boy. -- No, not quite, not quite.

One thing about - one has heard in the newspapers of perhaps liberal use of the gun and the flight of Whites and perhaps a decline in the economy and various changes there. What I want to know is in September, 1974, what did you (30) understand Samora ... (intervenes)

BY/...

BY THE COURT: The questions I put to him has got nothing to do with the case. It cannot affect the case at all. You see, as an intellectual I just asked him a question which interests me.

MR SOGGOT: Then I leave that question. Can you then leave the posters and the events at the rally and deal with some SASO documents. I think you have already indicated to His Lordship that you used to receive the newsletter. -- Yes.

Now, you yourself, just to get your own state of mind, were you aware of the aims and objects of SASO? -- Yes. (10)

Now you yourself, what was your attitude to those aims and objects? -- Well, I supported - if I regard them as very good .. (intervenes)

Did you support them secretly or publicly? -- Publicly.

What about the organisation BASA? Did they ever deal with SASO in formal debate? -- Oh, yes, in 1973 we received a request from SASO to assist them financially before the Wilgerspruit conference and we said to ourselves that before we can concede the idea of supporting SASO or any organisation, we would have to study their aims and objectives which (20) we did as an association and at a given meeting we decided that we support SASO, its objectives, and we would do all we can to promote their activities and that is why we came to - we contributed R24 to the Wilgerspruit conference.

Did you communicate your resolutions? -- Yes.

To SASO? -- To SASO, yes.

Now, the organisation, BASA, how is the organisation and its members regarded by the students at Turfloop? In other words, what status do you have in the eyes of students? -- We seem to enjoy a nice measure of their confidence. (30) They invite us to their functions, they invite the chairman to speak/...

speak at some of their meetings.

What I want to really know is to what extent the students regard you as, you people, as an organisation and as members of staff as responsible or irresponsible? -- Well, they regard us apparently as responsible members of staff and as a responsible organisation.

Would you please turn to a newsletter K.4(a) which I refer to simply as an example. It is GENERAL K.4(a). Have you got that in front of you? -- Page?

No, it is just the thing, it is SASO Newsletter (10) Volume 2 No. 4. Have you got that? Called 'Conference Issue'. Now, you were asked, before giving evidence, to peruse this with care. Is that right? -- Yes.

Now before I ask you to deal with your comments on it, I just want to establish certain other features which may relate to your expertise. You have told us that you were a student and also a lecturer over a number of years. Have you made a special study of stylistics? -- Yes, I did stylistics for my second M.A. at the University of Leeds.

Have you ever received a doctoral fellowship? -- (20) I have just been offered a doctoral fellowship by the University of Yale.

University of Yale? -- Yale, yes.

Yes, to do what? -- To read - I mean, to prepare a thesis on the Black aesthetic movement in Africa, America and the Caribbean.

Have you anything to do with the document called 'The study of English in Africa'? -- Yes, I am on the editorial board.

Who else is on that board? Just name some of the principals. -- Prof. Guy Butler of Rhodes, Prof. Beaton of (30) Unisa, Mr T. Cussins of Wits, Dr. Richard Reeves, Cape Town.

And/...

And at Turfloop itself is there an academic planning committee? -- Oh, yes.

Have you anything to do with that? -- Yes, I serve on the academic planning committee and my assignment is to study the courses that you are to be offered to raise them in terms of their priorities and to find out the issue between academic planning and physical planning of the university.

Well, you have told us that you have addressed SASO gatherings or meetings. Have you been invited to address other meetings of a non-SASO nature? -- Yes, I once addressed (10) the University of Wits, the after studies / department; I have just addressed the Namibia National Convention, 29th May.

Have you addressed SABRA as well? -- Yes, I have addressed SABRA.

Well, let us leave it at that. You have addressed those and others. -- Yes.

Now, you presumably had much oral contact, discussions with students at the university. Do you say that you are in a position to give an opinion as to what their understanding and response would be to any passages which might appear (20) in a newsletter for example? -- I think so.

Now, would you have a look at page 1 of this newsletter, I think it is page 1, it perhaps precedes page 1. It is called 'editorial', have you got that? -- Yes.

Now you have read that editorial. -- Yes.

Would you just read the last .. (intervenes)

MR REES: M'Lord, he is being asked for an opinion, I think he should tell this Court on what facts he bases this opinion. If he is trying to give expert evidence now, then the Court must know on what facts such opinions are based. The (30) only qualifications he has given, he studied English, he is an academic/...



academic planner and then he says I am in a position to give an opinion of students' opinions or students' reactions. He must tell us what his qualifications are with regard to all .. (intervenes)

BY THE COURT: Well, I am not quite clear what Mr Soggot wants from him.

MR SOGGOT: I haven't come yet to the point of asking him for an opinion. On students' reactions. If I may deal with that point first, the features that I have led him on now, are merely additional to his curriculae vitae which he already(10 has led in front of Your Lordship and that is many years of active close contact with students with a confidential relation with many and so on, but I haven't come to the point yet, I am still dealing with his own understanding. If you would just take this editorial please. -- Yes.

Would you perhaps, I do not want you to read through the whole thing. Would you please just read the last paragraph, commencing with 'Perhaps the follies..' -- (Witness reads)

"Perhaps the follies of the Rajabs and the  
Amins are a lesson to all Black people (20  
that we must begin to communicate such  
more intimately with each other. The  
lack of understanding and the wedge of  
suspicion that exists in the Black  
community must be broken down now. It  
is imperative for the future well being  
and harmonious co-existence of Black people  
that we define the attitudes, the differences  
and the common areas of involvement so that  
we see ourselves first as Black people (30)  
fighting a common enemy and then look to the  
superficial/...

superficial differences only insofar as they benefit the greater community for the greater good of the entire human race."

Now taking the context of that editorial, may I put the question to you this way: can you tell us in one paragraph your understanding of what that editorial is about? -- Well, let us have more dialogue among ourselves, let us promote an atmosphere of goodwill because if we do not do this, if we do not promote goodwill, if we do not share ideas, if we (10) do not get involved together in solving our problems, we may end up with such dictatorships as that symbolised by Idi Amin. So there seems to be much merit in consultation, in mutual involvement in the social problems, because if we do not do this, if we break down dialogue amongst ourselves, we may end up producing Idi Amin's and Rajabs, this is how I understand that.

Now, the phrase 'common enemies' used there. -- Yes.

Who is the common enemy referred to? -- The common enemy is the system of government in this country. (20)

Now the use of that word there, that phrase 'common enemy' what effect has it got on you in relation to the Whites of this country? -- To me it is used in political terms. The enemy there is the political opponent. It is the man who holds views which are inimical to your well-being and the man who has the power to implement his views, this is the enemy.

Does the use here differ from the use of that word by Mr Pityana which you have already referred to? -- No, it is the same context.

Now you are obviously a mature, intellectual, (30) intelligent person. The question I want to put to you is:

what/...

what is the probable effect of this phrase 'common enemy' on the mind of the student at Turfloop?

MR REES: That is the point I objected to. He has not laid a foundation for this at all. He promised to do so.

MR SOGGOT: I did not promise to do so, I said I have done so. My Learned Friend seems to have misunderstood me. Let us - I do not think I can take it further. You have how many years have you taught students? -- For 12 years now.

And you yourself were a student for many, many years. --Yes.

And apart from your contact with your students in (10) the formal academic framework, what other contact did you have with them? -- Well, as chairman of BASA and they came to talk to me about various problems which they have.

You talk to students. -- Yes.

BY THE COURT: Do you claim to know something about their political thinkings? -- Yes.

On the strength of what? -- Discussing with some of the members of SASO and discussing with the people on the SRC and this is how I came to have an idea of their political thinking.

MR SOGGOT: What does stylistics mean? -- Stylistics is (20) a study of the special ways in which a writer seeks to persuade his audience to accept a point of view.

Does that involve the phrase rhetoric? -- Yes, rhetoric.

Is that another word in fact for rhetoric? -- For rhetoric.

Rhetoric being the mechanism of persuasion. -- Persuasion, yes.

Have you made any special study or have you studied or observed the vocabulary and the uses of vocabulary and language by students? -- Yes.

And do you think that you can in all fairness and (30) seriousness say that you can give an opinion, a valid opinion

or/...

or that you can know what their reaction would be to certain use of language? -- Yes.

