

IN THE SUPREME COURT OF SOUTH AFRICA  
(EASTERN CAPE DIVISION)

CASE NO.: CC. 72/76.

GRAHAMSTOWN,  
9th SEPTEMBER, 1976.

THE STATE

versus

SOTOMELA NDUKWANA AND FOUR OTHERS

---

VOLUME 15

(Pages 2 137 - 2 213)

LUBBE RECORDINGS (PORT ELIZABETH)

VUYO MPUMBELELO JACK, still under oath, states further:

COURT: Mr. Kies, I think I had better place on record that there has been some form of complaint in regard to the interpretation yesterday, in fairness to the accused and, of course, in fairness to the interpreter as well.

MR. KIES: Yes.

COURT: I understand that the accused have indicated that they are not entirely satisfied with some of the idiomatic translations.

MR. KIES: That is so, my lord. (10

COURT: Which have been placed on record. Now I don't know whether you know this, but an attempt was made early on in this trial on more than one occasion to obtain the services of another interpreter, not because there is any dissatisfaction whatsoever with Mr. Hlati, but because he preferred another interpreter to take a case of this nature.

MR. KIES: I understand.

COURT: And it was found quite impossible with the exception of getting the services of Mr. Hein whom you remember was here for the first few days. (20

MR. KIES: Yes.

COURT: It was found quite impossible to obtain the services of another interpreter and Mr. Hlati was asked if he would be prepared to continue. He did so on the understanding that another interpreter would be found to interpret during the conduct of the Defence case, but I am informed by the Registrar that it was not possible to obtain a replacement even at that stage. You will probably have noticed that I am able to follow the evidence in Xhosa myself although I don't pretend for one moment to be a competent interpreter, and I must say (30 that I myself have not been able to find fault with Mr. Hlati's

/interpretation...

interpretation thus far, but the accused must at least feel that there case is being properly presented and I think if for the present we continue with Mr. Hlati and we leave it to your junior, Mr. Skweyiya, who of course is completely fluent in the English and Xhosa languages, to draw my attention to any interpretation which he thinks could be better put. I know this places a great strain on an interpreter to be subject to running criticism while he is doing his duty, but it is essential that the accused do have what they consider (10) is a fair trial and we continue on that basis for the present. In the meantime further attempts are being made to obtain the services of another interpreter and I again stress this is not because the authorities or I have any criticism of Mr. Hlati, just that I feel that he is <sup>being</sup> placed in what might well be an impossible situation and if that is so then the sooner he is relieved the better.

MR. KIES: Thank you, my lord. I understand the problem and I appreciate your lordship's efforts to assist.

CROSS-EXAMINATION BY MR. MULLER:(Continues):

Mr. Jack, <sup>you</sup> yesterday mentioned in your evidence that at (20) Healdtown all the subjects that you took were subjects of your own choice apart from typing? --- That is so.

Had you done typing before you came to Healdtown? --- No.

What was your attitude towards this subject of typing? Did you try to make the best of a bad thing so to say? --- I was trying.

Did you do anything special about this? --- Yes.

What did you do? --- I asked my people at home to get me a typewriter because there at school I was not allowed to use typewriter after school hours. (30)

And you eventually acquired one? --- Yes.

/Did...

Did you ever manage to type properly? Without undue effort? --- Yes, I tried although I was not perfect.

What I mean is did you ever master the art to type? --- No.

You mentioned yesterday in your evidence in chief that you, one of the objections you had against the system of Bantu education was that one gets a special certificate when one's completed one's schooling. --- That is so.

Could you just elaborate on that please? What do you mean by a special certificate? --- It is because when you (10 are doing Bantu education you get a certificate, written on top Bantu Education.

Now were you serious about doing B.Com.? --- Yes.

It was not just a daydream to you? --- No.

Did you want to start with this as soon as practically possible? --- Yes.

You had the University of the Witwatersrand in mind? --- Yes.

Did you know that they in certain cases took in Black people as students? --- No. (20

What did you think? Who can be admitted to Wits? --- Only Whites.

Why then did you put , press your target on Wits? --- I liked Wits.

You see I had the impression that Black people can sometimes go, that some Black people do go to Wits. I don't really expect you to answer to that now. Did you know of any other university in South Africa that was mainly attended by Whites, but it also took in Black people? --- Yes, I heard a little about Unisa. (30

The University of Cape Town, did you ever hear of that?

/No...



--- No.

And did you ever hear that the University of Natal takes in Black students as well? --- Yes, I heard about that when I was in Durban.

Only then? --- Yes.

Did you ever try to find out where Black doctors had qualified? --- Yes.

What did you find out about that? --- Yes, a section at the University of Wentworth which caters for Blacks.

Where is that? --- It is in Durban.

(10)

But you only found that out after you had reached Durban yourself? --- No.

Oh, you knew that previously? --- That is so.

It also took in Black doctors to be, that had done their schooling in South Africa? --- (Interpreter): Pardon?

Did you also find out that they took in Black people who wanted to qualify themselves as doctors, who had qualified... who had obtained their matric in South Africa? --- Yes.

And I suppose you accepted or you took for granted that these people had completed their school education under the (20 system of Bantu Education? --- Yes, doctors, medical doctors.

So you actually had no reason to think that they regarded the matric certificate obtained under the system of Bantu Education as being inferior? --- Well I do not know when they arrive there whether they do something else there. Maybe there are certain examinations which they write first.

Have you heard of such examinations? --- No, it's just what I think.

So you wanted, you were in favour of a system of international education, is that correct? --- Yes.

(30)

Now what do you mean by that? --- I meant that there

/should...

should be no Bantu Education, Coloured Education and education of Whites, so that when you are a doctor in South Africa when you get to America so that you can be a doctor there as well, not to be told to go back and say there no, we don't recognise you as a doctor. You should be recognised all over as a doctor.

All over the world? --- Yes. That is what I wished to happen to all of us in South Africa.

But acceptability <sup>or otherwise</sup> of a doctor's qualification has got (10 nothing to do with Bantu Education, for school children? --- I mean when you are a doctor in South Africa when you go out to other places you should be recognised as a doctor.

But what has that got to do with Bantu Education for school children? --- Well at school our standard is low, so it is clear that when you get to other places you won't be recognised.

COURT: But what has that got to do with qualified South African doctors whether they are Black or White? --- My wish is that when a doctor qualifies here, whether Black or White, when he goes outside he should be recognised. (20

You say he is not recognised? --- Yes, that's what I say.

Because of Bantu Education? --- Yes, the Blacks.

And the Whites? --- I am not sure of the Whites.

Why do you say that the Black is not recognised because of Black Education? --- Because he started here in South Africa with this Bantu Education.

MR. MULLER CONTINUES: Did you believe that there must be a system of international education for school children? --- That is so.

Does that mean you also believe that people in other (30 countries outside South Africa should have the same system of /education...

education? --- International, yes.

What is your answer?

COURT: International, yes.

WITNESS: International.

MR. MULLER CONTINUES: In other words people in Britain should have the same education as people in the United States of America. Is that what you are trying to say? --- Or the people of South Africa.

In all respects? The same in all respects? --- The South African level should be raised to the same level as (10 the other places.

Did you ever get the impression or find out that even White children in South Africa are getting their education under different systems, <sup>different</sup> the Provincial systems? --- Even it's a different systems but it is an international education... national.

But were you aware of that fact? --- I know that.

Now to which country did you want to go? --- I was not sure of which country, but Zambia, Britain and America were in my mind. (20

What did you know of the system of education in Britain? --- Education in Britain is international education.

What do you mean by that? --- If you studied in Britain you'd be recognised everywhere in the world.

How do you know that? --- According to what I heard British education is more advanced because education started long ago in Britain.

What did you know of the Zambian system of education? --- I took it that because Zambia was a British Colony and I took it that the level is still the same as it was then, as the (30 official language is still English even now.



Is it? --- That is so.

Do you know what qualifications one would have to be admitted to a school in Zambia? --- I did not know the qualifications one should have for Zambia.

Did one have to be a citizen of Zambia? --- I had not yet gone deep into that, about Zambia. I took it that Zambia was a possible country.

But you were not sure? --- I was not sure.

Did you know whether one had to be a citizen in order... of Great Britain, in order to be admitted to the system of (10 schooling there? --- I knew that, if a person is not a citizen even of Britain one could study in Britain.

How did you find that out? --- I know of Dr. Bikisha of South Africa. He also studied in Britain.

Now how did you think your schooling would be financed in whatever country you went to? --- <sup>Is</sup> what I found out from Mzimkulu in Durban.

When you left Healdtown, what did you know about that? --- I thought I would apply for a bursary from where I could get a bursary. (20

Did you know if such bursaries were available for school children in Zambia? --- Maybe one can get one in Zambia.

Did you know that? --- I don't think there is a country which hasn't got bursaries to give to children who are at school.

COURT: Who has or has not? --- Who has not.

Has not got bursaries.

MR. MULLER CONTINUES: But you were not quite sure about that? Or were you? --- Yes, I was sure about the fact that I would get a bursary to a place where I would go to, or there are (30 bursaries at the place to which I was going.

/But...



But you were sure of that also with regard to England and America? --- Yes.

How did you think you would get to America or Britain? --- That's what I was going to put right in Durban, where I would go by plane or by boat.

COURT: Arrange your transport in Durban? --- Yes, I was going to arrange it, for it there.

MR. MULLER CONTINUES: Also the finance of the transport? --- Yes.

Did you have any idea what a air ticket to the United States or Great Britain cost? --- Well what I know is that it cost money. It is dear. (10

Where did you think that money would come from? --- That's what I was going to arrange for in Durban.

COURT: Now that answer that you give puzzles me. How were you going to arrange it in Durban? --- Mzimkulu had possible ways of finding money.

In what way? --- Maybe he would have possible ways of getting money.

In what ways do you suggest? --- We had started working there and would start with that before leaving. (20

That wasn't your intention when you went there, was it? Your intention wasn't to go to Durban to get work, your intention was to go to Durban as a first step towards getting out of the country? --- That's what I expected from Mzimkulu to do it.

What sort of man is Mzimkulu? --- He is a man who is known by people... he is well known by the people and he likes to speak to the people.

What does he do? --- He was also working. (30

Where? --- At the Y.M.C.A.

/What...

What were his earnings? --- I don't know, I didn't ask him how much he was earning.

MR. MULLER CONTINUES: When did you decide to leave Healdtown?

--- A Friday before the 9th.

Did you give that drastic change much thought? --- Yes, I did think about it.

When did you start thinking about leaving Healdtown and South Africa? Was it on that Friday? --- Yes.

With whom did you discuss this? --- I discussed this with accused No. 1. (10

Did you have a SASM meeting on that Friday? --- No.

Did you have classes that Friday at school? --- No, we had no classes.

Was it a holiday? --- Examination was being written but on that Friday we were not writing.

When did you start this discussion with accused No. 1? --- We started the discussion in the morning.

Where? --- There at the school. We were in the dormitory.

Any other people present? --- Yes, there were students there in the dormitory. (20

Could they hear what you were saying? --- I was conversing with him, my bed was next to his. On the other side of his bed there was no bed, it's the wall.

Were there also other students or pupils, members of SASM, who were dissatisfied with Bantu Education? --- Yes, there were.

People who were very much dissatisfied? --- They were not satisfied with it.  
at all

The other people? --- Yes.

Only you and accused No. 1 were dissatisfied with the (30 system as far as you knew? Is that so? I'm asking this

question on the assumption that the previous answer was they were not dissatisfied, because my learned friend is uneasy about it.

MR. KIES: There were others who were dissatisfied.

COURT: Not satisfied at all. There were others, his reply was there were other members who were dissatisfied with Bantu Education, who were not satisfied at all with it.

MR. MULLER: I am indebted to your lordship. I withdraw this previous question of mine.

MR. MULLER CONTINUES: Whom of the SASM members were very (10 much dissatisfied? --- As far as I know all of them.

Who spoke about it most? --- I'd be, may be confused, but that topic was even discussed outside.