Now I repeat the question and that is the phrase 'common enemy' as it is used here, I am being strictly contextual, what effect would that have on a student reading this from the point of view of arousing his hostility to the State or the Whites? -- No, it will not provoke any hostility against the Whites.

Now, it is easy to say it would not. Can you motivate that? -- It would not - I will put it like this: it (10) would not provoke say, you know, racial hostility against A or against B, C, D White men as individuals. What it will do, it will focus attention on the political implication of this concept. Or rather I do not think after reading this the student suddenly he has an emotion against any particular White man, but it does focus attention on the political implications of the concept.

Now, you have already made allusion to this and that is the use of the word - of words such as 'enemy' and the word 'enemy' on the campus that is by students. Can you (20) tell us more about that? -- Well, it is part of what I want to refer to as campus jargon. The students use the term at meetings, when they have .. (intervenes)

Referring to what? -- Referring .. (intervenes)

What is the spectrum of subjects that they would use the word 'enemy' as a phrase referring to somebody? -- Oh, well, it 'enemy' is depending on the various contexts in which you find it.

Yes. -- It can have meanings almost undefinable.

Yes, it would depend on the context. -- It would (30) depend on the context.all the time, yes.

Now/...

Now, I want you to jump please from that page to page 16. Have you got page 16? -- Yes.

It starts off with the words "groups which is in fact... the way for the Black Man." Have you got that? 16. We are still dealing with September/October, 1972. -- Yes.

Would you please have a look, read to yourself the first two paragraphs there, starting off with the lines - "It is well-known ..." and ending off with the phrase "members of the South African Communist Party." Have you got that? -- Yes. (10)

If you would please read it to yourself. You see the use of the word 'enemy' there in the second line -

"It is well-known fact, when people are seeking to liberate themselves, that the enemy must be located and defined."

Have you got that? -- Yes.

In what sense is 'enemy' used in this paragraph as you understand it? -- It is again in the colloquial sense, the sense in which I have already explained.

Is there another word in that paragraph which is (20) the equivalent of the word 'enemy'? -- Yes, there is 'adversaries'.

And who are the 'adversaries' who are referred to in those two paragraphs? -- In this case there is the Whites who support our present system of government.

Now, just to deal with other words 'fascists, imperialists', those two words for example, have they any currency on the campus? -- Well, they have so much currency that they seem to have lost their meaning.

They seem to have lost their meaning? -- Yes, they (30) have degenerated into cliches.

They/...

They have degenerated into cliches. -- Yes.

Cliches meaning what? -- Worn-out words which have lost the freshness of their initial meaning.

Yes, but let us assume that there has been a degredation of their linguistic value, what do they now represent? -- A vague sense of a concept, that is all.

This article is written by Jeef Dumo Baqwa. Do you know him? -- No.

BY THE COURT: Biko wrote this.

MR SOGGOT: M'Lord, we are on page 16. (10)

BY THE COURT: Yes. Oh, I am so sorry.

MR SOGGOT: It is a review ultimately. It is indeed written by Biko, at least the book was edited by Biko. Contributions by other people, but the actual crit is written by Mr Baqwa. Do you know him? -- No.

Well, just taking this article as a whole which you have read, would you say there is anything here which is likely to arouse a sense of hostility against Whites? -- No.

On the students? -- No. In fact, it is to invite discussion on the more constructive view, discussion(?). (20)

Now, as you have said you have been asked to peruse the whole of this. -- Yes.

Not so? Have you read 'Focus' on page 6?

BY THE COURT: I think it is a convenient stage to adjourn.

THE COURT ADJOURNS.

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COURT RESUMES AT 2 P.M. ON 14 JUNE 1976

GESSLEL MOSES NKONDO, STILL UNDER OATH:

EXAMINATION BY MR. SOGGOT CONTINUED: Mr. Nkondo, I had referred you to K.4.(a), have you got that in front of you?  
--- I have.

General K.4.(a) page 6 please, do you remember what the argument in this document is about? --- Oh yes.

You know what it is about? --- Yes.

You remember that? --- Yes.

Now what I want to ask you is would you please read the 10  
final paragraph of that article on page 8? --- WITNESS READS -

"Finally, for the merchant class Indian, Coloured and African bourgeoisie, the writing is on the wall. There is a role for all of us in the struggle for our emancipation. Each one of us has an obligation to be as much a part of the struggle as the situation demands. For those of us who shall have too much to lose when others gain what is rightfully theirs, then let us accept the fact that we constitute part of the problem; a part which shall have to be dealt with efficiently, painfully, 20  
seemingly cruelly and yet so basically logically.

This is the lesson Amin has taught us".

Now, taking the article as a whole and in particular that last sentence, is there anything in the article which suggests that there is something which would inflame or does inflame any feeling of racial hostility on your part? --- No.

Or a wish to use violence? --- No.

Do you see this, do you interpret this as containing a threat made to any group or class? --- I don't think I would refer to that as a threat, it is a positive warning. 30

Now, I don't want to spend time on details, Mr. Nkondo,  
taking / ...

taking this document as a whole, this K.4.(a) as a whole, you have read it, would you tell His Lordship, is there anything in it, and I am deliberately wide in my question, which you consider is likely to inflame racial hostility amongst the students at Turfloop? --- No.

And is there anything in it which inspires either in you or do you think in the students a wish to use violence? --- No.

Now, I want to refer you to some poetry, I wonder if he may be referred, M'lord, to SASO E.1 - E for echo - now I want to refer you please to page 6 of that document, "Black Nana" - have you got it in front of you? --- Yes.

10

Now are you reasonably familiar with this poem, or do you want to look at it again? --- Oh yes, I have looked at it.

Now the first question is do you understand this poem? --- I can't claim to understand what it is all about.

The second question is, does this poem inspire in you a sense of racial hostility? --- No.

What does it inspire in you if anything, apart from confusion? --- It lists, oh, the whole of what I regard as general incoherence in its theme and in its structure, I can't respond to it in a definite way.

20

Now, would you tell His Lordship, have you ever discussed this poem with any student? --- Yes, I discussed it with my students in literary studies.

Tell us about it, what was the context of the discussion and what was their reaction?

MR. REES OBJECTS: I would first like to know when this discussion was, M'lord, and what the purpose of the discussion was.

30

MR. SOGGOT: M'lord, my submission is both of those facts my learned / ...



learned friend can wait for in cross-examination.

MR. REES: It is vital to know at this stage, M'lord, for reasons which I don't want to mention, to put ideas into this witness' head.

MR. SOGGOT: M'lord, if my learned friend in fact would like that information, I am happy to ask the witness now, but I don't think my learned friend should get up as it were and demand that as if something essential has been left out. If he wishes for that information, because he wants to prepare and doesn't want to delay the proceedings of the trial, I am quite happy to ask the witness that question. 10  
Would you tell us when this discussion took place? --- Late last year, in 1975.

In 1975? --- Yes.

And you say it was in literary studies I think it was?

--- Yes.

Did you present this poem to the class? --- Oh yes.

Which class was it? --- Second year literary studies.

In English? --- No, in literary studies.

Now why did you present this poem to them? --- It is one 20  
of my approaches in literary studies that I want to make available to the students the writings by up and coming artists in the country, apart from the more general traditional literarue of English and American. I usually refer them to local writing in this country.

I see, so you took this as an example? --- Yes.

Dealing with this newsletter at the moment, did you only select Black Nana or did you show more to them? --- Oh, there are other poems which are untitled really, they don't have titles to them, but we discussed poetry by people like 30  
Sidney Sipamela, Wally Serote and Adam Charlie.

These / ...

These are established Black poets? --- Yes.

Now, was this read to the group, to your class? --- Oh yes.

And what was the response of the students, what did they express? --- Mostly a puzzlement at what the poem meant, and I couldn't observe any specific emotional reaction to it, but a general puzzlement at the meaning of this poem.

Have you been able to form any provisional views as to what you think the man is trying to get at, or would you rather abstain? --- I would rather abstain.

10

COURT: Under what type of poetry would you group this?

--- Because of this incoherence I think it qualifies as a very bad poem.

MR. SOGGOT: Would you have a look please on page 7, the first column. approximately ten lines from the bottom: "Black Nana hates Whiteman", have you got that? --- Yes.

"Arise .. arise if you can, spit them with Black venom  
rape them, expletive them, spoil them if you will  
Black Nana arise, arise Black Nana",

Now, can you be of any assistance to us as to what you or the other students understood that sort of line to mean? --- I think it is just a spluttering of clichés again here, "arise .. arise... spit them". As I said because of its lack of coherence it does not receive a definite response from an intelligent reader.

20

COURT: But what is the poet trying to say? --- The problem now, if one is to be able to tell what he is saying here, then you must start with the total poetry context, and there seems to be no unifying context in this poem, it is just one statement after another, and there seems to be no basic relationship here. It would be very difficult to interpret

30

the / ...

the meaning of any passage, very difficult.

What is a "honkie"? --- "Honkie" is an American term for the American Whites.

MR. SOGGOT: Is that a word that you come across ..(witness intervenes) --- Oh yes.

May I finish my question please - is that a word you come across in the jargon on the campus? --- In the jargon of the campus and the jargon of Afro-American poetry.

Instead of using the actual word I used the word expletive, this is well studded with expletives, in fact there 10 are unattractive epithets all over the place? --- Oh yes.

Does that relate to any jargon or class of poetry, the use of such dirty language? --- Poems - it is generally very poor poetry coming from undisciplined young poets.

Would-be poets perhaps? --- Would-be poetasters.

Would you have a look at page 8 please , there is a poem there by Adam Small, and another poem "Banned for Blackness", are you familiar with those two poems? --- Not quite.

Then I won't ask you about them, save to say did you discuss these with your class? --- No. 20

COURT: Now why did you discuss this Nana Avenge with your class, if it is bad poetry and it is incoherent, and does not sort of say anything? --- Well, firstly, I was discussing relevance as a literary consideration, there is so much talk in this country even in Afro-American circles that a poem must be relevant. And I said if you adopt this as a criterion, any tuppenny-ha'penny passage which talks about Black man Africa may pass for good poetry, and I was contending that the poem Black Nana, if you talk about the Black man, if you talk about Africa it does not necessarily become a good poem. So in my 30 opinion relevance is not a literary consideration.

Mr. / ...

MR. SOGGOT: So as I understand you then you picked it for the very bad qualities His Lordship has referred to? --- Yes.

While we are talking about poetry would you have a look at EXHIBIT Y - M'lord, it is this booklet "To whom it may concern" - I think it is GENERAL EXHIBIT Y.

COURT: I can't remember that it was handed in.

MR. SOGGOT: Yes, M'lord, I have an idea it was, I think during the cross-examination of Mr. van der Merwe.

COURT: The whole book wasn't handed in, a few pages I think were photostated. 10

MR. SOGGOT: M'lord, my remembrance is that the whole book was handed in but the photostats were there for the convenience of the Court, but I am not sure of that, M'lord, but the original book is in the record. Would you have a look at page 54 please "Gumba, Gumba".

COURT: What is the meaning of the word "gumba"? --- "Gumba" is a township word for a party.

MR. SOGGOT: A jolly party as opposed to a political party? --- Yes.

Are you familiar with this poem? --- Oh yes. 20

What would your comment be on a poem like this, in particular bearing in mind the last stanza.

MR. REES OBJECTS: M'lord, what is the relevance of this to this case?

MR. SOGGOT: M'lord, the witness is discussing poetry which appears in SASO, Black Theatre and Black Literature is one of the issues, the question is what is its role.

MR. REES: But this particular thing, there is no proof that this is part of a document issued by SASO, the State never produced such a document. 30

MR. SOGGOT: That has never been suggested, M'lord, what we are pointing / ...

pointing out ..(Court intervenes)

COURT: I missed the question that you put to the question.

MR. SOGGOT: M'lord, what comment he has on the poem in particular in relation to the last paragraph, and I will ask him further questions as to this quality and character of poetry, and whether it appears in the country generally or what.

COURT: Well has it any bearing on the case, it deals with a gumba?

MR. SOGGOT: No, M'lord, it expresses ideas, and our contention is that what appears in SASO is symptomatic of a type of thinking or perhaps a type of groping which is typical of Black intellectuals or students.

COURT: A type of expression or a type of thinking?

MR. SOGGOT: A type of thinking in particular, M'lord, and expression of ideas.

COURT: Yes, well let us see what the answer is. --- Well I think this is a very good poem - PAUSE -

Now this is Gumba? --- Yes, it is a very good poem, and I think it expresses the anguish that Blacks feel as a result of the objectionable conditions in which they find themselves, of poverty, of discrimination, deprivation, and the word that comes through here is struggle, struggle here suggests the anguish, the tension, and the effort that must be taken to emancipate ourselves from this situation. 20

Would you please read that last paragraph? --- WITNESS READS -

"You have seen struggle, if you have heard

Heard a man bugger a woman old as his mother

Heard a child giggle at obscene jokes

Heard a mother weep over a dead son 30

Heard a foreman say "boy" to a neighbouring oupa

Heard / ...

Heard a bellowing drunken voice in an alley

You heard struggle

Knowing words don't kill but a gun does

That is struggle.

For no more jive evening's aint,

Aint never late, that is struggle".

Now, you have said that that is an expression of the  
Black man's anguish, is that right? --- PAUSE

Now have you found this in other works of Mr. Wally  
Serote? --- Oh yes - no, no, this is by Paska Gwala. 10

I am sorry, this is by Gwala. As far as Wally Serote is  
concerned, have you found this in poems by him? --- Oh yes.

Is he a well known Black poet? --- Yes.

And other poets as well, or is it only these two?

--- Also Adam Charlie.

Now these people in the Black student community in  
particular, how are they regarded - when I say these people I  
mean people like Wally Serote, Paska Gwala, Oswald Ntjali?  
--- They are highly respected as artists.

COURT: I don't know whether I understand this section that 20  
you read, now "knowing words don't kill, but the gun does,  
that is struggle". Now what logic is there? --- It is difficult  
to describe and not to start off - PAUSE

MR. SOGGOT: Do you want to start off from the beginning, is  
that what you are saying?

COURT: Well the beginning shows what hardship is and it is  
described as struggle, but then the end of it he says: you  
heard struggle - if you had heard what he has mentioned and  
he says "you have heard struggle" "But knowing words don't  
kill but a gun does, that is struggle, for no more jive 30  
evening's aint, aint never late, that is struggle", now what  
is / ...

is the sense of that? --- It is very difficult to - PAUSE -

Yet you say it is a good poem? --- It is a good poem, in fact it is so good and it is so difficult to understand that one must - if I may give an explanation of this poem, M'lord, could I be given some time to start it from the beginning and see the development of things and emotions. Because I think it is so intricate one can't get every action.

MR. SOGGOT: Well if you were to read it in the witness box there would that be enough for you? -- PAUSE

I beg your pardon, are you not satisfied with that? 10  
--- No, I am not satisfied.

COURT: I don't follow that?

MR. SOGGOT: M'lord, he would like to mull over it.

COURT: Oh, you would like to ponder over this poem? --- Yes.

MR. SOGGOT: Well if we may leave that in abeyance then for the moment.

COURT: But are you sure it makes sense? --- Oh yes.

MR. SOGGOT: If I may leave this point for the last, M'lord. And the reading of this poem, Gumba, I am taking it specifically, what effect has that got on you? --- I think it has this 20 effect on me, firstly it compels attention, you are forced because of its complexity to attend to every word there, and not even every word gives the reason of the poem, it is very, you know, significant. So it calls upon the reader to think firstly about what the poem is about, and then to contemplate the theory that is explored. And it demands delayed reaction, you must take time before you tell yourself that you understand it.

Does it produce a reaction which is not delayed, in other words at first reading, does that affect you? --- Well when I 30 read this for the first time, I couldn't quite understand it,

so / ...

so I had to consider it again. And only after a second and a third reading could I develop a response to it.

COURT: Is that how one has to read a poem? --- Yes.

And how is the name Gumba Gumba related to the poem?  
--- Gumba Gumba, if you read it aloud, you find that the melody, the movement is that of a township, you know, lyric, Gumba Gumba.

MR. SOGGOT: And is that a known lyric? --- A township lyric.

With a particular melody? --- Yes, with a melody.

I don't think we will ask you to sing it for us. --- No. 10

COURT: It refers to the jive? --- Yes.

Anyway you will explain it to us later on.

MR. SOGGOT: I think as a final document, may I ask you to turn to SASO L.I, which again is a document which I as it were present to you at random. You have been asked to look at this document - M'lord, when I use the word random, I simply mean that I have selected odd documents, not wishing to burden Your Lordship with a perusal of all of them. You have looked at this document, is that right? --- Oh yes.