Yes, but whom of the SASM members spoke about their dissatisfaction the most? --- All of them.

Why didn't you discuss this matter of leaving South Africa and getting better education elsewhere with any of the people? --- In the first place I knew that that was against the SASM policy that so I felt I couldn't discuss this with other members, with another member. (20

What made you feel that you could discuss it with the president of SASM, accused No. 1? --- He was my best friend.

Were there also other students speaking of opportunities abroad? --- Those who had wishes - ambition.

Were there SASM members amongst them? --- I don't remember clearly if there were SASM members.

Did they say better opportunities existed abroad? --- Yes.

Did they seem to know something about it? --- They knew people who have left, who have left Bantu Education from here in South Africa, for instance we had a cousin of Professor (30 Nhlabati.



Was he also at Healdtown, this cousin? --- Yes, he was in Healdtown.

Did you get his advice? --- No.

Why not? --- It was because I despise him, he was young.

Did you despise him because he was young? --- I didn't wish to ask him further than what he told me that his uncle ran away from Bantu Education, from South Africa.

MR. SKWEYIYA: My lord, on the question of the interpretation of the word despise, despise gives a different connotation to what I think the witness meant when he said "adandimdelele". (10) I think the correct interpretation, in the context in which it was used, would have been "I didn't think that as a small boy" - as he put it - "he would know much" or "he could help me much", but despise is a correct translation in fact of the word which was used.

COURT: You feel it's too strong a word in the (interrupted)

MR. SKWEYIYA: Yes, my lord.

COURT: Yes, very well, I have noted it.

MR. MULLER CONTINUES: But this person quite probably was in a position to tell you how to go about (interpreter and Mr. (20) Muller speaking simultaneously - inaudible). Do you agree to that? --- I don't think he could tell me anything.

And you didn't bother to find out? --- No, I didn't bother myself.

What gave you the idea that he would probably not be in a position to tell you anything worthwhile? --- It was because he was young, well I thought I wouldn't get much from him.

But his uncle had left? --- (Interpreter): Pardon?

It was his uncle that had (interpreter and Mr. Muller (30) speaking simultaneously - inaudible). --- Yes.

/And...



And he would probably have know something about it? --- Well I didn't think of that. Well I despised him.

What's the correct answer now, my lord? --- Well I took him as a youngster and I thought well there is nothing much he would know.

The only person whom you thought would be in a position to help you was this Mzimkulu in Durban? --- Yes.

Did you know this person? --- I didn't know him.

Where did you hear from him? --- I heard of him from accused No. 1. (10)

What did No. 1 tell you? --- He told me that he had a friend in Durban whom he knew from St. Matthews. He left school because he was dissatisfied with the Bantu Education, he was waiting there, so he could have something, he could know or he may have advice to give us.

In what respect? --- To solve the problem we were faced with.

Were you satisfied with that explanation by accused No. 1? --- Yes, I was satisfied. (20)

You only knew from what you heard that this was a man who had left school and gone on working? --- Yes.

There are thousands such people. --- Who left education and go to work?

Yes. --- Yes, I do hear that.

Now what made you think that this particular individual could be in a position to help you? --- Accused No. 1 suggested this person as his friend, a person who he knew.

Is that all? --- That is all.

Did you ever want to go for education? --- Yes, I just thought about that. (30)

Where did you go to on that Friday or after that, for

/that...

that weekend after the Friday you and accused No. 1 had this discussion? --- I went home.

Did you take your possessions with you? --- Some of them.

What did you take home? --- I only took clothes which I needed.

The rest of your things you left at Healdtown? --- I left them there.

When did you return to Healdtown or did you return to Healdtown? --- I went back on Monday.

And then? --- From home I went to St. Matthews, I didn't go back straight.

And then eventually you did come back to Healdtown, is that so? --- Yes.

For what purpose? --- I went back to Healdtown to go and look for money.

Did you tell your mother or did you see your mother on that weekend? --- I went home first.

Yes, did you see her there? --- I saw her.

Did you discuss your problems with her? --- No, I didn't tell her.

(20

Why not? --- If I told my mother that I wanted to go she would discourage me and because I knew her health and she would be shocked.

Had you left your possessions at Healdtown when you finally left? --- I left them.

Including your typewriter? --- Yes, I left it.

What has happened to your typewriter? --- I heard here in court that it was taken home.

Did you ever discuss your going away with accused No. 1 after the Friday? Before you met him in Kingwilliamstown? (30  
--- We discussed this on the way.

/But...

But you didn't discuss it with accused No. 1 before you had left Kingwilliamstown? That is now after the Friday.

--- On Friday I went home. I left accused No. 1 at Fortco I met accused No. 1 again. I was going to St. Matthews. All the way we were discussing and on our return to Healdtown until I left him at Healdtown on Monday.

And when was the appointment to meet accused No. 1 again?

--- I cannot remember on what day did we make the appointment, whether it was on Monday, but we decided to meet again in Kingwilliamstown. (10)

On what day? --- We decided to meet on Wednesday.

Did you meet him on Wednesday? --- No.

What went wrong? --- I met him on Thursday.

What went wrong? --- I had difficulties hitch hiking.

On that Wednesday when I was supposed to be at Kingwilliamstown, I arrived at St. Matthews, so I couldn't go to Kingwilliamstown.

Now you say the teaching position at Tembela Bantu was even worse than that at Healdtown? --- Yes, as far as my class was concerned. (20)

Yes, and a - but not in the whole school? --- Not the whole school.

In general the other pupils were satisfied? --- Yes, except those who were doing a commercial course.

So the whole commercial department shall I call it, was not satisfied with the standard? --- Yes, we were suffering a lot.

And students objected to that at the time? --- Yes, they objected to that.

And I suppose the authorities did not show much co-operation? --- They tried but they did not succeed. (30)



So there was quite a unfavourable atmosphere? Commercial department.

COURT: The feeling was unfavourable.

MR. MULLER CONTINUES: The feeling. --- Yes, there was a good feeling between the students and the teachers.

Although the standard was quite low in the commercial subjects? --- Yes, they were trying, they even got us a teacher from the Training School but it was late.

I understand that you were the person who spoke to Andile Ngaki, trying to interest him in SASM? --- Yes. (10)

You were also present when accused No. 1 interested Ayanda Ngcola, Bandile Khetelo. --- Yes, that is so.

Those two persons? --- Those few.

Yes, were you also present when accused No. 1 spoke to Vuyo Baleni? Can't you remember? --- I don't remember clearly.

You knew Radio Dipa? --- Yes, I knew him.

Was he in the same dormitory as you? --- Yes.

Yesterday you said that at the first meeting the programme on Radio Zambia could not have been a criticism against Kaiser Matanzima visiting the United Nations? --- Yes. (20)

What is your reason for that? --- Yes, I remember students at Tembela Bantu discussing this.

Did you read anything of that in the newspaper? While you were at Tembela Bantu? --- It is possible, but I don't remember clearly, but I had not much interest in newspapers.

You did not have much interest? --- I remember students there at the hostel laughing at this.

Laughing at what? --- That Matanzima had gone to UNO.

But I get the impression you did not pay particular notice to that? --- I remember the incident, the laughing (30 at this.



Were you interested in affairs and incidents concerning the African Continent? --- No, I didn't have much interest.

Did you ever show interest or develop an interest in this? --- Yes, it developed.

Where? --- At Healdtown.

When? --- That is 1975 when I was in SASM.

When in 1975? --- From April, May, June and onwards.

Pupils at Tembela Bantu were interested in African affairs (interpreter and Mr. Muller speaking simultaneously - inaudible). --- Some were interested. (10)

And they had some discussions about that? --- Yes, they used to discuss it.

It was in such a discussion that you heard of Matabele's visit to United Nations I suppose? --- Yes, because it was taken as a joke.

Yes. Did you attend, were you present in several discussions of this kind? --- I don't remember others.

Didn't people in your dormitory speak, discuss African affairs? --- Others used to discuss about it.

What was the SASM view about armed struggle? --- SASM's (20 views or members as individuals?

SASM's views? --- Since the attitude of the executive was the same as was those of SASM, they did not wish that to happen.

Did they have any formulated view on armed struggle? Apart from the fact that they did not wish it to happen? --- Yes.

What was it? --- It was that if the South African Government does not solve the problems of South Africa then armed struggle is inevitable. (30)

What was regarded as a problem in South Africa? ---

/Separation...

Separation and oppression.

Is that all? --- Which I still remember.

What was SASM's view on military training? --- It was seldom discussed and it was never stated what are the views. It was ~~they~~ never discussed.

What was SASM's view on people leaving the country? --- It was against that.

Now was that a view against any people leaving the country? --- Yes.

Not only Black people? --- It was against people who (10 were in SASM leaving South Africa.

No matter what the purpose? --- Yes.

Didn't it strike you as odd? --- No, it was not odd.

Why do you say it was not odd? --- They had to have such a policy because <sup>there are</sup> people who just

Was SASM in other words also against a person going to study for a graduate or to further graduate studies at a university abroad? --- It was because people were needed inside to serve the community.

SASM didn't see fit to lose a person's contribution to- (20 wards the struggle for the three years it took to complete a B.Com.? --- No, he didn't want to lose that.

And it didn't strike you as odd? --- No, it was not odd.

Even if SASM was the organisation trying to promote a love for education and self-development, self-betterment (Mr. Muller and interpreter speaking simultaneously - inaudible) --- Yes, that was the work of SASM to better themselves and to develop themselves.

Was it ever, did you ever hear SASM's views about who the oppressed people were? --- Yes. (30

Who were regarded as the oppressed people? --- Oppressors

/or...

the  
or-oppressed?

Oppressed. --- The oppressed are the Blacks.

Only the Blacks? --- When I am talking about Blacks I mean Coloureds, Indians and Africans.

Who were regarded as the oppressors? --- Oppressors are there are White oppressors and Black oppressors.

Did you ever hear a SASM view that the Whites are the oppressors? --- No.

Didn't you read Exhibit 'C'? --- Yes, I did read it.

Did you read it carefully? --- I did read it. (10

Surely in Exhibit 'C' the view is held that Whites people are regarded as the oppressors? --- Exhibit 'C' as far as I am concerned when you talk about Blacks you mean people who are oppressed, that is Coloureds, Indians and Africans. When you talk about Whites as far as I am concerned there is no person who is White because a White person looks like the shirt you are wearing.

COURT: Why don't you answer the question? --- I say Exhibit 'C' as far as I am concerned when you refer to Whites you talk about something of the Whites, I would say oppression is (20 based constitutionally on Whites.

The question was in Exhibit 'C' the Whites are regarded as oppressors. --- I didn't see that. I don't remember that.

Well why didn't you say so? --- Well I did not understand the, what the... the object of the question.

The question is quite straightforward. --- I fail to understand it.

MR. MULLER CONTINUES: Are you really saying now that you did not see the views expressed in Exhibit 'C' that the Whites (30 are the oppressors? --- Well I did not understand it that

/basically...

to the racism.

On page 2 there's a sort of preamble, introductory paragraph with the words: "We, the Black students of South Africa, believing that the Black Man can no longer allow definitions that have been imposed on him by arrogant White world concerning his being and his destiny and that the Black student has a moral obligation to articulate the needs and aspirations of the Black community, hereby declare that."

Do you see the words "arrogant White world"?



and that the Black students has a moral obligation to articulate the needs and aspirations of the Black community hereby declare that - do you see the word arrogant White world? -- Yes.

You saw it at Healdtown? -- Yes, I saw.

On page 3 - (interrupted) -- But - (he was about to say something). When we talk about White, we always talk about the assisting of the Whites. We don't forget the fact that there are Blacks who are assisting.

On page 3-? -- Yes, I see.

(10

There is a title "Black consciousness". The second paragraph starts with the following sentence: "Black consciousness says no to Whites, whether they be Liberal, Progs., Verligtes or Verkrampes". Did you also read that? -- Yes, I see it.

The last paragraph on that page, did you see this sentence I have just read to you at Healdtown as well? -- Yes, I saw it.

The last paragraph, the first sentence: "There are people who have decided to sell their souls to the cut throat White man by trying to obstruct the struggle of the Black man". Did you also see that? -- Well, I don't understand it.

(20

Did you see that? -- It may happen that I saw it because I did read this.

On page 4 the first paragraph, starting with the sentences: "Indians, Africans and Coloureds should unite due to the common oppression that they (I suppose it must be) experience at the hands of these ruthless and brutal oppressors". Did you read that? -- As I have said that I read this pamphlet. I might have read this.

You are not sure? -- Because I did not analyse this pamphlet.

Are you sure that you read this sentence I just read to (30 you, or are you not sure? -- I think I did read it.

Just/..

Just below that, same page: "People still want to see a whole White army running them down before they can commit themselves". — Yes, I see that. My Lord must understand that the person who contributed this article is a bitter person, who is bitter. Well, this man expressed what he wanted to say the way he liked to express it.

But you do agree now that in this article at least the Whites are viewed as the oppressors, although <sup>written</sup> by an embittered man as you say? Do you agree to that? — My Lord, I don't think if the Whites were working alone would succeed on this (10 operation.

Will you please answer the question? — That is why I say there are Blacks and Whites on this operation.

The question was do you agree that at least in this article there is a view expressed that the Whites are regarded as the oppressors? — On this particular article?

Yes. — Yes, I see.

COURT ADJOURNS.

COURT RESUMES:

C COURT: Mr. Kies, the Registrar informs me that it is possible (20 to get the services of an interpreter from Queenstown. He is presently engaged on duty there and Mr. Hlati would have to go up there to take over from him. I doubt from what the Registrar tells me, I don't doubt that it would be possible to arrange that until the weekend, to arrange to swap over. Do you wish the Registrar to do that?

MR. KIES: My Lord, my Junior would like to say something on this point.

COURT: Yes, certainly.

MR. SKWEZIYA: My Lord, we had certain discussions with the present interpreter before the Court started. I must say that because/...

because of something which I noted to him with which he agreed, I found the interpretation today to be precise except the word which I objected to, My Lord. Before we commit ourselves to that point, I would suggest that we discuss it with my learned friend at lunch time and with the accused, My Lord.

COURT: Yes, the only difficulty that I have is that the Registrar says that this cannot be arranged at very short notice. He would like to get the arrangements in train as early as possible today if they are to be made.

MR. SKWEYIYA: My Lord, we'll give word at lunch time, after (10 the lunch.

COURT: You can let me know at lunch time. I think you might also bear in mind the question of how long the evidential side of this case is still to run. We may have reached the stage by tomorrow afternoon where there is only possibly one more day's evidence.

MR. SKWEYIYA: Yes, that is correct, My Lord.

COURT: And where the practicalities of the situation may be such that there is no point in making.. any way, I'll leave it to you. I would just like you to know that the arrangement (20 has been made tentatively and if you would like the switch made, it will be done.

MR. MULLER (Contd.): Before the adjournment I referred you to page 4 of exhibit C. You mention that the article involved on page 3 and 4 "type of Black consciousness" was to your view one written by an embittered person. Is that so? -- Yes.

Did I understand you to agree that in this article, at least it is clear that white people are regarded as oppressors. Is that what you say? -- Yes.

It was not correct when you replied to an earlier question (30 of mine, when you said that you did not find it to be the view at/..



at all that the Whites were regarded as oppressors?

COURT: "I did not see in exhibit C that the Whites were regarded as oppressors. I read it, but I did not analyse it."

MR. MULLER: I am indebted to Your Lordship.

COURT: Any way, put your question. What is his answer? -- I took it this way that the oppressors are both Blacks and Whites.

MR. MULLER: But did you at Healdtown see in the whole of exhibit C that the view is expressed that the Whites are regarded as the oppressors? -- Yes, I studied this closely, this article now. (10

At Healdtown you did not see that? -- No, I didn't notice.

There is a different article on page 5 of this exhibit, entitled Christianity used to Oppress. -- Yes, I see.

According to the second paragraph, first sentence this article is an analysis of White Christians. Do you agree to that? -- Yes, I see White Christians.

And the article is about that? -- Yes.

The second - the following paragraph, that is the third paragraph of the article, the first sentence reads: "These Whites, so-called Christians, are the worse oppressors"? -- Yes, I see (20 that sentence.

Do you agree that this sentence gives an indication that Whites are regarded as oppressors?

COURT: Worse oppressors. -- Yes, I see that.

MR. MULLER: The conclusion of this article on page 6, did you read this page at Healdtown? -- Since I read all this, I think I did read that.

Do you agree that the second paragraph on that page, that is the last paragraph of the article in question, do you see that there is mention of the White Oppressors? -- The accused is (30 not with you.



Page 6, the second paragraph at the top of the page, that is the last paragraph of the article that started on the previous page, the last paragraph of the article. — The last paragraph from the top, the second paragraph?

Second paragraph from the top. The paragraph starts: "In all we as Blacks must take Christianity if at all we accept it to suit our situation". — Yes, I see that.

The following sentence: "If we claim to be followers of Christ, let us be His example. Let us not tolerate injustice and struggle for our liberation from the White oppressors". — (10 White oppressors' yoke.

Yes. — Yes, I see that.

Clearly that expresses the view that the Whites are regarded as oppressors? — I agree that the Whites are being assisted by the Blacks.

Did you ever - what was SASM's solution to the problem in South Africa as you call it? — We didn't have the solution. Except to help the Blacks to uplift themselves, and work amongst them.

But SASM's whole existence was based on this so-called (20 problem. That is the oppression as I understand you of the Black people. Do you agree? — Yes.

Was this topic discussed much at SASM meetings? — No.

Was this ever discussed? — Not too much. SASM mostly was concerned with students and students helping the community generally.

Were possible solutions to the problem discussed at meetings? — It was said that an individual would see in the area in which he finds himself what he can do.

Is that all that was discussed? — How best he can (30 promote the struggle or struggles of the people.

Anything else? -- Nothing else.

Didn't members make all sorts of suggestions as to how this problem could be solved? -- The members left this matter entirely in the hands of that person, the person in that area where he is helping.

Didn't members at meetings make all sorts of suggestions as to how this problem could be solved? -- No, except that the youth should involve themselves amongst the community and help them.

Didn't they ever discuss negotiations with the Government (10 as a possible solution? -- We never touched such a topic because we never reached -- come up to that point.

Are you sure of that? -- When we were discussing and worrying ourselves with the people, we never reached that point.

Was exhibit C circulated amongst members? -- Yes, it was circulated.

Was the contents ever discussed? -- No, I don't remember.

If there was some explicit reference to this newsletter, would you have noticed it? -- If a person when making a speech (20 said I am quoting such and such a part, then I would remember that.

Was such a speech made? -- I said I did not even analyse this.

On page 6 of exhibit C there are a series of quotations. -- Yes, I see the quotations.

The first quotation is the following according to exhibit C: "I would rather die fighting than be pushed off the pavement by foreign races in my own country". -- Yes, I see that.

Did you read that at Healdtown? -- Yes, I might have read it. Because I say I did read this pamphlet.

Didn't you pay any particular notice to it? To this quotation ? -- No. (30

What do you think, is its relevance in a newsletter? -- That has/..

has been a quotation which was brought by a certain question when contributions were made to this pamphlet and that quotation the particular individual liked.

Surely this would arouse your interest? -- I read this pamphlet right through; I did not analyse it.

This is clearly contradictory to what you say the general trend of discussion was at SASM meetings at Healdtown. -- This is a pamphlet from Zwelitsha, originated from Zwelitsha, not from Healdtown. That is what they discussed there at their meetings. They know the way how they carried on there. It is not to (10 say that at Healdtown we were doing exactly what they were doing.

This clearly didn't fit in with the idea you had formed of SASM? -- Yes, it is not in form with it.

Did you read that quotation on page 6 on the freedom train? -- Yes, I might have read it.

What did you think of it? -- I wouldn't say I had thought something about it because I don't remember analysing this.

What do you understand by it now? -- There is nothing I gather from it.

What does freedom train mean? -- Freedom train? (20

Yes. -- Train of freedom.

Have you heard that term before? -- I heard it for the first time in Court.

Who accompanied you to Zwelitsha when you attended this conference? -- I went there alone.

By that time there was no executive elected for Healdtown? -- No.

Were you satisfied that questions on your behalf put by counsel when witnesses were cross-examined, that your version was correctly reflected by the questions? -- Yes, I am satisfied with the advocate.



What gives me this difficulty is on page 206 (that is Volume 2, My Lord). The question was asked to Zandile Mgaki, the question is:

"You remember that on the 10th of May, there was a SASM Regional Conference at King Williamstown to which some of your delegates went, some of your executives".

The answer was: "I cannot remember that". The following question:

"Accused 1, 2, 3, 4 say the 10th of May there was this Regional Conference and there they reported back to a later meeting, they were told the general procedure in running (10 a meeting and they were told many things about SASM policies and one of the things was that they had to have prayers", and then the witness said he didn't remember such an incident. On page 216 there is again reference to more than one person who went to King Williamstown, page 216 line 22, My Lord:

"Because then there was this Regional Conference at King and delegates came back and they said this is how we are to conduct our meetings, and there was a prayer at the meetings after that."

Where did such a question come from? — May be it was a slip of (20 the tongue, I don't know.

You say you were satisfied that the version was correctly put by counsel.— Yes, I was satisfied the way the advocates conducted the matter.

Referring to this particular witness' cross-examination? — I did not notice such a mistake.

You said in your evidence that accused no.1 at one of the first meetings, I think it was THE first meeting, encouraged the people present to listen to the Voice of America, the B.B.C. and Radio Zambia? — Yes. (30

Is that correct? — Yes, that is correct.



Did you regularly listen to the Voice of America or the B.B.C? — Not always; at times.

What programmes did you listen to on the Voice of America? — I listened to numerous broadcasted from Washington.

What programmes did you listen to on the B.B.C? — I listened to no programme to the B.B.C.

In Your evidence yesterday you said — or in evidence you said that at the <sup>second</sup> meeting the reception from Radio Zambia was quite bad? — Yes.

Eventually it was switched over to Radio Swazi, is that (10 correct? — Yes.

Are you quite sure of this time? When it was switched over to Radio Swazi. — When the reception became bad, it was switched from Radio Zambia to Radio Lusaka.

What time? — It was after seven; I don't remember clearly the time.

You said 7:30 yesterday? — 7:30, it is after seven o'clock, I don't remember it clearly.

Could it have been after 8 o'clock? — No.

You see I have this <sup>difficulty</sup> difficulty with the question to Zandile(20 Ngaki reflected on page 215, My Lord. Round about line 23/24.

This series of questions with reference to the second meeting:

"On that Saturday night didn't it go on until about 8:30, music and news?"

The answer is: "I do not quite remember". Then the following question: "Accused nos. 1, 2 and 4 say that at about 8:30 he turned to Radio Swazi and there was music and all the members started to twist."

Now do you have idea why this was put to Zandile Ngaki? — 8:30?

Half past 8.

COURT: About 8:30. -- Radio Zambia closed at 8 o'clock. I don't remember it continuing from 7 to 8; it stopped.

Do you understand the import of counsel's question to you? What counsel is saying to you in effect is that your evidence differs on this point from what your counsel indicated your evidence would be. He has cited two examples. The one was where you say you were the sole delegate to the meeting at Zwelitsha. Whereas counsel indicated when cross-examining Mgaki that there had been more than one delegate and that they were members of the executive of Healdtown. You say that you think was a slip of the tongue and you did not notice it. Now counsel has put a second instance to you, that is that counsel indicated, your counsel indicated that you were going to say in the witness box that on the night that you had that bad reception from Radio Lusaka, at about 8:30 you turned to Radio Swazi, and there was music and you all started to twist. That you say now in the witness box that it was not after 8 o'clock. Counsel wants you to comment on that, to say why it is that there are these differences. What do you say? -- I don't know. May be I am making a mistake or I am making a mistake now. (10)

MR. MULLER (Contd.): Any way, as I understand your evidence, there was a speech by Tuso Kuwana in the dining hall where he made unfavourable remarks towards SASM, or his remarks were regarded as being unfavourable to SaSM? There was a meeting held that same night, is that correct? -- Yes.