Can you tell us in a nutshell what this document is 20 saying, its message as it were? --- It asks a question, it is trying to question the motives behind the parcel bombing of Tiro, and suggesting that Tiro was a symbol of the honest effort to find ways of emancipating the Blacks in this country, and then calling upon the Blacks to come together against those forces which conspired against Tiro. And Tiro, being a world figure, it is those forces that can be said to be militating against the freedom of the Blacks.

Now it deals also with certain killings in Southern Africa, that is the first paragraph, and then he says there is a link. 30

And then it says: "Our brother Tiro was murdered because he

stood / ...



stood up against the injustices of White racism and discovered the time to act is now". What did you understand Tiro had been doing prior to his death? --- He had been expressing the need to emancipate the Blacks in this country, expressing views which amounted to a criticism of the ..INAUDIBLE.. of government, and had been calling for Black solidarity in the face of such opposition.

When was Tiro killed, can you date it? --- PAUSE

It was early 1973, wasn't it? --- Early 1973, yes.

I think it is common cause that it was early 1873 - no, 10  
early 1974, sorry. Now it goes on to say:

Our brothers and sisters in Namibia refuse to suffer under White racism and realise the time to fight is now". Now at that time, or until that time, what did you understand the brothers and sisters in Namibia, meaning South West Africa, had been doing? --- They had been protesting against the South African government insisting on their freedom, if I remember. It was general protests in Namibia then, or in South West Africa then.

Was any particular political group active? --- I remember 20  
the internal wing of SWAPO being one of the voices protesting against the South African government.

And then: "Our brothers and sisters in Mozambique are dying daily because they realise the time to march towards freedom is now", that would refer to the struggle in Mozambique?  
--- In Mozambique.

How was that struggle carried on as you understood it?  
--- Well in terms of guerrilla warfare.

Then we have: "Are we going to allow these killers of our Tiro to continue daily with their murderous plans and not 30  
reply in a manner that they and the whole world will see that

we / ...

we are prepared to fight for that which is right", is that right? --- Yes.

Now, does that paragraph and the final paragraph stir in you any sense of racial hostility? --- No.

Does it suggest to you that standing up as exhorted for by this leaflet, tends in the way of violence? --- No.

Now, Mr. Nkondo, one final question before I sit down, I have asked you a number of questions relating to SASO, have you any knowledge of the BPC, do you claim to know the BPC? --- No, I would not. 10

Have you ever been to any of their meetings? --- Oh yes, I addressed their Semi-Con in Hammanskraal.

Where was that and what was the nature of your address? --- It was in 1974, and I addressed them on education.

What was the title? --- Education in a Black perspective.

And this was at Hammanskraal? --- Yes.

Were there any other talks delivered that you were present at? --- No.

And apart from that meeting, have you attended any other BPC meetings? --- No. 20

I have no further questions.

CROSS-EXAMINATION BY MR. REES: Mr. Nkondo, you have referred to a number of documents, and you have said that none of these that you have looked at are likely to stir in you or anybody else feelings of racial hatred or to provoke violence. Now would you tell the Court, what are the factors that one looks to, to determine whether a document is likely to stir up hostility or invoke feelings of violence? --- I think this is put in such a general way I can't really answer it, unless you can produce specific documents. 30

I want to know, you are the man who applied the test,

Mr. / ...

Mr. Nkondo, not me, I want to know what test you applied, don't ask me for a document? --- No, but then I applied that test in terms of specific documents.

I want to know what is the test you apply so that we can apply it also? --- Well if it is a poem then you read it to the students, or to whoever you want to test.

Is that how you determine, but you can't tell us objectively what factors you look at? --- Well if you produce a document I would ..(Mr. Rees intervenes)

No, no, I want to know from you before I give you a document, I want to know all these documents that you look at, what factors would you look at, or were you merely referring to your own subjective reaction? --- No there are stylistic factors. 10

Now what are the stylistic factors which you used? --- M'lord, I think there is a better approach to a stylistic question is a direct analysis of given passages. I think that is the best way you can test either the theory behind the stylistics or its structure. I think this is the best way. If I put it in general terms, it depends on how a metaphor is used, it depends on hyperbole, it makes no sense ultimately, it depends on the context and how the stylistic factor operates within a given context. I am prepared to analyse various documents and give my judgment. 20

It is not going to be as easy as that I can assure you, you will tell this Court what the factors are that a man applies, will you do so please, when you analyse a document and say whether this document is likely to cause a reaction. You told the Court you are a lecturer, you are an expert in this field, how a person sets about creating reaction, that is what I want to know from you. How do you do it? --- But there are / ... 30

are so many voices. One artist can use metaphor as a basic  
....INAUDIBLE.. approach, the other one can use hyperbole,  
the other one can use irony. I mean it depends, it is a  
cipher in itself. It has no value outside the special way  
in which it is being used by a given artist or a given writer.  
But then you must analyse the various elements of style  
within a given context.

Yes, so we have got so far that you have got to analyse  
the matter within the given context and you say a person  
can use metaphor and irony and hyperbole? --- There are a 10  
number of other elements.

Well that is what I want you to set out very briefly,  
how one sets about these things?

COURT: Well he said it is a very wide question, he said you  
can offend him by using two words relating to his mother and  
he is offended, or you may have to write a whole essay to  
offend him if it is related to anything remote? --- It depends  
on the context, M'lord, it is difficult to say a symbol of  
a rapist always ..(Court intervenes)

It depends on your sensitivity too? --- Oh well, yes - no, 20  
I will put it like this, the extent to which you read the  
document rightly, because this is comprehension, you must  
comprehend that document before you can say you are .....?  
justified.

MR. REES: You say stylistics is the special way in which the  
writer seeks to persuade an audience? --- Yes.

All right, and you say you are an expert in stylistics?  
--- Well I have studied stylistics and I teach it now.

Now what I want to know from you in broad outline, what  
are the special ways in which a writer can set about if he 30  
wants to, persuade an audience? --- I think I will go back to  
my / ...

15  
my statement, there are formal elements, let us just take an art form like poetry, because it differs with art form.

All right, you have got different art forms, so depending on the art form he uses a different method? --- Yes.

All right, what are the art forms that he can use to persuade or bring about a reaction in an audience, first of all he can use poetry, what other art form? --- Oh, he can use poetry, he can use a novel, he can use a play, he can use an essay, you can use a short story.

All right, let us start with the poetry, how does he use the poetry to persuade or get an effect? --- I mean this question is very vague I must say. 10

Oh no, it is not? --- Because if I am looking at the formal elements of poetry, yes, you may have reason.

Now just a moment, let us get this clear, you said a writer seeks to persuade an audience? --- Yes.

Now if you want to persuade an audience that - or to suggest to them that violence is a good solution, how do you set about that? --- Well I have never attempted that, I do not know. 20

So you don't know how a man would set about that? --- Well, I think this is a slightly different question you are asking me, and I would identify is there an intention to impress in such a manner if you give me the document.

No, no, no, I want to know before you have the document, if you are preparing the document, what are the factors you would look for. You can't tell me you can identify a horse if you can't describe a horse, if I asked you what is the difference between a horse and donkey you would be able to tell me wouldn't you? --- Oh no, it is difficult, it doesn't mean that if I can't write a poem I can't talk about poetry. I mean this / ... 30

16  
this is a basic ..INAUDIBLE..

I want you to talk about your own statement? --- Yes,  
but firstly I am not a poet, I am a critic.

All right, well then tell us? --- ..... I have never ..(Court  
intervenes)

COURT: All right, you criticise a poem because it does not  
really do what it sets out to do, namely to persuade a  
person to act violently. Now if you want to criticise that  
poem how would you set about it? --- But then as I said if you  
gave me two poems, one that seeks to persuade if you can 10  
identify that, and the other which does not seek to persuade  
a person to take up violence, I am prepared to analyse the  
two documents. But I don't think I can speak in a very  
abstract manner, you know, it will make no sense.

MR. REES: How will you decide, what criterion will you use  
to decide this one poem persuades people to violence, and this  
one does not. I want the mechanics of your art, that is what  
I want to know? --- .....? ... I am going to find out whether  
the two passages exploit the traditional elements of poetry,  
find out that, and the general poetry, the figures of speech, 20  
the metaphors, the symbolism, allegory, what-have-you, but  
even if the two passages use the same elements, they must  
so organise them differently that they achieve a different aim.