You attended this meeting? -- Yes, I attended it.

Did you speak about Tuso Kuwana's speech? -- I don't remember speaking there.

And then after that meeting in the week there was also another meeting? -- Yes. (30)

In which reference was made to this speech of Tuso Kuwana?

-- Yes/..

-- Yes, that is correct.

Is that the meeting in the zinc hut? -- Yes.

You also spoke at that meeting? -- Yes.

You were one of the speakers. -- Yes.

Did you regard Tuso Kuvana's speech as a threat to SASM? --  
Yes, it appeared to be a threat to SASM.

What did you say in your speech? -- I told the members that gentlemen, we should unite and try to unite here in school. I was referring to the divisions in regions and it appeared that Tuso was adding to this. (10

So you did not speak on the unity of SASM as such? -- And students in general.

But what did you speak now on? On unity in SASM and unity amongst school children as a whole, or did you only speak about unity amongst students broadly speaking? -- I was talking, referring to the unity of the students as a whole.

When you and accused no. 1 left Healdtown and you met each other in King Williamstown, did you speak to any people there? -- I only greeted accused nos. 3 and 4. Thereafter we boarded the bus and started the journey. (20

Personally you did not go to see any people together with accused nos. 1, 3 and 4? -- No.

At Durban or in Durban you met this Mzimkulu Tabaza.

COURT: Mtlabati. (That is correct, My Lord).

MR. MULLER: In other words, Mzimkulu. -- Yes, that is correct.

And you stayed with him for some time? -- Yes.

Was Pantsi also residing at that same place? -- That is correct.

Then you moved to another address? -- Yes.

You also mention a certain Kutswana, I think, in this regard? (30  
-- Yes, I mentiond him.

What/..



What did he have to do with this change of address? — No, he did nothing.

You met the Mabandlas there at your new address? — Yes.

What had happened to them? — What I know of them is that they went to Tsola.

Where is Tsola? — In the Transkei, that is Mabandla, the man's home.

What was Tembani Pantsi's attitude about leaving the country? — He wanted to leave.

For what purpose? — To go out for education. (10

Higher education, graduate education or what kind of education? — He was going to complete his matric and then go on to a degree.

Why didn't - hadn't he completed his matric yet? — He had not yet completed his matric.

What was his attitude towards you and accused no.1's plans of leaving the country? — Otherwise he didn't show any interest, except that he introduced me to Kingdom Putyana who were conversing about education.

Do you know whether the Mabandlas had any children? — (20 They had one child.

Did this child leave together with them, or did the child stay behind? — They left with the child.

When you were first confronted or visited by the police, what did you think? What did you think why did they come to you? — I thought that well, they were interested to know who were staying there with the Mabandlas.

What did you think when they visited you on the 16th of October? — They said they wanted to ask us about the Mabandlas and what <sup>I</sup> ~~they~~ saw.

The question was what did you think when they came to you the second/..



second time? — It was because the Mabandlas were not there, and we were occupying their place.

Were you still in bed? — No, it was in the morning, I was not in bed.

Where was Tembani Pantsi when they entered the house? — I was sitting with him in the house.

Where was accused no.1? — He was in the bathroom.

To what extent were you dressed whilst you were sitting there? — I was wearing short pants and a shirt.

Pantsi? — I don't remember clearly what Pantsi had on. (10

Then you say that you were assaulted after the 16th of October at the Security Police offices. — On the 16th?

On the 16th. — Yes,

And on the 17th as well? — In the morning on the 17th at about 11.

Were you assaulted at any time after the 17th? — No.

Were you ever told for what reason you were assaulted? — They were asking me questions at that time. When I replied, they told me that I was lying.

But what I want to know from you is whether you were assaulted (20 because of the information you gave about the Mabandlas, or were you assaulted about the information you gave about your own presence and activities? And your replies to questions you gave in that regard.— I was assaulted for the rucksack; I was then assaulted being asked where are the Mabandlas. I was assaulted and asked for what purpose did I come to Durban.

What did the Security Police do when they came to you on the 16th? Did they just get in, told you to get dressed and took you out, or what did they do? — They knocked the same time they came in, and they produced their identity cards, and (30 then they told us to get dressed and they asked us to accompany

them to the police station. They said they would take us back.

What did they do while you were getting dressed? — One of them asked where is Sotomela. Then Sotomela then came in through the door. Then they told him also to get dressed. They then said we should come along to the charge office.

Did accused no. 1 enter the moment they asked where he is? — Just after they had asked.

In other words, almost immediately? — Almost immediately after asking.

Less than a minute? — Well, I cannot say, but it was almost a coincidence. (10

You wouldn't call it a few minutes? — It was just a short time.

Would you say a few minutes, or not that kind of time? — Yes.

What? — Just after they had asked, then he came in.

Can I put it to you this way, do you wish to say, or are you saying that they asked this question and almost before you had time to reply, accused no.1 entered? Is that more or less the picture you want to present? — Yes.

I have this difficulty with a question on page 885 (it is (20 volume 9, My Lord), where it is put by counsel that.. referring to you, he says: "Quite a few minutes later accused no.1 came along". Where did counsel get this idea? "Quite a few minutes" having elapsed before he entered?— It was quite a few minutes after the police had entered the house, or quite a few minutes after they had asked about Sotomela?

Didn't they immediately ask you? Where is accused no.1, we are from the Security Police? And they asked you where Sotomela and was? — No, they first identified themselves, showing us their identification cards and they told us they were from the Security Police.

Then they asked you where is accused no.1? --- Then they told

us to get dressed. Then they asked where is Sotomela.

That took a few minutes? -- Yes, a few minutes.

Quite a few minutes? -- A few minutes.

Did you on the 20th of October when you were taken back to the house, you say you went in alone? -- Yes.

I mean accompanied by police only? -- Yes.

When you entered your room, what did the police do? -- Warrant Officer van Dyk collected the file; that was after he had told me to collect my clothes and I was putting them in my bag.

Did he say anything about the file? -- No, at that time (10 he said nothing, he collected them and he paged through them.

They had no comment? -- No, he said nothing.

Did he speak to you at all in the room? -- No, he did not speak.

Did any other member of the Security Police speak to you while you were in the room? -- Warrant Officer van Dyk told me to collect my things and after I had finished collecting them, he then said I must go to the car. I was then called by the Bantu sergeant. He said nothing about the questionnaire.

Did any other member of the Security Police speak to you (20 while you were in the room? -- No, I don't remember.

Did anyone speak to you while you were walking back towards the car, anyone of the police? -- It could have happened, but I don't remember.

Could there have been some sort of conversation? -- No, not a conversation.

Did you ever complain to a Magistrate who visited you while you were detained about this assault on you? -- No.

Was there in fact such an assault? -- Yes.

Why didn't you complain? -- I was ordered to sit on an (30 imaginary chair; I was physically tired and there were no marks which/..



which could have been seen by somebody else.

COURT: He say that he was placed under a strain, but there were no physical marks on him? -- Strain. I was physically made to be tired.

Yes, I understand him. What he is saying is that they subjected him to treatment which made him tired, which made him exhausted but didn't leave any marks on his body? -- Yes.

And that is why he didn't report to the Magistrate? -- Yes, that is so.

MR. MULLER: Were you hit or kicked? -- I was hit on my stomach(10 by Warrant Officer van Dyk.

Why didn't you complain about this? -- No, I was not swollen, no marks to indicate that I had been assaulted.

But that still remained an assault on you. -- Yes. Well, I thought that there should be visible evidence to show that you had been assaulted.

Weren't you asked whether you had any complaint by the Magistrate? -- I was asked.

Did you have any complaint in fact? -- When I saw the Magistrate, I had no complaint.

(30

You mentioned yesterday that you fell off the imaginary chair. -- Yes.

What did you mean by that? -- I was squatting down then I.. you sit as if in the air.

COURT. Can he demonstrate so that I can see? -- I was ordered to sit in that position with my hands raised.

You say it was from that position that you fell down? -- Yes.

MR. MULLER: How long were you forced to remain in that position? -- They told me to do this. In the beginning I stayed in that position for some time. Then it was too much for me, then I fell off and they said I must get up and then they said I must sit in that position again.



How long did you sit in that position <sup>un-</sup>interruptedly? For the first time. Were you forced to do so for an hour or half an hour before you collapsed? -- I stayed in that position for some minutes.

About 10 minutes would you say? -- Less than that.

Because Warrant Officer van Dyk and also Sergeant Mshlongo say that you were not assaulted.

COURT: They say that you were not assaulted or ill treated. -- I was assaulted by Warrant Officer van Dyk himself; he started the assault on me. (10

MR. MULLER: You had this complaint of being assaulted by Warrant Officer van Dyk and also, you had also this complaint of having to sit on an imaginary chair. -- That is correct.

Did you have any other complaint? I am not referring now to the Magistrate's visit or so on, I am just asking you what did you think in what way were you ill treated? -- And hunger, starvation. Because in the morning we left before eating. Apart from that they refused to allow me to go to the toilet.

Any other complaint? -- They were asking me questions incessantly and they required me to speak all the time and not stop. (20

Anything else? -- At night they did not allow me to sleep. They said if I wanted to sleep I should bend my head over the table.

Who said so? -- It was another sergeant....//

..my head over the table. It was another sergeant. Even then I was told that I couldn't sleep until I give them what they wanted.

Anything else? --- I don't remember anything further.

You didn't mention the assault by Lieutenant Taylor? --- He is the man who instructed me to sit on an imaginary chair.

Didn't you say yesterday that he physically assaulted you as well? --- No, I said I was hit by Warrant Officer van Dyk.

May I ask you something about this manner of greeting that you testified about yesterday. What is meant by using a word like "amandla" when raising one's right hand clenched fist, that is (10 power. What is meant by that? --- That is when a person expresses his joy and unity.

Unity with what? --- In that particular occasion, what is happening at that particular time. Or to show that he is agreeing with something.

Now why the word "power" or "amandla"? --- To put in some fire in what you are doing.

And this reply to that, "ngawetu"? --- If you agree that we are going to do that thing.

What thing? --- To agree that you are going to do what was(20 actually taking place at that time.

When in Court, especially during the first few days of trial, when you entered Court, did you use that salute as well? --- Yes I once did it.

Now what did you want to demonstrate by that? --- It is a sign of unity.

With what? --- Because I do not know what I am arrested for. I am expressing unity within myself.

Did the other accused also give this sign in Court? --- Yes they did so.

COURT: When you say "in Court" Mr. Muller do you mean withing the / precincts ...

precincts of the courtroom?

MR. MULLER: In the courtroom but before the Court was in session, M'lord. I'm not referring to anything happening while the Court was in session. Do you agree with that? --- Yes, I understand.

There has been evidence in this trial that while prayers were conducted, members also put up their clenched right hand fists in the air, while praying. Was that done? --- No. It might have been done after I had left.

In your time never? --- No, it was never done.

Do you mean to say that this form of greeting "Amandla" and "Ngawetu" was quite a common form of greeting? --- Yes. Others (10) they just even say "amandla" and then they stop there.

But I'm specifically referring to "amandla"? --- Yes, that is so.

People even outside SASM used it? --- Yes.

Regularly? --- Yes, they did that when they come to where others are. There at Temba Labantu it is the fashion now, we greet each other like that.

Do you mean to say at Temba Labantu it was such a part of everyday life life saying "hello" to someone? --- Yes, that is (20) correct.

Did the pupils at Temba Labantu give this form of greeting in front of the principle? --- Yes, they greeted.

Saying "Amandla" ? --- Because there was nothing wrong with it.