That is what I want to know? --- The elements in  
themselves have no value, it is how they are organised in a  
different poem.

I want to know from you, how does the man set about it?  
--- ...INAUDIBLE.. an artist, and I must look at how a  
particular artist organises his material.

MR. SOGGOT: M'lord, I do not want to interrupt my learned 30  
friend's cross-examination, but isn't the problem summed up  
in / ...

in the phrase - the proof of the pudding is in the eating, and unless he can present the cake the witness is a little bit helpless.

MR. REES: Mmmm - Mr. Soggot's help is not going to help you any (LAUGHTER) .. you are the expert not Mr. Soggot, do you understand? --- But every expert's answer is that stylistic analysis is a matter of individual analysis of specific passages. Only then does the concept of stylistics make sense, outside context they don't have value in themselves.

10

Oh yes, you are not going to try and catch me with mere words.

COURT: He does not write the poems, he criticises the poems.

MR. REES: You are not going to catch us with mere words, you are going to tell us ..(witness intervenes) --- But I am talking about words now.

All right. Is there a difference between a factual use of words and an emotive use of words? --- Yes.

Just tell us, what is the difference? --- Well, if I say in semantics: this paper is white, and I can try to test the truthfulness of my statement, I can ask four or five people here, and they will say: yes, we perceive this paper as white. That is a statement of fact. But if I say: how lovely this glass is, I am not saying anything specific about, I mean something factual about the glass, I am expressing my attitude towards it. To the next person this glass might be very rough depending on circumstances, that is an emotive use of words, where the main intention is to express an emotion without having to describe the fact. And in this case I am talking of scientific fact, ..INAUDIBLE.. fact.

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Now if you see a person in a poem or any piece of writing referring / ...

referring to a particular dog? --- Dog or doll?

D-o-g - dog, and he says : this is a mongrel, and the other man says: this is a dog of mixed ancestry, now would you denote any difference in the motive of the two speakers?

--- Again it depends on the context. I can say a man is a mongrel, and if he is a very good friend of mine I can just treat him like that.

No, but you are looking at the words objectively?

--- I am trying to place this particular word mongrel in a context.

10

Well if you find two men standing together, and they look at a dog and the one says: look at that mongrel, and another one says: oh, look at that dog of mixed ancestry. Now what would be your reaction, this one that says: look at that mongrel, what is he trying to suggest? --- It would depend, it would depend, this I think meaning in context. If one man is an older man and the other one is young, he may now want to be formal about it, and use a more formal way of phrasing, you know, mixed ancestry. But if they are buddies, and also depending on other circumstances, he may consider it formal to say mongrel. But then if the word mongrel in that case is part of several elements of meaning.

20

How do you teach your students to differentiate between a person who is trying to influence them with a writing, and a person who is merely telling them facts, how do you tell your students how do they draw the distinction? --- Tell them facts, which kind of facts?

Did you listen to what I said? --- Yes.

You are giving the students a class in this subject of yours, and you want to tell them: look, in this stylistics, and you say: look, you can distinguish between a person

30

telling / ...



telling you facts, and a person who is trying to influence you, this is the way you can do it, or can't you tell your students that? --- I don't think the question arises in that sense, you know, in stylistics. We are trying to establish the quality of passages, and the value of passages.

Oh, is that what stylistics is? --- Yes.

Stylistics then does not deal with the effect of passages or does it? --- You are using the word value in a special sense now, the poetical effect of a passage is part of its value. 10

Now what do you mean by value, how do you say this one is of value and ..(witness intervenes) --- Oh well, it is a good poem or a bad poem, I am putting it generally.

Well, what is a good poem and what is a bad poem? --- PAUSE

What is the criterion you apply? --- But we are going back to general vague statements now, and I would like to demonstrate equality, you know poetic equality, and the absence of such equality, I want to demonstrate in an analysis.

I don't want to just accept your word, I want you to show me how I can do it myself? --- But where is the document? 20

I haven't always got you present, I want to apply this to any document I come across and how can I do that? --- But I want to give you an illuminating analysis, an analysis that is going to illuminate a passage.

Give me the theory then I can try it myself, and His Lordship can try it. Can't you tell us the theory? --- No, I think we are talking now at cross-purposes. I am saying in verse there are elements of poetry which have been used by so many artists throughout the ages, but in themselves these elements have no value until they are used in a specific way by / ... 30

20  
by a given writer, and if you want to establish the effect of these elements as organised in a given passage, you have got to look at the specific passage and analyse it.

Well can't you tell me how to analyse the specific passage, or are you not able to? --- Oh well, I can give you one possibility but it won't take us very far.

I want the method please, I want the method which you apply?

COURT: Mr. Rees wants to know when your students have finished their course with you, will they be able to distinguish between a good and a bad poem or must they go and ask you? --- They will be in a position.

10

Now why will they be in a position to, what norms will they apply? --- The norms get developed in specific analysis. There is no formula ...INAUDIBLE.. but you assimilate their ability to discriminate, and this is not the way where you can say I am going to have so many facts, you assimilate their ability to discriminate, because you have been applying certain concepts, actual application of certain concepts.

MR. REES: Well, what are the concepts that you apply, can't you tell me? --- Okay, let me just give the one possibility.

20

I want the method, I don't want one possibility, I want the concepts that you apply? --- Metaphor, poetic image, symbol, allegory.

Do you see any difference if somebody should refer to you as his opponent, and you hear somebody else refers to a certain nation as the enemy? --- Oh well, if I am having a debate, a formal debate and somebody says I am an opponent in that debate, well I look at it in that context that in the debate he holds a different point of view, and to that extent he is my opponent.

30

Yes / ...

Yes, and if you say that nation is our enemy? That is different from our opponent isn't it? --- No, it depends on the context there.

It is a much stronger word, it is a much stronger indication not so? --- No, but the strength of a word derives from its context.

Of course it derives from its context. --- It has no strength in itself.

Yes, and if you refer to Nazis and Fascists - what do you understand by Nazis and Fascists, what is a Nazi? --- Well 10 I don't claim to know much about Nazis and Fascists, I don't claim to know much about that.

You don't know? --- I don't claim to know much, but I know that Nazis generally refers to Adolf Hitler's regime.

And what did Adolf Hitler do, he exterminated the Jews they claimed? --- So they claimed.

And he suppressed Europe so they claim? --- Oh yes.

And he proclaimed the superiority of the Aryan race above all others? --- Oh yes.

What else did he do? --- I don't - PAUSE -

20

He proclaimed racial superiority? --- Yes.

Isn't that so? --- Yes.

And they attribute to him particularly strong racist tendencies don't they? --- Yes, but I mean I have said I don't have much information about the actual working of the Nazi regime.

You don't? --- No.

Yes, but you do know what the term connotes? --- In a given context.

In any context, if a man calls you a Nazi, somebody comes 30 there and says: this chap Nkondo is a Nazi, would you think

he / ...

he is complimenting you - would you think he is complimenting you? --- You know I fail to understand a general outward context for any word. I fail to do that.

If you heard that a newspaper published today that a man gave evidence here, but you can't take notice of him he is a Nazi, he has got Nazi tendencies, would you think he is complimenting you, or wouldn't you know what he is talking about? --- Oh well, I must know the man first and why he calls me a Nazi.

No, but you just see this published in banner headlines 10  
in a newspaper if you walk out here tonight, how would you react? --- Oh well, then I mean it is just something, I won't take it seriously.

Oh, and if you see if you go out here tonight, and you see the newspapers of certain people say: A certain Black pig gave evidence today, how would you react? --- Well, again the word pig, my own personal opinion, the word pig, depending again on the context, is offensive.

It would be offensive in any context, I am not talking about your friend who comes to you and says: Hi, Nkondo you pig, or something like that, where he is playing with you or you know one another, not so, I am talking about where you get this where you seriously refer to an opponent as pig? --- You know, but at the same time the same principle applies, the word pig does not carry the same connotations all the time. I mean this is true of any word. 20

Yes, I agree with you, it doesn't always carry the same connotation, but if a stranger calls you that you would not take kindly to it would you? --- PAUSE

Now, if a man were to say to you, this term that somebody 30  
used in Durban the other day, he referred to a person as:

jou / ...

23  
jou kaffer - that is accepted as being insulting, isn't that so? --- Well, I mean those are regarded as swear words.

Yes? --- And swear words differ in their behaviour from other type of words.

Now if you call a man a Fascist - what do you understand by the term Fascist? --- Well it generally refers to a man who opted for a dictatorship.

Yes.

COURT: He did what? --- A dictatorship.

MR. REES: Can you tell us, this word Fascist, what is its origin, where does it come from? --- Well it originated with Mussolini. 10

Long before Mussolini ..(witness intervenes) --- Oh, I don't know.

Did you not study Latin? --- No, I did not do advanced Latin.

Do you know the Afrikaans words: "Eendrag maak mag"? --- No, I don't.

Unity is strength? --- Oh yes.

And is unity the unity that the Blacks - SASO is striving after? --- No, but again we are going back to the abstract, to the generalisations now.

Isn't SASO striving after unity of the Blacks? --- Yes it is.

Did you hear what was said in this hall when the rallies were on? --- No.

If I should suggest that before the police baton-charged the students, it is possible that stones could have been thrown of which you are not aware, what would you say? --- I must say perhaps if there were any stones, it must be stray stones 30 which perhaps from where I was standing I couldn't see. But  
if / ...

if you are talking of a hail of stones I think I would say no.

Is it possible that stones could have been thrown of which you were not aware? --- Oh yes.

Now I gather from the evidence that these students invited to the rally only BASA, they didn't invite any of the White lecturers or any of the White lecturer associations?

--- I don't know.

Didn't you enquire? --- No.

Doesn't it seem significant to you that they should invite only the Blacks and not any of the Whites? --- Well 10  
you can ask them.

No, I am asking you? -- But the men are here.

You were prepared to draw all kinds of conclusions, now I want your conclusion now, doesn't it seem significant to you that they invite only the Blacks and not the Whites?

--- But did they exclude the Whites?

Are you asking me? --- Yes.

If I assume they did, would it be significant to you, would you draw any conclusion from that? --- Well I don't 20  
know whether it would be significant, but I will put it this way that perhaps they tend to identify more with the Blacks than with the Whites.

Well, what was the purpose of this rally? --- I mean it is common cause now that they were celebrating the freedom in Mozambique.

So was this supposed to be a happy occasion? --- Yes.

Well then can you tell us, why did they not want to celebrate with the Whites and the Coloures, everybody, why only invite BASA? --- In the first place at Turfloop we don't have Coloureds on the staff. 30

Well, forget the Coloureds then, the Whites? --- Well,  
perhaps / ...

perhaps, and this is my own guess, that the Mozambique event associated with the Black peoples of Mozambique who had succeeded in achieving freedom, and they tended to relate with the Blacks as people who were closer to that experience than the Whites.

Now you yourself and BASA if I understand you, you advised against this rally carrying on even on the Wednesday?  
--- Yes.

Throughout? --- Yes, throughout.

You thought it was not a wise thing to go in the face of the opposition and the government banning? --- Yes. 10

And you told that to the students? --- Yes.

But they insisted that they were going on? --- And that they were right in going on.

Now, I take it you realised that the police were likely to come and find out what it was all about? --- Oh yes.

And I take it you drew this to the attention of the students? --- Yes.

And what was their reaction? --- They said no, they were right in holding a rally, because in their understanding the banning order didn't cover the rally. 20

Did you communicate - but in the event you proved right and they proved wrong, isn't that so - eventually your advice to them not to persist in the rally proved to be the right advice, wasn't that so? --- Oh yes.

And if they had not persisted in the rally they wouldn't have had all these incidents? --- Oh yes.

COURT: Is that what you mean by you being right? --- What I mean is that if they hadn't persisted with the rally, the police would have found no cause to come to the campus. This is what I mean. 30

Mr. / ...

26  
MR. REES: Is there any reason why you should - or let me ask you this first, do you say you didn't see any of the placards that were carried onto and on the soccer field or the sports field that day? --- Yes, I did not.

Was there anything that prevented you seeing them?  
--- No, I just didn't see them.

Surely you were interested in what was going on there?  
--- Yes, but I didn't see the placards, I can't even remember a thing that prevented me, but I didn't see the placards.

From the evidence here they had a very big banner, this 10  
one about "Frelimo killed and won"? --- Well, if I didn't see it, if they had it then it escaped my notice.

Now if you had seen such a thing, wouldn't that have upset you somewhat? --- What is there on the poster?

I will get the poster and show you and then perhaps we can understand one another - I will come back to that, Mr. Nkondo. Now I understand one of these lecturers that had been assaulted, one of the White lecturers who had been assaulted seemed to blame your activities, is that so? --- Activities?

Your activities, your, Mr. Nkondo, I understand - didn't 20  
you go and seek protection from either the Rector or the .. (witness intervenes) --- Oh yes, there was some Mr. Straub who talked to me about the assault.

Did he in fact blame you as being - or your activities as leading to these things? --- Yes, he talked to me about it, but when I saw the Registrar the following day he had withdrawn the charge.

He had withdrawn? --- I mean the allegation that I could have been responsible in any way.

Was there a suggestion that you were the man behind all 30  
this trouble? --- No, I don't know, but he felt that I  
could / ...



could have been associated with it. And then I went to the Registrar, Mr. Kirsten, and then Mr. Kirsten talked to Mr. Straub, and I was told that Mr. Straub had since changed his mind on the question.

Now when you saw this Mr. Olivier's vehicle, you saw it being attacked didn't you? --- I don't know about attacked, but as I came onto the campus I heard some noise and he started reversing.

Did you come into the same road where he was? --- Yes.

So you had to pass by him? --- Yes, and at the time he was reversing out of the campus. 10

So this must have happened immediately in front of you? --- Not immediately, not necessarily immediately.

Well how far from you? --- Well I was just pulling into the gate of the campus, and he had already advanced towards that lone tree.

Well, how far was it, how many paces about? --- I can't talk of paces, but I think it is quite a stretch.

Well, how far is a stretch? --- I can't estimate now.

Well, you will have to think a little bit, I suggest it was less than 100 yards? --- Well I can't say exactly. 20

No, I want to know from you, roughly, I was there too and I guess it was about a hundred yards? --- I don't think it was less than 100 yards.

Well, how much do you think it is? --- Let me put it plus minus 150 yards.

All right, and the distance your car was moving towards them, and his car was backing towards you? --- As soon as I heard that noise I slowed down, and then I pulled off the road.

So that he could pass? --- Yes. 30

All right, then you must have seen the students there?

There / ...

--- There were students milling around the tarred road.

They didn't attack you? --- No, they didn't.

Did you draw any conclusion from the fact that they were attacking only the Whites? --- No.

Did you say anything to the students? --- Not at that time.

Why not? --- No, because I was moving past, and I was still you know surprised at how Professor Olivier could back - I mean go back in that road, so I drove past and stopped next to lecture hall A, and in a few minutes time the police came back. 10

Yes, yes, and of course you couldn't tell them, you couldn't even identify any students at all? --- No, I couldn't.

You didn't try to either? --- No.

I would like you just to have a look at these banners, you see this is a big banner and it can be seen from afar not so, and the words are very clear: "Frelimo" and then in red ink or red paint - "killed and won - South African Blacks?", now that would be a very prominent banner not so? --- Yes.

And yet you say you didn't see it? --- Well I mean I saw a banner which said: "Frelimo killed", but not during the procession. 20

When did you see the banner then? --- In the morning before the rally.

This banner? --- Yes.

Where? --- No, not this one - I don't know if this was the one but I saw those words on some banner.

And where did you see it? --- It must have been around that complex or lecture halls I indicated earlier.

And did that influence you to suggest to the students that they should not go on with the rally? --- No, but as I indicated / ... 30

indicated before it struck me as ambiguous.

Mr. Nkondo, wasn't the message to you loud and clear?

--- No, not to me, there are two possible interpretations.

Well, to me the message seems very clear? --- Not to me.

How could it not be clear to you, why would a person walk about with a message like that? --- Ah, well as I said earlier on, there are two possible interpretations of that poster, depending on who the audience is.

Was this one of the posters that you thought aroused mirth? --- Where?

10

Among the students - would you laugh at a poster like this? --- No, this I interpreted as ambiguous, and I wasn't amused by this.

Did it have a possible sinister connotation? --- It depends on the audience.

I want to know from you, does this have a possible sinister connotation? --- Well firstly if this is addressed to - let me just look at it again, because as I said earlier on it depends on the interpretation that you give it, and because it is ambiguous it tends to dissipate one's response.