Did they do so in front of the principle, saying "amandla" and the reply was given "Ngawetu" ? --- Not specifically that I saw them doing that in front of the principle but generally they did do that.

You also gave evidence about a meeting where it was said that you were teaching the members songs. You denied that yesterday.

/ I ...



I think that was with reference to Sinxo's evidence? --- I denied at the time on which he alleged that I did this.

But did you at times try to teach people songs? --- Not that I was teaching them songs. It might have happened that I was singing together with them and I corrected certain mistakes which they made.

At meetings? --- We used to sing these favourite songs outside and even at meetings.

Because yesterday you said at the time you did not know any songs. That was your first answer? --- Yes, that is what I said. (10

What did you mean by that? --- As the time went on I learnt some songs from the radio.

What kind of songs? --- Freedom songs.

What are they about? --- About freedom.

Also about how to achieve freedom? --- How to achieve freedom?

Are these songs also about how to achieve freedom? --- No, I wouldn't say so.

Just freedom as such? --- Yes.

Not giving any message in particular? --- I wouldn't say (20 there is a certain message, I'd say just freedom songs.

At Temba Labantu did you know of the existence of SASM? --- Yes.

It was an officially recognised organisation then? --- Yes.

How many members did it have? --- I do not know.

You were not a member? --- No.

Why wasn't SASM publically organised at Healdtown? Why was it secret there? --- We feared the Sons of Africa.

Do you have the same reason that Accused No.1 gave in Court? --- Yes.

Is there anything that you want to add to that? --- I don't

/ think ...

think he left out something.

Because the State witnesses say that they think the SASM meetings were kept secret because of the things said there by Accused No.1, yourself and the other accused? --- There was nothing to be kept secret about. Except that we did not want to clash with the authorities because of the tension which was there at school.

And they also say that the constitution was a mere sham, a mere mask behind which these activities of encouraging people to leave the country for military training were carried out? --- Yes. (10  
I heard about that.

Isn't that the truth? --- It was not the truth at all.

RE-EXAMINATION BY MR. KIES:

Do you by any chance know how many years a medical course takes at Wits or Cape Town University as against the number of years taken at Wentworth, whether they are the same? --- I have no knowledge of that.

MR. KIES ADDRESSES COURT: My Lord I have received a telex from the hospital at Frere but I hope to have the proper certificate tomorrow and I'll discuss it with my Learned Friend and either we'll hand it in by arrangement or I'll have to call the doctor, Dr. (20  
Michael Gordon Heath. But I've merely got a telex, I don't think in this form it is of much use to the Court.

COURT: Yes well I'll leave that to Counsel to decide what is admissible and what is not. And if you can't agree then no doubt you will call evidence if you consider it necessary.

MR. KIES: As your Lordship pleases.

BY THE COURT:

When you left Healdtown, did you have any money? --- Yes, I had money but not much.

How much did you have? --- About R12 or so.

/ When ...

When you got to Durban how much money did you have? ---  
About R4.

When did you start working in Durban? --- In August.

What did you live on in the meantime? --- Umzinkulu was  
catering for us, getting food from him.

And how did you expect to be able to leave the country?  
--- I expected that a passport would be arranged and then when such  
things had been arranged then we would be able to leave.

Why could you not arrange those things from Healdtown? ---  
I didn't want to discuss these things with somebody in Healdtown.  
I didn't think that there would be anybody who would know something  
about it. (10

So your hopes really centred on Umzinkulu? --- Yes.

He was going to arrange everything? --- Yes I expected him  
to do so.

But he discouraged you? --- Yes.

Why did you not come back? --- He discouraged me and then he  
showed me alternatives.

Once you had decided on the alternatives, why did you not tell  
your parents? --- I wanted first to make applications. When I get  
things like acceptance, then I would tell them and show them so  
that they shouldn't be worried. (20

Didn't you think they would be worried if you just vanished  
as you have? --- I had the hope that things would come right soon.

Didn't you think they would be worried? --- I did think that.

What made you not do anything about it? --- I thought of  
making them happy with something in hand.

When the police came to arrest you what was in those haver-  
sacks? --- There was nothing.

Where were the questionnaires? --- They were lying on the  
cupboard and the others were scattered. Some were on the table,

/ not ...



not necessarily all on the cupboard.

NO FURTHER QUESTIONS.

---

COURT ADJOURNS - COURT RESUMES.

MR. KIES ADDRESSES COURT: My Lord in connection with the matter Your Lordship raised earlier in connection with the interpreter, we have taken instructions from the accused and they want to say and I put it as respectfully as I can in the circumstances, that they are very happy with the interpretation today and they would be very happy if Mr. Hleti remains with us. There is no necessity for a change. (10

COURT: Right Mr. Kies, thank you. I'm very pleased to hear that because I have subsequently been told that the Queenstown interpreter has flu and wouldn't be available in any event until about Tuesday or Wednesday of next week. I'm happy that things have worked as they have.

---

MR. KIES CALLS ACCUSED NO.3:

PHUMELELE STANFORD SIZANI, sworn states:

EXAMINATION BY MR. KIES:

You are Phumelele Stanford Sizani and Accused No.3 in this case? --- Yes. (20

And your home is at? --- Alexandria.

Do you stay there with your parents? --- Yes.

What is your father's work? --- He is an ordinary labourer.

And your mother? --- And my mother as well.

Your date of birth is? --- 2nd March, 1954.

When were you arrested? --- I was arrested on the 7th January this year.

At which place? --- At Alexandria.

At the police station? --- They came to fetch me from my / home ...

home.

At your house. Now have you been detained since then? ---

Yes.

Where? --- At first in Alexandria. Secondly in Grahamstown. Thirdly in East London. The last, I was then transferred to Grahamstown.

And at these various places have you been in a cell with other people? --- No.

Always on your own? --- Yes.

Last year you were at Healdtown High? --- Yes. (10

In Standard 9? --- Yes.

How many other children are there in the family? --- We are 9 in all.

How many younger than you? --- Seven.

So could your parents afford to pay for you at Healdtown? --- No, they were unable to.

So how were you maintained there financially? --- I was helped by Mrs. Gardner and at times I used to do part-time jobs.

Who is Mrs. Gardner? --- A certain lady in Alexandria.

And what subjects were you doing? --- Afrikaans, English, (20 Xhosa, Physical Science, Mathematics, Geography.

And did you belong to any organisations, societies or clubs there? --- Yes.

Which are these? --- SASM, SCM, Mafia, Physiogreg and YMG.

That is Young Mens Guild? --- Yes.

Did you hold any official position in the SCM? --- Yes.

What was that? --- Additional member to the executive.

And in the Guild? --- I was an ordinary member.

And what educational ambitions did you have at that time? --- I wanted to be a Civil Engineer.

Any idea as to where you would be doing this? --- I wanted

/ to ...

to go to Wits.

Now did you stay at Healdtown as a scholar for the whole of last year? --- No.

When did you leave? --- On the 17th October.

Why, at that time? --- We were expelled.

You say "we" were expelled? --- All the boys were expelled.

The entire ...? --- Yes.

For what reason? --- We protested against the regulations which were made against us. When we wanted to get reasons for those regulations, we were not given. Instead we were all expelled. And other students were expelled for no reason and when we asked for reasons, we were not given. We were not given reasons why they were expelled. (10)

What were these regulations that you referred to? --- At first it was in connection with the uniform. The other reasons were in connection with the students who were just expelled and when we asked for the reasons, we were told that those were the regulations coming from Mr. Sebe.

Who is that gentleman? --- Then he was a <sup>de</sup>posed Chief Minister of the Ciskei. (20)

After you were expelled did you try to get back to Healdtown? --- Yes.

And what was the result? --- We were told to re-apply. I wrote a letter and I received no reply to it. I then went personally. I was not accepted.

And did you do anything else about trying to get back to Healdtown? --- I was not admitted. I then went to other schools.

But before you went to other schools, did you try to get anybody else interested in the question of your getting back to Healdtown? --- Before I went to Healdtown to re-apply, I told Mrs. Gardner about this. She told me that she would phone to that place,



to the Principle. I was not told what reply she received.

You were going on to say that you tried elsewhere? --- Yes.

Where was that? --- Kwazakele High School. There I was told to do Standard 9 afresh, since Form 5 of the school, the numbers were full. So I couldn't do Form 4 there.

Did you know any of the accused last year? --- Yes.

Which ones? --- Nos. 1, 2, 4 and 5.

Who interested you in SASM ? --- I was told by Benson Nkewu and he sent me to Accused No.1.

When was that? --- It was at the beginning of April. (10

Had you heard of this organisation before? --- No.

And Accused No.1, what did he tell you about SASM that made you decide to join? --- He explained the aims and objects of it.

Saying what? --- At first he told me that SASM is an organisation of school children and it promotes love for education and it promotes that the school children should be an asset to the community and other aims.

Did he say anything about people leaving the country to undergo training in the use of arms? --- No, he didn't say that.

When did you attend your first meeting? --- On the 18th (20 April last year.

Where was this held? --- On the steep of a primary school at Healdtown.

Is that the meeting that Accused Nos. 1 and 2 have testified about? --- Yes.

No.1 said he presided at that meeting. Is that correct? --- Yes, that is so.

Did you speak at this meeting? --- Yes.

What did you say? --- I told them that I am glad to be amongst them and I liked the organisation. I then sat down.

Can you remember the other people who were there? --- I did

/ not ...

not know them then. I know them now.

Could you give us the names of those you remember? --- It was myself, Accused No.1, Accused No.2, Accused No.4, Pandile Ngaki, Ayanda Ngcola, Nxula, Ketelo, Sinxo and others.

Did any of the people present apart from No.1 speak at this meeting? --- Yes.

What did they say? --- I would say more or less they all expressed their happiness to be there at that time.

You have heard a general account of that meeting by Accused Nos. 1 and 2 --- Yes. (10)

Have you any comment on what they say happened there? --- Yes, I confirm that it was so.

When was your next meeting? --- The next day.

The Saturday? --- Yes.

Where? --- On the same place.

Do you remember the people present on that occasion? --- I think it was the same persons who were there previously.

Can you remember if there were any new ones? --- No.

"No" there weren't any new ones or "No" you can't remember? --- I saw no new persons. (20)

Do you remember who spoke? --- Yes.

Who? --- It was Accused No.1.

What did he say this time? --- He repeated what he said the previous day and he added Black Consciousness.

Can you remember what he said about it? --- He explained what Black Consciousness is, saying it is a philosophy of the oppressed people. There was a question posed, "Who are the oppressed people?". He then explained that they are the Coloureds, Indians and Africans. He then explained that a person uplift his dignity and not be ashamed of his colour and other similar things.

Had you heard of the concept of Black Consciousness before

/ that ...

that night? --- Yes.

Had you read anything about it? --- Yes.

So you did know something of what he was talking about?

--- Yes.

And after he had spoken? --- Questions were asked again and there was a discussion. Thereafter the meeting was closed.

How? --- He said we can now go back to the dormitories.

Now before he started addressing this meeting as you have told us, did anything happen? Was there anything on the agenda?

--- We were listening to a radio. (10

Programme? --- I don't remember it.

Anything else? --- We listened to music.

You just sat there quietly listening to some music? --- No, we were not sitting down, some were sitting down, some were standing and others were jiving.

And then the music later stopped? --- Yes.

And was it after that that No.1 spoke? --- Yes.

At either of the two meetings you have told us about was there any talk at all of people leaving the country for training in arms? --- No. (20

On the radio programme or programmes at either of these meetings, do you remember anyone saying anything about oppression in South Africa? --- Yes.

Do you remember what they said? In general terms? --- I heard them talking about oppressed and oppressors.

Did you hear anything particularly about blacks being oppressed by whites? --- No.

At subsequent, later, SASM meetings did they play the radio as well, the transistor? --- Yes. They were played at times.

Any particular programme? --- Do you mean on a certain day?

Yes, what-was there a special programme that people were

/ interested ...



interested in at the meetings? --- What was most listened to was the External Services through Radio Zambia.

And was it on this particular programme that you heard people discussing oppression in South Africa? --- Yes.

So in the course of last year you listened to more than one Radio Zambia programme, I take it? --- Yes.

Did you on any occasion hear them speaking of armed struggle in South Africa? --- Yes.

What did they say? --- They used to say if the Government of this country does not solve the problem of this country, armed struggle would be inevitable. (10)

Did you hear this once or oftener? --- More than once.

Did you ever hear any programme calling for people to come north for training as freedom fighters? --- No.

COURT: For training as freedom fighters? --- No.

MR. KIES: On this special programme, I take it was that Zambia, did they ever say what sort of South Africa they wanted to see or hoped to see? --- Yes.

It has been said in evidence here that you were elected vice-president? --- Yes. (20)

When was that? --- It was in May.

Were any other officials elected at that same meeting? --- Yes.

You heard Accused Nos. 1 and 2 giving a list of the officials in different positions. What do you say? --- They spoke the truth.

Now did you remain vice-president for the whole of the year? --- No.

What happened? --- In August I was elected President in place of Accused No.1.

What had happened to him? --- He had left Healdtown.

Now before the end of the first sessions, were there many / meetings ...

meetings of SASM ? --- They were held at the average of two a week.

And at any of these meetings did people take decisions on questions of policy by voting on them, passing resolutions? ---  
don't  
No, I understand the question.

On questions of policy as to where SASM stands on this question or that question, did you have a situation where perhaps on a subject like the liberals in South Africa whether one can trust them or not, did you decide such questions by resolution or was there just a general discussion without a conclusion? What general form did your meetings take? --- We never had any resolutions (10  
most of time on such matters.

In the first session, were there any decisions about doing anything? Did you decide to do anything about the more practical aspects of SASM's policy? --- Yes.

What sort of things did you decide? --- We laid down the regulations which should be followed by the members.

Did you do anything about people doing any practical work of any sort, study, investigation, work in the field, anything like that? --- Yes. (20

What did you do in that regard? --- We formed a sub-committee. More or less when did that happen? --- That was formed before we went home in June.

Was No.1 still at Healdtown then? --- No.

What sort of sub-committee did you form? --- The first one was a disciplinary committee. the second were the committees to make investigations in connection with black theology fund raising, education and others.

Why would they choose a subject like black theology? Was it something that had been discussed? --- Yes.

And were you appointed on any of these sub-committees? ---

/ Yes ...

Yes.

Which one? --- Black theology.

And what were you supposed to do? --- I was supposed to go and investigate what it is and what we can do about it and whether we can use it.

Did you ever investigate? --- I did make investigations although I didn't get something tangible.

Did these committees have to report back? --- Yes.

And did they? Did your committee report back? --- No.

The one on fund raising, did that report back? --- No. (10

The one on education? --- No.

Who was on the one on education? --- I don't remember clearly.

Now in the second half of the year could you tell us some of the things that were discussed, some of the subjects, topics, at various meetings? The topics of general interest? --- We once discussed things like sport; things like religiousism there at school, feeding scheme and other things generally among the people.

Now what was the position in regard to prayers at SASM meetings? --- We used to say prayers.

From the beginning? --- No, we were told that we should pray.

Who told you this? --- It was when accused No.2 came back from the conference and he told us about things which we did not know and things that we should do. (20

Was there any special person who always did the praying or how did you arrange this? --- There was no special person for saying the prayers. Anybody could say prayers.

And were there any special instructions at all as to how you had to pray, what you had to do? --- No.

Now in SASM meetings did you hear talk of Phase 1 and Phase 2? --- Yes.

Which half of the year more particularly? --- The second half.

/ Did ...



Did you yourself ever speak of phases? --- No.

There is one piece of evidence that you spoke of standards.

What do you say to that? --- That is correct.

What did you say, how many standards were there? --- Two.

Standards? --- Standard 1 and 2.

What did you mean by that? --- I meant that a person should be aware as possible about the situation in South Africa. Phase - Standard 2 was involve himself practically amongst the people and help.

Help to do what? --- In organised struggles of people. And Standard 2, people should involve themselves practically amongst the people in their problems, that it is in the organised struggles of the people. (10)

What did you mean by that? --- Since the constitution told us that if there was for example a school which was being renovated or reconstructed, a child should help by helping there or if there are no schemes for example skimmed milk and organise such a thing. And work amongst the people if people are in difficulties and organise work campaigns.

Is this your interpretation of the constitution? --- Yes. (20)

Were there other people who from time to time put different interpretations upon things? --- Yes.

And you say there were some who spoke of Phase 1 and Phase 2? --- Yes.

Could you think of any people who from time to time gave interpretations of what called Phase 1 or Phase 2 that were different from yours? --- Yes, I can remember Ngoula, Baleni and Gqajela and Accused No.4 did at times mention Phase 1 and Phase 2 but he explained it and it was similar to these of mine but he named them as Phase 1 and Phase 2.

Where you had spoken of standards, he spoke of phases? ---

/ Yes ...

Yes.

COURT: Before you leave that point Mr. Kies, Mr. Interpreter the witness seems to be using the word "phase" or "standard" referring to himself. Is this so or is it a false impression that I'm getting? That the witness used the word "phase" as referring to his own word? --- No, My Lord.

Does he refer to it as "standards" all along? --- Just to standards.

MR. KIES: Now you were saying that three other persons whom you mentioned gave rather different interpretations of the phases and what you call the standards? --- Yes. (10)

Now tell us about them? You mentioned Gqajela for example? --- Gqajela for example used to talk about Phase 2 and say that people go out to undergo military training. It was then that we told him that that against the policy.

And Ngqula? --- Ngqula used to say that blood should be spilled and he used to say "Why are we still sitting while people are dying in Angola?".

And I think Balani was the other one you mentioned? --- Yes. He was on Gqajela's side that there should be a fight. (20)

Now Liza Njeki said that you spoke (page 506 M'lord) that you spoke of phases, in fact he says you spoke of three phases and you took Vuyo Jack and Somtomela Ndukwana as examples? --- No, I did not speak of phases and I didn't talk about such a thing.

Three phases? --- No.

Or three standards? --- No.

Did you ever hear anything about Phase 3 in a SASM meeting? --- No.

Or anywhere else? --- Yes I heard from the Police at Cambridge when they were asking me questions.

From whom? --- I think it was from Warrant Officer Naude.

/ He ...

He is the one who was questioning me.

And what did he have to say about three phases? --- He said some, when they were questioned, they said there were three phases discussed in SASM meetings and he asked me what did I have to say to that. I told him that I never heard of such a thing. I heard it from the him for the first time.

Now I take it that with people like Ngqula and Baleni and Gqajela putting forward their views and you and Accused No.4 putting forward your views, that quite often there were discussions as to SASM's policy and what should be done? --- Yes. (10

Some witnesses have spoken from time to time of hot discussions. Were there such? --- Yes.

Now did you hear members in meetings ever putting forward the view that all whites are oppressors and none can be trusted? --- No.

What about the discussion on whether liberals could be trusted? Were there any such views on that occasion that you can recall? --- What I did hear is that a person was told that it depends on his own decision, it will depend on the circumstances in which he finds himself. (20

Apart from that there wasn't any SASM resolution or decision? --- No.

What is your own view on the subject that all whites are oppressors? --- I don't say so.

Has that always been your view? --- Yes.

And you expressed it in SASM meetings? --- What is my view?

What is your view on the question of whether all whites must be regarded as oppressors? --- I don't say so.

And have you expressed your viewpoint in SASM meetings or among members? --- Yes.

Both? --- Yes.



Now you remember that when the Police came to your home, they found a letter there? --- Yes.

Exhibit G, I think. Do you know this document? --- Yes.

Addressed to? --- Addressed to me.

Who is it from? --- From Slade Ngabinde.

When did it come to you? --- It arrived in November.

Slade Ngabinde was he a SASM member at that time? --- Yes.

Can you remember when he became one? --- It was in September.

Before then wasn't he interested? --- No.

Did he belong to any other organisation? --- Yes. (10

Which? --- Sons of Africa.

Was he a friend of yours before he joined SASM? --- No.

But after he joined did you become friendly? --- Yes.

At the time when he wrote this, was he still at Healdtown?

--- Yes.

Still a student there? --- No.

When had he left and why? --- He was expelled.

When? --- That was before we were expelled in October. He  
(Sergeant Gwalishane)  
had assaulted Sergeant Gcilitshane who was allged to be an informer.

Could we have the spelling please? --- Gcilitshane. (20

COURT: Is "Sergeant" his Christian name? --- Yes.

MR. KIES: Was he a pupil at Healdtown? --- Yes.

And he was expelled you say and did anything come of this?

--- He was arrested by the Police.

Now you received this letter, you said in November? --- Yes.

Could you tell us what it is all about? What does it say?

--- I don't understand it properly because when Slade write this letter he was going to a case.

What case? --- Going for a court case for the assault on Gcilitshane.

He was charged? --- Yes.

/ And ...

And he was going to appear where? --- At Fort Beaufort.

You knew about this at the time? --- Yes.

How did you know about it? --- He told me.

All right, and so when you got this letter what did you understand it to mean? --- Because he is a man who likes to joke and speak figuratively, I understood it that he was asking me to go and free him when he is convicted.

"You should please be here on Friday ..." - could you read it please? --- "Please be here on Friday, the time 10 o'clock. Bring with you all the necessary tools as told to you. Tuso's (10 trilos(?), one torch and 2 pairs of hand gloves. You must come with Ngoola."

Who would that be? --- Accused No.4.

Yes? --- "Other details you will get here. Give a good reason for your alibi when you leave your home so that it can be watertight for later check. It is your safety. I'm sorry I could not come due to finance and Tshangi's (?) parents have not yet arrived. So long and please make sure you come or the whole thing is off and you must not be seen by anyone even Tshangi..."

Can't you make out the word? --- "Tshangi's <sup>Lity</sup> relatives. (20

"Lity" ? --- Yes.

Would you interpret please? --- Lity is a youngster.

So you say when you got this letter, what did you make of it? --- I put it amongst my books.

Did you ever say anything to Ngoola, Accused No.4, about this? --- No.

Did you ever show him the letter? --- No.

Now you said you put it one side and I take it the Police found it there? --- Yes.

What did happen to Slade at his trial? --- He was convicted.

What was his sentence? --- I do not remember clearly but there

You were there? -- Yes.

Do you remember him there? -- I am not sure.

What was the lighting like in this cellar? -- It was just a candle was lit.

What time of the year was this? -- It was in September.

Who presided at that meeting? -- I did.

You were already President? -- Yes.

He says - Page 250 M'Tord - that you said "This meeting is not for babies but for men." -- No, I deny that.

And that "we should keep the existence of the meeting (10) secret." -- No everybody knew that, there was no need for me to say that.

He says you told them the meaning of JASM and that they could get Constitutions from yourself or from Accused No. 4 or Gqajela. -- Every stationery was obtainable from Accused No. 4. I did say that.

He had Constitutions, did he? -- Yes.

He was holding the office of? -- He was the Secretary.

And then Qube says that you spoke of two phases? -- No.

And he goes on to interpret what you, say what you said. (20) He says that according to you the first phase was "to be conscious and be a proud Black man, and to hate the Whites"? -- I didn't say that.

And the second phase he says was "to leave the country and go for military training." -- I didn't say that thing.

He says further that you said - Page 252 M'Tord - that "people leaving the country should receive military training to fight the Whites in South Africa"? -- No, I deny that.

Did you ever advocate such a policy at any meeting? -- No, at any meeting. (30)

And he went on to say that you said that "such people would/.....



would go either to Mozambique or Botswana"? -- No, I know nothing about that.

And he says after you had spoken, after you had said what I have read out now Stanley Gqajala stood up and he told the meeting that you, Accused No. 3, had told them everything and the only thing to do now is to go for military training. -- Gqajala stood up after the report about Dimbaza (interruption)

Wait a minute, who reported on, I'm sorry... -- And he did not say I have said everything.