20

Is there a possible sinister interpretation to be attached to that, yes or no? --- As I said because of its ambiguity it tends to dissipate a person's reaction to it.

I want to know from you whether there is a possible sinister connotation..(witness intervenes) --- Oh yes, yes.

What is the sinister connotation? --- Well, if you don't change things in this country, there is a great possibility that the Blacks in this country might take to violence.

Oh, now where is the story about "if you don't change"? --- No, it is suggested in the question mark.

30

Why do they refer to Frelimo there, "Frelimo killed and won / ...

and won"? --- Well Frelimo did take to violence, and therefore South African Blacks question mark, the question mark suggests more than one interpretation, it is ambiguous as I have already said.

So it held up a picture of what Frelimo had done and achieved? --- And then added a significant question mark.

Yes, but it held up the picture of what Frelimo had done, it had killed and won? --- Yes.

That is what they were advertising? --- No, not advertising, I think you must look at that statement within 10 the context of that question, and if you add that question then you have other possibilities of interpretation and even of effect.

Just a moment, "Frelimo killed and won", is that or is it not advertising the fact that Frelimo had killed and won? --- No, you are not advertising, you are just stating a fact which was well known to students then.

Oh, I see, now when do I advertise? --- Huh?

When does one advertise? If I state something which you know am I not advertising? --- No, not necessarily, in fact if 20 you advertise a product, I don't know ..(INAUDIBLE)

How do you know that the students were aware that Frelimo had killed and won? --- I mean this was general knowledge that Frelimo was up in arms against the Portuguese government, this appeared in newspapers, over the radio, it was common knowledge in 1974.

The question of these banners, did you ever raise that or mention that to the students or the SRC on the Wednesday morning when you had the meeting with them? --- No, I didn't.

Because you say these banners just caused you to laugh? 30 --- I think that the majority of the ones I saw.

Are / ...

Are there any that didn't cause you to laugh? --- Ah, well, I remember one, this one of White pigs.

Oh, that you thought was serious? --- Well it could be offensive.

It could be offensive? --- Mmmm

Why didn't you raise this and say: you people should remove these offensive things? --- But as I said, I mean, I regarded the posters - I regarded it as just, you know, just student pranks, and I never thought that the posters would generate tension on the campus, because I mean the majority of the ones that I saw tended to cause amusement really. 10

Yes, no doubt, they would cause amusement to those who approve of them, isn't that so? --- No, but if you look ... INAUDIBLE.. this is such a juvenile way of presenting a thing that it just causes amusement.

All right, Mr. Nkondo, again I will ask you the same type of question that I asked you before, under what circumstances do you draw a distinction between just student pranks and serious posters meaning what they say? --- But you look at the formulation of an expression. 20

You look at the formulation? --- Yes.

And, what else do you look at, what do you look at in the formulation? --- I mean the general context of a statement.

Yes but that is too vague, I want to know, how do I distinguish this is just a student prank, or this is something I must regard as serious? --- Well, if I can I will ..INAUDIBLE.. I mean to identify.

You can't tell us? --- I mean it is difficult to say which except to say that it is the way a statement has been phrased. 30  
And of course you know generally how students cartoon each other / ...

other, cartoon authority, and how they sloganise, it falls into traditional student practice.

No, but this is a very serious matter, this is a very clear attack on another race group and on the government?

--- No, but I don't think the posters were a serious matter.

Oh? ---- I mean the majority of the posters I read I don't think a responsible person would attach a dimension of seriousness to those posters.

Well when would you attach a dimension of seriousness under what circumstances? --- Well again it depends on the context. I mean the students were amused, the staff were amused too at the farcical manner of the posters. 10

How many students did you see who were amused? --- I mean there are so many students I didn't have to get any statistics about it.

I want to know? --- No, I don't know, but I know quite - I heard quite a number of students laughing at the posters.

Yes, because they approve of them? --- No, but laughter may be looking down upon the quality of the posters, laughter is not always a sign of approval. 20

You didn't try to find out did you? --- No, but I laughed and discussed the posters with some students and some staff members and they regarded them as unserious.

Did you not the next day or very shortly afterwards draw up a document to try and excuse the students? --- No, but the document was referring to the SRC, and how the SRC couldn't be held responsible for the assaults in the afternoon.

Oh, well did you regard these assaults as student pranks? --- No, I think that was quite serious.

Would these assaults have taken place if this rally had not been held? --- Oh well that is a metaphorical question, 30

I / ...

I cannot tell. I mean under different circumstances something worse could have happened that day. I mean that is a question which I cannot positively answer.

Well, would those assaults have taken place if this rally had not been held? --- But you ask me to project a condition that never existed.

What do you mean? --- Well in the absence of a pro-Frelimo rally something worse could have happened.

Well what could have happened? --- Well, I don't know.

Why do you suggest something worse might have happened? 10  
--- No, what I am saying is that perhaps - we are talking of the assaults and whether those assaults could have happened.

Well confine yourself to that, I want to know from you, in your opinion would those assaults have occurred if there had not been that rally? --- But I think the approach to any question, I mean, it is so difficult you know to be definite.

All right, what caused..(witness intervenes) --- Well I mean one can say that if there was never, you know, a University of the North there could never have been a pro-Frelimo rally and you can go back. 20

No, you are being very clever now? --- No, I am not being clever, it is the basis of an if assumption, it is that.

Very clear, thank you, but what I would like to know still is what do you say caused the students to attack the lecturers? --- I don't know.

You don't know? --- No.

Did you try to find out? --- No, I didn't.

But I thought that you said a moment ago that you drew up something to show that the students or the SRC was not to blame? --- Yes. 30

Well then tell us about it, if you don't know what caused it / ...

it how can you say one lot of people were not responsible for it? --- No, but what we did know then was that the SRC didn't cause the assaults, that we knew, but other things we didn't know.

How did you know that the SRC didn't ..(witness intervenes) --- Well because ..INAUDIBLE..

Why did you say the SRC didn't cause it, you don't know what caused it? --- Oh, but if I know what the SRC caused, it is right to say that this they didn't cause, because this they caused. 10

What did they cause? --- They caused the pro-Frelimo rally, and at the sports field they dispersed.

In your evidence about the events on the morning of the - at least the events at the rally, and the facts that led up to this baton charge and thereafter, is there anything you want to change in what you said this morning? --- I want to change?

Yes, are you satisfied that everything you said is correct? --- About the events?

Yes? --- Oh well, let me say this, that if ..(Mr. Rees intervenes) 20

Did you make any mistakes in your evidence? --- No, I might have omitted something because it is now two years.

Oh yes? --- But the things that I said were correct.

When were you first approached to give evidence? --- To give evidence here?

Yes? --- Two weeks back.

When did you first realise you might have to give evidence? --- Mr. Shun Chetty phoned me last year.

About when? --- November thereabouts, I can't remember exactly. 30

And / ...



And what did he want to know from you? --- Well, to discuss with me the poetry of SASO, and say that I might -  
PAUSE -

Have to give evidence? --- Yes he said that I might but he didn't tell me that I was going to give evidence.

What poetry did he ask you to give attention to?  
--- Well, SASO poetry, the poetry of the Blacks in this country, Black Theatre.

Black Nana? --- Yes, Black Nana, and the theatre.

Yes? --- And African literature in general.

10

And what else did he ask you to do? --- Nothing else.

What items were you given to study in depth? --- In depth?

Yes? --- No, I was not given anything to study in depth.

I thought you were told this EXHIBIT K.5, Mr. Soggot said you were asked to go into this thing in depth, or did I misunderstand? --- Yes, but just now he asked me to go into that in depth but that was not last year.

Oh, when did he ask you that? --- Two weeks back.

What did he ask you to do? --- To study the poetry and assess its possible effect.

20

What did you conceive your task to be, what did you have to come and tell the Court? --- If I am called upon to give a professional opinion on the poetry in front of the Court.

And that article you read, what were you supposed to say about that? --- The article?

The article, what were you supposed to say about that?

--- Well, and then I - which article is that?

There was only one really that you were referred to?

--- No, but I want to know, because I have been reading so many things.

30

No, you were referred to a specific article, I want to know / ...

know what you were asked? --- I was asked to prepare myself for the literature part of it.

Yes, well what literature were you given? --- Oh well, the poetry.

What poetry were you given? --- If I remember Black Nana and then Black Theatre, Shanty.