Now who reported on Dimbaza? -- Kholekile Tata. (10)

And did you speak on the Dimbaza report? -- You mean to comment on it?

Yes? -- Yes.

And you were saying that there was a Dimbaza report and what did Gqajala have to say, and what page? -- Gqajala said our people are suffering in Dimbaza and these people they are the cause of this thing so then we should fight and take up arms against this. And similar things.

Did he say whom he meant by "these people"? -- No.

Was that before or after you had spoken? -- As I was (20) presiding I had to speak first.

And were there other people discussing the Dimbaza report too? -- Yes.

Was it a quiet, leisurely, calm discussion? -- No.

How would you describe it, and why? -- I would say it was a hot discussion because everybody was eager to stand up and while one was still standing one would want to get up and speak and it was all, no order.

So it was a bit difficult for the chairman? -- Yes.

Can you remember now whether Qube was present, or if he (30) said anything? -- No I don't recollect clearly.

When Gqajela spoke about military training, did you react in any way, did you say anything, do anything? -- Yes.

What did you...? -- Firstly I stopped him. I then explained to the meeting generally that the SASM policy does not allow such things and at any SASM meetings such things we are not allowed to talk about. If a person is not too clear what I am saying now, one should come to the executive and explain to him the policy while if the person is not satisfied with that we can help him by taking him to Zwelitshe to where we got the policy. That is where it can be explained(10) to him by people who know more than us.

Was he satisfied with this or not? -- He kept quiet although I do not know whether he was satisfied or not.

Was Rayisa at this meeting? -- Yes, he was there.

Did he play any part in the meeting at all? -- Yes.

What did he do? -- He recited one of his poems.

Qupe says you introduced him as the Poet of SASM, is that correct? -- No, I did not introduce him.

Did he often write poems, Rayisa? -- Yes.

What particular poem was this, can you remember? -- The(20) one he liked much was the one he called "Gharimpe"

Do you remember anything of it? -- Not the wording.

But could you give us some idea as to what it was about, as far as you can remember? -- It was talking about rugby players, about boxers, soccer players and when they are training how they are training hard. He explained how they are running and going uphill and running. The part which read is this way that "I am in search of a man" etcetera.

Do you know what the title means at all? -- The first day he recited it he said it means "Blacks pull together". (30)

This Rayisa, is he Stanley Thobila Rayisa? -- Yes.

Number 9 on Annexure A M'Lord. Do you know if he was ever detained or questioned in connection with this case? -- While I was at Fort Glamorgan he was also there. I do not know whether he was questioned at the time in connection with this case.

Have you been able to get a copy of this poem at all? -- No.

Have you tried? -- Yes.

Now he gave, Qupe gave evidence on a trip on which you and No. 4 accompanied him, and Gqajela, Accused No. 5 and (10) Majova to King Williams Town. Did that happen? -- Yes.

Now would you tell us, step by step, what this was all about? -- It started on the 7th of October in the evening, October last year. Gqajela accompanied by Accused No. 4 they came to me. Accused No. 4 came into my dormitory and called me and said Gqajela is calling me. I went out, went up to them. Gqajela then told me that since I know that he is expelled from school, as there is nowhere where he can learn, that is referring to last year, so he has decided to go home. He asked me if we could help him with money. I told him that (20) we could help him. Later he then said he was not going home, he was <sup>not</sup> going to Krugersdorp. I then asked him "Where are you going?" He then said he was leaving the country. I asked him why. He said he has got a sister who lives in Botswana who is working there as a Social Worker or, the Social Worker I don't know whether he said she was a Social Worker or a teacher. He then said he was going to her. I then said to him, "You are firstly you are a Vice-President of SASM, you know the policy of SASM. How can you come to me with such a thing since you know I've been telling you for a long time (30) that SASM's policy is against this thing." He pleaded with me.

He/.....



He then said if I don't help him he was going to go on his own. I eventually agreed to accompany him so that he could be explained this thing, so that it would be explained to him by Mandisi Mti. In fact I was referring him to the Executive of King William's Town. I did not know him then, Mandisi Mti then, I know him now.

Could we have the spelling of Mandisi Mti? -- M-a-n-d-i-s-i M-t-i.

You say you didn't know him then, but you know him now? -- Yes, I did not know him then, I know him now. (10)

And who did you say he was? Did you find out? -- I was referring to the King William's Town Executive, that I would take him to it, so that it should be explained to him. In my view at that time the situation, since we often stopped him from talking about this military training and leaving the country it was clear that there was going to be a split there because he was trying to sway other people to his side. We members of the Executive because we did not like this idea of his, look as if we are "sissies". That was why I suggested that I was going to take him to Zwel<sup>ma</sup>sha Executive because he would not believe/as if this policy was mine and yet it was SASM policy. We agreed that the morning we were going to take the journey. (20)

Before you go on, why had he been expelled? -- He was found in a girls' dormitory.

Oh, nothing political? -- No.

So the next day? -- At about half past four the next morning he came to wake me up. I dressed up. Since during that long weekend on Thursday I was going to go to East London I then decided to go on this day when he came to wake me up. (30) So I collected my things which I would need during the weekend,

I went out of the dormitory. The two of us then walked together. Below the boys' dormitory we met Accused No. 5, Qupe and Majova. Stanley Gqajela then left me with them there then he went to Dormitory 22 to go and wake up Accused No. 4. He came back with him then we went along.

Did you know what the others were doing there, the others that you met, Qupe and No. 5 and Majova? -- Majova was a close friend of Gqajela's. I thought they were accompanying him, that is Majova, Accused No. 5 and Qupe.

All right, then? -- Then we went away. (10)

Did you arrive in King William's Town? -- We arrived in King William's Town. When we were in the vicinity of the Zwelotemba Training School we sent Accused No. 4 to go to Temba Labantu High School to go and tell its Executive that at break we wanted to see him, during the break. He then came back and reported that during the break that they would come. Accused No. 4 then left to go and meet them and then two boys from Temba Labantu came. They told us that Accused No. 4 has gone to Zwelitsha Post Office to go and meet Mandisi Mti there. Later these two boys then went back to school because the break<sup>(20)</sup> was over. At about 11 o'clock Accused No. 4 came to fetch me and Gqajela. He told us that we should go and meet Mti. We arrived at the Post Office. We waited for Mandisi Mti outside because he was still on duty. At 1 o'clock it was lunchtime, Mandisi Mti came and he invited us to his house. We arrived at his house. Since Accused No. 4 was already explained the purpose of going there he then asked Gqajela (interruption)

Who asked Gqajela? -- Mandisi Mti asked Gqajela where he intended going. Gqajela then said he intends leaving (30) the Republic because here is no place where to continue his studies/.....

studies then he said his sister was going to educate him there.

How many of you were at Mti's houses? -- It was myself,  
Accused No. 4, Gqajela and Mti.

Yes, go on. -- Mti then said, and he was already explained by Accused No. 4 what our difficulty in Healdtown was. Mti then told Gqajela that this was not a policy of the Healdtown Branch. It was the policy of the whole of SASM and what he was now doing is against the policy of SASM. He persuaded him to go back to Healdtown and try and plead with them and to see if he will not be allowed too to write exams at the end of(10) the year. Gqajela then said because of his conduct he wont be accepted back in Healdtown, then if we are not prepared to help him, he'll go away on his own. Mti tried to dissuade him from what he was doing or else he would be putting himself in danger. Then Gqajela became angry and said he will go on his own. I tried to explain to him that now here is the proof that what I had been telling him does not originate from me, it originates from SASM. At that stage he was angry, he suggested that we should go.

Did you go? -- Yes, we went. (20)

And then what did you do? -- We went back to Accused No. 4 and 5 near(indistinct)dormitory where they were waiting. When we met up to them we explained to them that Mti tried to dissuade Gqajela and Gqajela wouldn't be dissuaded. We explained to them and asked them to speak with him because they were Gqajela's close friends, maybe he would change his mind. Gqajela then asked us to take him to the station.

And did you? -- Yes we went to catch a bus and he went to town.

And was that the last you saw of him? -- Yes. (30)

And what happened to the other two, No. 5 and Majova? --

I/.....



-- I saw them leaving with him.

Did you say anything to them after him leaving? -- I asked them "Are you going away with him or where are you people going to?" They told me that they were going away with him.

Did it come as a surprise to you? -- Yes, I was surprised.

Now Qupa, you know, told the Court that he went with Gqajela and No. 5 and then he and Accused No. 5 turned round at Kimberley - Page 262 M'Lord. -- What was the last portion of...? (10)

He turned back at Kimberley and he says that you met him and Accused No. 5 on the train on their return. -- Yes, that is so.

You were shocked to see them, asked about the other two and told them to keep the whole thing secret. He says you then told him you had met a man called Mfundisi in East London who can get you out the military training and also education. Now what do you say of his account of this meeting? What do you say happened? -- I say I met them. I told them about my journey to Mdantsane. I told them about the man I met in (20) East London. On the way then it was a general conversation, I never told them to keep what they told me and what I had told them, a secret. I was not surprised to see them.

And did you tell them any more about this man that you had met in East London, Mfundisi? -- I told them that this man told us that he could lecture us on many aspects of, more especially political information and this man is concerned about the education of school children so much that he would help as much as he could if there is a way of helping.

And then did you part company? -- No we did not part (30) company, we all went back to Healdtown.

Now/.....

Now Qupe also told of a meeting in the Kloof on the 14th of October where you said a letter should be written to Mr. Sebe and added that informers should be beaten. Now was there a meeting in the Kloof in which the question of writing to Mr. Sebe came up? -- Yes.

Is this the same Mr. Sebe we mentioned earlier? -- Yes.

Now he says you said a letter had to be written to him and added that informers should be beaten. What do you say to that and what do you say about in general, what happened? -- I do agree that I said that a letter should be written, but (10) I deny that I said that informers should be beaten up.

What was the letter to be written about? -- This letter was going to be written to Mr. Sebe inviting him to come and address us at the school.

On what subject? -- To come and tell us about the regulations and going to explain everything which affects us children there at the school, and those who are expelled.

Were these the regulations you mentioned earlier? -- Yes. some of them.

In connection with which you (interruption) -- And (20) some of them.

In connection with which regulations you said that eventually the whole of a Boys' School was closed down. -- Yes.

Was this what the meeting was about? -- We were going to discuss boys' grievances as school children there at school and this idea of writing a letter to Mr. Sebe came up.

And was a letter eventually written? -- Yes, it was written.

To ask him to come and talk to the students? -- Yes. (30)

Now Qupe says - Page 264 M'Lord - that this meeting

in/.....

in the Kloof was a special meeting. Is that correct? -- I cannot say so. I cannot say so with certainty.

What was the purpose of this meeting? What was it called for? -- This meeting was called in order to discuss our grievances there at school and also the writing of this letter.

Was that the only item on the agenda? -- Yes, those were the most important items.

So perhaps he meant in that sense it was special. -- I would agree.

He then goes on to say, Qupe, "As this was a special meeting, Accused No. 3 just told us we must go for military training." What do you say to that? -- I deny that M'Lord. I don't agree because what was important was the grievances. (10)

And this bit about telling people to go out for military training, did it come up at all at the meeting? -- No.

Did anybody say, you or anybody else that "Look here, these regulations are no good, we'd better get military training to do something about them"? -- No.

Now you heard Nxola's evidence. He spoke of a meeting held after Tuso Guwana's attack in the dining hall. You remember this meeting? -- Yes. (20)

He said it was held at a weekend, what do you say? -- There were two meetings held after that speech. I am not sure now to which meeting are you referring.

He says that at this meeting you spoke of "Black Awareness". Now if you say there were two meetings where Tuso Guwana was discussed, did you speak of "Black Awareness" at either of those meetings? -- No.

Now take the first one of these meetings, when was that held? -- It was held in the week on Wednesday. It was in May. (30)

In/.....



In May. Was that, No. 1 and No 2 I think say, that was the very day that the attack was made? -- Yes.

And then Tuso Guwana according to No. 2, was mentioned at a later meeting? -- That is correct.

When was that held? I mean in the course of the week or the weekend or what? -- It was on a weekend.

Weekend. Did you speak of "Black Awareness" at that one perhaps? -- No.

Now he spoke also, Nxola, of a meeting in the Kloof in April at which he says you presided? -- In April there was (10) no meeting held in the Kloof.

As far as you recall, when was the first meeting held in the Kloof? -- In the second session.

He says at this meeting where you presided, he says in April, the raising of funds was mentioned by you and also the question of articles being written for a newsletter? -- No, I know nothing about that.

Did you ever speak of the raising of funds and asking for articles for a newsletter? At any time? -- I did speak about raising of funds but I never talked about the articles for (20) forming a newsletter.

Was this in the first session or the second session that you spoke of fundraising? -- It was about fundraising it was in the second session.

Now he also spoke of a lecture by Radio Dippa in April on the subject of slavery in America. What do you say? -- I don't remember, I don't think there was such.

Did Radio Dippa lecture on slavery in America? -- Yes.

In which session, as far as you can recall, did this take place, the first or the second? -- In the second session. (30)

Did he give one lecture or more than one on this subject? --

The/.....

-- The only one I attended and I heard it was in July. I don't remember another lecture thereafter.

Did he, outside of meetings, did he ever speak on the subject of America, or slavery in America, life in America? -- Who?

Radio Dippe. -- Yes.

In the second half of the year, what was Neola's attendance like at SASM meetings? -- Badly.

Did you ever have occasion to speak to him about this? -- Yes. (10)

Was it privately? -- Yes.

And what did he say? -- He then told me that his parents had the habit of going out on weekends and sometimes he had to remain behind and look after the home and sometimes to go out with them. So that is why he could not attend SASM meetings.

Did you, as president or in any other capacity, did you ever say anything publicly, that is in the meeting, about his poor attendance? -- Yes.

What did you say? What happened? -- I was reminding the members of their attendance and I reminded them about what the Constitution says, on that aspect. (20)

Were there several members who were attending poorly? -- Yes.

Now as far as you could judge, had Neola's attitude to SASM changed at all? -- No.

In the second half of the year while you were President did you ever have occasion to speak to people on SASM's policy in connection with people leaving the country? -- To explain SASM's policy?

In connection with people leaving the country? -- Yes. (30)

Do you remember an occasion when Serge expressed his views/.....

views on the subject? -- Yes.

What is Sarge's other name? -- Stanley.

Stanley, and this is? -- Gqajela.

Gqajela. And is this the occasion you told us about earlier? -- Yes.

Now Ndzeke gave evidence - Page 498 M'Lord - he said that you advised people, when approaching potential members and conscientising them not to discuss the point of military training in detail in the initial stages since that would frighten them? -- I never said such a thing. (10)

He also said, Ndzeke, that you said the SASM Constitution would be drawn in order to cheat the Government to accept it? -- I deny that.

504 M'Lord, and then Ngqula also said - Page 990, 991 - that you said the Constitution had been <sup>so</sup> formed as to be acceptable to the Authorities. -- I deny that.

And he went on to say - Page 990 - that, in connection with the Constitution, "furthermore the Constitution, when people are going to go out and funds must be raised when the owners are the same, when they want to see the Constitution not see something in connection with the kicking of the Government. M'Lord I'm just reading the ipsissima verba, I'm not sure what it means. This is what he said. "In connection with the Constitution, when people are going out and funds are to be raised and the owners are the same." -- No, I didn't say such a thing. (20)

And "when they want to see the Constitution not see something in connection with kicking of the Government"? -- No.

Now do you know of any persons who resigned from SASM last year? -- Yes. (30)

Who were these? -- Gcaba, G-c-a-b-a, and Maqavase



M-a-q-a-v-a-s-a-, Siyolo S-i-y-o-l-o, Sho Pasi.

The two of them were mentioned yesterday? -- Yes.

Were any of these friends of yours? -- My two friends were Gcabe and Maqavase.

Was there any reaction from SASM to their resignation? -- Yes.

What was the reaction? -- They were very sad that they left us, they were members, co-members. I even approached them trying to show them that we did not like what they had done, but they gave us tangible reasons and we left them alone. (10)

What was your attitude to the two that you mentioned as having been your friends? Did you remain friends? -- Yes, we remained friends.

Were you a member of the SASM committee to investigate school feeding at all? -- No.

Can you remember the names of the members now? -- Accused No. 4 and Balani.

When was this appointed you say? -- During the second session.

And what was their job particularly? -- They were sent (20) by SASM to go and investigate in the surrounding locations and find out if there were any feeding schemes received by the schools in those areas.

Did they report back, the sub-committee? -- No.

Well we can ask No. 4 about that. You have mentioned a Disciplinary Committee. What was its job? -- Firstly it had to see to it that punctuality, that the members should come, they should be punctual at meetings. And when members were not attending meetings, they should be approached and asked for reasons. And a member who was not going to attend the (30) meeting should go and report to them, and to keep order when

we are at a meeting.

And the Advisory Committee, what functions did it have?

BY THE COURT: Just before you go on to that Mr. Kies. What about members who acted wrongly in terms of your Constitution?

-- They were supposed to be approached by the Disciplinary Committee in conjunction with the Executive.

Was that ever done? -- Yes.

In what cases? -- And at Ngqula's case.

What decision was taken in Ngqula's case? -- That if he did that again his voting powers would be taken away from (10) him.

If he did what again? -- If he talked and made a lot of noise about armed struggle and military training, in that meeting.

Anybody else? -- I don't remember clearly now. If there was another one.

MR. KIES: Now Nyati said that on the 10th September he had a discussion with Accused No. 4 in your dormitory and he claims, and No. 4 denies it, he claims that No. 4 told him that Sotomela and another whose name Nyati had forgotten, had (20) left during the previous session for military training. Do you know of any such discussion? -- No.

Page 576 M'Lord. Now after No. 1 had left Healdtown did you ever hear from him? -- No.

As far as you knew, had Sotomela and No. 1 left for military training? -- No.

Now Sinxo, was he elected to a Disciplinary Committee? -- Yes.

And, which session do you say? -- Before we went away for holidays. (30)

Were 1 and 2 still at Healdtown? -- No.

Now/.....

Now you were at Accused No. 1's final meeting at Healdtown?

-- Yes.

Do you remember the question of lending money to him being discussed? -- Yes.

When this question was discussed, was Accused No. 1 present or not? -- Number?

One? -- Yes.

Tell us what happened, how did the discussion go? -- At first he told us that he was leaving. He said he had no money and he asked us to lend him money. When he realised that (10) nobody was offering money, we members, he then said we should lend him money from the Branch money. Some of the members said money should be given to him, others said no, money should not be given to them, saying that since he is a President of SASM he knows that the going away is against the policy of the Organization. There was a discussion, there was no conclusion.

Did that loan question come up after No. 1 had left? -- Yes it did.

Tell us about that? -- At the following week we discovered that Sinxo had given money to Accused No. 1 without consulting (20) the Executive, members of the Executive, and he heard at that meeting that there was no agreement that he should be given money. He was then criticized because of doing such a thing, it was said that he was not a good Treasurer for him to do such a thing without consulting the members of the Executive. Accused No. 4 then said Accused No. 1 did come to him and told him that he should go and get his money from the G.O. We then said to him because he knew that nobody is allowed to sign his name for somebody's money, for other person's money, then he would refund himself that money. And that was the end (30) of the discussion.

Did/.....



Did he refund the money, do you know? -- I am not sure.

The G.O. is that? -- General Office.

Now at Accused No. 1's final meeting, did he say anything at all about his going out for military training? -- No.

Did he say why he was going out? -- He told us that he was fed-up with the Bantu Education.

Did he invite anybody to go out with him? -- No.

Now you have already told us about the cellar meeting where the one candle was burning. Was Zwelaki there? -- No.

At that stage, was Zwelaki a member of SASM? -- No. (10)

Do you remember when he joined? -- Later.

Do you remember by any chance his first meeting, or where it was? -- No I can't remember.

At any meeting at all did you ever hear an explanation of the clenched fist salute? -- No.

Have you ever heard an explanation at all, apart from the one given in Court? -- No.

Was that the first time you'd heard such an explanation? -- Yes.

Now Nyako said - Page 740 M'Lord - that on the 12th of (20) October, a Sunday night, you asked to see him after arriving at Healdtown after the weekend. Had you been away for that weekend -- Yes.

And did you ask to see him? -- No.

He says that on Monday the 13th you spoke to him during first break. -- I did meet him but I don't remember when it was.

Well he gives an account of what he said happened between you - Page 740 M'Lord - he says that this was on the 12th of October, Sunday night and he says that when you sent for him he promised to see you the next day. -- No. (30)

And then in the first break he says that he saw you. And

he/.....

he says you then reported to him that you did not like the way that Koko Mda, Stanley Gqajela, Wilberforce Majova and Voysi Qupe had left the country. -- I never said that.

Because the persons whom you believed to know the route leaving the country told them to see for themselves. -- No.

He says that you went on to tell him that during that weekend you had visited East London where you met a certain gentleman whom you described as a "new connection". -- I did tell him about him, but I did not say to him it was a new connection. (10)

And you said this gentleman is eager to take five people and lecture them on politics. -- Yes, that was on that day that I told him. He is telling the truth.

He says you further reported to him that in this new connection one chooses to go under military <sup>training</sup> abroad or academic training abroad. -- No I didn't say that.

He says as he was on his way home he asked you where he could meet this gentleman. Did he ask you to meet this gentleman at all? He wanted to meet the man that you had met at East London. -- Yes he wanted to see him. (20)

Did you ever get any further on this point? He says that he didn't stay much longer there. He went to East London and he came back to Healdtown and there was trouble there, things were unsettled and you weren't there. -- We were not in East London when I told him this, we were in Healdtown.

Healdtown, but after that was there any further discussion between you about the man you had met at East London? -- No.

Now Billy says - Page 819 M'Tord - that you and he had a discussion on the lawn -- Yes.

You remember what he said about what you discussed? -- Yes. (30)

Have you any comments on that? -- Only to say that he is

mixing/.....

mixing things.

Such as what? -- He said here in Court that if I speak to him about Communism I must forget about them because the Communists would come and just take the country and leave us in the cold with nothing.

Was that a part of your discussion? -- No he never talked about that.

What did you talk about? -- We were talking about SASM and the situation generally in South Africa and current affairs.

You interested him in SASM did you? -- Yes. (10)

He says that you took him to his first meeting and he says this first meeting was opened with a prayer to Qamata, Page 820, 821. -- There was a prayer.

To? -- To God.

In the usual style? -- Yes.

At that stage were you still a member of the S.C.M. -- Yes.

And of the Guild? -- Yes.

Is this Guild a Christian Guild as well? -- Yes.

He says the meeting closed with prayer, he doesn't say to whom but he says that it closed with prayer where fists were (20) raised. Do you know anything about that? -- I know nothing about that.

Were your eyes open or not? -- I closed my eyes every time when I pray.

So you don't know whether people were raising their fists or not? -- I cannot say they're not raised or they were raised because I saw nobody and I know nothing about that. New members would comment on that, would have commented because they wouldn't know that fists should be raised unless somebody instructed that it should be raised. And nobody gave such instructions. (30)

Now he said also that it was his view and he expressed

it/.....



it, that the Constitution should be forwarded to the Principal, should be taken to the Principal after a short time because the members were, no I'm sorry, that it was worth noting and should be taken to the Principal. And he says he discussed this with you. -- Yes we discussed this together there at the meeting.

And then he says - at the bottom of 821 M'ford - he says your view was that it cannot be taken now to the Principal, it should be taken to the Principal after a short time because the members were still few then.

**Collection Number: AD1901**

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

***PUBLISHER:***

*Publisher:*- Historical Papers, University of the Witwatersrand

*Location:*- Johannesburg

©2012

***LEGAL NOTICES:***

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

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

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

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