And what else? --- I looked at Malcolm X, I look at some poetry which are untitled and I can't remember what they are about. I mean because of their vagueness, they are so vague they don't quite stick in my mind. 10

What about this SASO newsletter that you had to look at? --- Well, but that I ..INAUDIBLE..

I want to know, what did the defence want to know from you, what did you have to look at in the SASO newsletter?

--- The possible effect of certain linguistic terms.

Well what did they tell you, what was their interest in that, what possible effect? --- Well incitement of racial hostility.

Oh, well did you have to say whether that could incite racial hostility? --- I had to establish that. 20

Right, so I ask you again, what tests were you going to apply to decide whether an article incited racial hostility? --- But then again I will come back to my old argument, I read the terms, the phrases in context, and after evaluating the context I felt those terms like "common enemy", like "adversary" wouldn't incite racial hostility.

Common enemy and? --- And adversary.

What conclusion did you derive from the use of the word common enemy? --- Enemy, well it is used in a political context.

Why do you say it is used in a political context? --- No, 30 but the article where you find that, it is an analysis of

a / ...

a political problem.

Why do you say that? --- No, but where is the article?

Would you like to look at the article, then tell us?

--- Yes, because let me put it like this, the general argument is that because the Whites support a system of government which oppresses the Blacks, then the Whites define themselves as a problem, as a common enemy, in so far as ..INAUDIBLE.. this is the general argument, you know, in that article.

Well I want to know from you, isn't that an emotive use of language, common enemy? --- Common enemy? 10

Yes? --- No, well I mean that ..(Mr. Rees intervenes)

The enemy is a word that is usually referred to - enemy is reserved for people who are in fact enemies not so? --- No, but enemy can also be an idea, it is not necessarily an emotion. You can say: in terms of my analysis this man constitutes it an enemy in this context, you can say that, and that is much more than an emotion, you identify the element of the situation.

All right, let us look at the situation, this man has in his editorial - what is there in this editorial that says common enemy is here used in a political sense? --- No, it is not said, I don't think it is necessary, what I mean if you look at that argument in that editorial, you realise that here is a political argument. 20

Tell me, Mr. Nkondo, what is here, what are the factors that I must look for in this editorial to persuade me or His Lordship that common enemy here is a political approach?

--- Well, you would have to understand the passage.

You can't tell me what I must look at? --- No, but it is only after you have understood the meaning of the passage, 30

when / ...

when you relate the connotations of the words.

Is that all you wanted to say, all you can say on this?  
--- About in that context, the phrase common enemy has a political dimension.

I see. How will I determine when it has not got a political dimension? --- You will have to decipher the context again.

Now when you talk about a political connotation what exactly do you mean? --- That the argument in which it finds itself is a political argument. 10

Well what is a political argument? --- Like that one, I mean there are so many arguments, it is an analysis of power relationships in the country, well this is one of the possible definitions, but he is analysing the power relationships in this country, and according to the writer power inheres in Whites in this country, and to that extent they constitute a political enemy, that is the context.

Now when Frelimo were busy with their guerrilla activities, was that - would you describe that as part of seeking a political solution or not? --- Oh yes. 20

What I am interested in also is your approach in this regard, you know Tiro, the problem with Tiro started at a graduation ceremony, isn't that so? --- Yes, but I was not present at that time, I was in England.

But I take it you know the outline of the matter? --- Yes.

Now I want to put a few propositions to you, correct me if I am wrong, I suggest that the bone or the gist of the matter is the following, that at a graduation ceremony at Turfloop Tiro - was he then a member of SASO or not, or don't you know? --- I don't know. 30

He made a speech in which he vigorously attacked the  
university / ...

29  
university administration and he aired or vented Black grievances in general against the university? Would that in general be a correct statement or not? --- Let me put it like this that I had occasion with the Black Academic Staff Association - I want to give my interpretation of the Tiro speech - that we studied the Tiro speech and in our opinion as an Association, and I think we said that to the Snyman Commission, that in our opinion there was nothing outrageous in Tiro's speech ..(Mr. Rees intervenes)

I am not suggesting it was outrageous, the point I want to make is just that he used the occasion to attack the university administration and authority? --- I don't think the word attack is precise. He was just exposing, firstly, differential treatment at Turfloop, and the fact that here we have a Black university which is run by Whites, when there are Blacks who are qualified enough to run their own institutions. 10

Well then isn't that then - you say he didn't attack them he exposed them? --- Yes, I think I tried to get something more negative, Tiro was positive, he was suggesting solutions. 20

Tiro was what? --- Suggesting solutions to some problems at Turfloop.

He was airing the grievances and saying what must be done, he said: the students have these grievances against the university, is that right? --- Yes.

And the Black university personnel have got these grievances, is that what he said? --- The Black personnel?

Yes? --- I don't remember anything like that.

Well the fact of the matter is that he used this as an occasion as you say to expose what? --- Differential treatment 30 among the staff, secondly, the fact that we have at Turfloop

a / ...

a Black university which is controlled by Whites, I think these are the two basic points that he raised. And then he went on to say that we have in the Black community people who are competent to run this university.

I don't want to enter into a debate, the big point I want to get from you is - I think we are understanding one another - that in effect he aired the grievances of the Blacks at the university? --- Oh yes, partly.

Now that resulted in him being expelled? --- Yes.

And that in turn led to a confrontation between the students and the authorities? --- Yes. 10

And the result was that a number of students were expelled or rusticated and there were problems? --- Yes.

And either at that time or subsequently Tiro became a leading light in SASO? --- Oh yes, he was one of the people who seemed to be in the vanguard of SASO.

And he also became banned, he became restricted? --- I don't know, I don't think so, I don't know.

This is what I want to know from you, did you personally think that a graduation ceremony was the proper forum or the proper occasion on which to launch or air such grievances? --- Well in my experience people take the opportunity to comment on the university, on its aims, how it is succeeding or not succeeding, they take the opportunity to reflect on the basic outlook of the university. 20

Isn't that - a graduation ceremony - an occasion when the university tries to put itself in the best possible light to everybody? --- Not necessarily - I wouldn't say this, I mean I don't say that this is an official approach at every university, I wouldn't say that. 30

I don't want to know the official approach, I want to know / ...

know your own approach? --- What I know is that people who are invited take the opportunity of commenting either on the successes of a university, or on its failures. People do that.

And do you think this is the correct occasion that Tiro chose? --- I think so, I personally think so, that this were very vital problems which are still in Turfloop now, and here were parents and if they can get a point of view which counts from one of the leading students it is the opportunity, that you come to know what the students think about the university. I think this is a very good opportunity. 10

I suggest to you that if you apply your mind to it you will realise that that type of occasion does not lend itself to that type of propaganda, what do you say to that? --- I don't think - how do you come to that conclusion?

I want to suggest to you also because if you haven't learned from the experience, that is the type of action that leads to confrontation? --- Oh no.

Doesn't it? --- Tiro was speaking on behalf of the graduants there, and he had to reflect their attitude toward the university, give their views, and I think he was right in reflecting, he was speaking on behalf of people who were receiving their diplomas and degrees. 20

You haven't listened to my question, the choice of that forum on that occasion in fact led to confrontation, did it or didn't it? --- It did.

So, did you learn a lesson from that, that that type of conduct is likely to lead to confrontation? --- The lesson that should be learned I think, at Turfloop, is to allow the students a large measure of freedom of speech. I think that is a lesson that we at Turfloop must learn, that we can't have / ... 30

have university students so muzzled that they cannot tell the world exactly what they think and feel, and I think if we have students of that nature, we are going to go a long way at Turfloop.

Under any and all circumstances? --- ..INAUDIBLE.. but here Tiro observed the programme and at a given point he was called to speak and he spoke and sat down, didn't disrupt the procedure, as far as I know, so he observed the conduct of the gathering, and only expressed his views about the university, and I don't think there is anything disruptive in the way he conducted himself.

10

Are you suggesting that students should throw aside good taste and good manners, or should students try and observe good taste and good manners? --- I think students should observe good taste, but being students they must have the courage of their views.

Couldn't this courage be put forward at the right time and the right place and also with restraint..(witness intervenes) --- I consider that Tiro's speech showed much restraint.

20

No, I don't want to talk about Tiro's speech? --- I contend that a graduation ceremony is an appropriate place to express your views of the university.

COURT ADJOURNS

/VMD.



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