

IN THE SUPREME COURT OF SOUTH AFRICA

(TRANSVAAL PROVINCIAL DIVISION)

4.

CASE NO. 18/75/254

19th AUGUST 1975

In the matter of:

THE STATE

versus

S. COOPER AND EIGHT OTHERS

VOLUME 4

PAGES 253 - 345

LUBBE RECORDINGS (PRETORIA)

/VMD.

COURT RESUMES: (19th AUGUST 1975)

JONAS LESIBANA LEDWABA STILL UNDER OATH:

CROSS-EXAMINATION BY MR. ALLAWAY: (CONTINUED) Mr. Ledwaba yesterday when we adjourned you were speaking about the Black Power salute and what its significance was. With regard to the word "power" as used by SASO, are you able possible to confirm that power signifies solidarity of the people, and with true solidarity will come power? --- Yes, I could say that we will first have solidarity, then we will have power. 10

Then you will have power by being united in your attitude? --- Yes.

Does this idea of power - what does it suggest, a powerful overthrow of the existing government, or power to bargain with it in strength? --- Power to bargain.

And as far as SASO's attitude to the Bantustan concept is concerned, you as a member of SASO, can you tell the Court what its attitude was towards the Bantustan idea, whether it was a good thing for the Blacks generally, or not? --- The SASO attitude towards Bantustans is that the Bantustan policy is not a good thing in that we believe that we all belong to South Africa as a country, and we do not in any way want to be shifted to barren places of the country called Bantustans when we have all contributed to the wealth of South Africa. 20

According to my instructions the approach to the Bantustan policy of the government was that the Blacks should be entitled to live throughout South Africa and to work throughout South Africa, is that what SASO was in favour of, that Black people should be entitled to work throughout South Africa and live throughout South Africa? --- That is so. 30

And / ...

And to share generally in its overall general wealth?

--- That is what we want.

Was it possibly thought that the Bantustan policy had the effect of fragmenting Black attitudes, splitting them up?

--- That is true.

And from what you have told the Court about the idea of Black Consciousness, it was working in the opposite direction it wanted to united Black attitudes? --- Yes.

Now I want to deal with the actual events inside the hall on the day of the rally. I just want to deal briefly 10 with matters arising there, have you got your mind focused on that? --- Yes.

Now according to my instructions, Accused No.7 when he opened the meeting, he said that people could speak from the hall if they wished to do so? --- Yes.

And that there was to be no planned system of speeches? --- Yes.

Now you have told the Court that he spoke first, that is Accused No.7, and according to evidence we have had, the police would have arrived at the meeting at about 2.20 that 20 afternoon. Would that agree with your ideas of when they arrived, or can you not say? --- I cannot say.

We have had a constable giving evidence about this. Did the meeting start precisely at 2 o'clock, or did it start somewhat after 2 o'clock, or can you not be sure? --- I cannot be sure.

All right. But it would seem that not very much had been said by the time the police arrived, these were not long speeches that had been made by No.7 and No.6 and this lady - what is her name, Miss Tshoni? --- Yes. 30

In anything that Accused No.7 said, would you say that in anything / ...

anything he said he was advertising the efficacy - that is the efficiency of a violent revolutionary struggle in anything that he said? --- I would not say that.

Anything that you heard him say from anything that he said, would he be embarrassing the State or trying to confront the police or the authorities? --- Not a bit.

And from anything that he said did you form the impression that he was trying to extract a violent emotional reaction amongst the population groups, that is amongst the Whites and the Blacks? --- No, I would not say that. 10

Now, you have told the Court what Accused No.6 said, and I have got fairly detailed instructions about what he alleges he said, and I want to indicate to the Court and to the State that substantially what the witness said in this regard is in accordance with my instructions. But I would like to clear about this, would you agree or disagree with evidence that nothing that Accused No.6 said excited people to violent reaction or encouraged a revolutionary, that is a violent struggle against the State or anybody else? --- I do not have evidence to that effect. 20

You would not agree with that? --- No.

And from anything that Accused No.6 said, was he trying to confront the authorities or the police by sweeping the emotions up at the meeting and getting the students to go and confront the authorities or the police? --- Not a bit.

Or trying to get the emotions of the students swept up in such a way that they would possibly go and injure White people on the campus or just outside the campus? --- Not a bit.

I think you said that he in fact stated that he did not advocate the method used by the guerrillas in Mozambique to achieve their liberation? --- Yes. 30

Now / ...

Now this lady Miss Tshoni, did she get a chance to finish what she was saying before the police arrive? --- Yes she did.

Had she completed her speech, or was her speech interrupted by the arrival of the police? --- I would not know whether she actually got to the point where she wanted to finish or she was simply stopped.

So if there is evidence that the police arrived while she was still speaking and before she had concluded what her message was, you will not be able to dispute that? --- She 10 spoke for some time when the police were already around but then she stopped.

I understand that she was still on her feet speaking when the police arrived? --- Yes.

And I understand she was still on her feet speaking when Major Erasmus asked the students to disperse? --- Yes.

So she had not completed, according to my instructions, all that she was talking about? --- That I could say.

Was she a bit of a radical, this woman, or do you not know what her attitudes were generally, this Miss Tshoni? 20 --- Well I wouldn't say she was a radical.

Well I do not know, I suppose attitudes vary amongst students some are hotheads, and others are more temperate, and some are docile, what category would you put her into? Was she a hothead, a temperate lady or docile? --- I would say - well it was the first time I saw her on the public platform.

Oh I see, was this her maiden speech at a public meeting as far as you were concerned? --- Yes.

COURT: Is she from that university? --- Yes.

Had she taken part in student activities before this 30 occasion that you know of? --- Yes.

MR. ALLAWAY: Has she addressed meetings before that you have attended? --- No.

Now as far as Accused No.6 is concerned, I understand he was the past president of the SRC? --- Yes.

Now as a past president of the SRC would it have been quite in order and proper for him to speak after the existing president had opened the meeting? --- Yes, it is normal.

It is a matter of normal etiquette is it? --- Yes.

Now, we have had evidence about the students leaving the hall and going to the football ground, I want to clear 10 up one or two matters on this aspect. Did you yourself go directly from the cinema hall to the soccer stadium? --- Yes.

Now, where did you take up your position, were you on the stadium, or were you on one of its banks, where did you yourself come to a halt? --- Right inside the grounds.

On the level football ground itself? --- Yes.

And there has been evidence that on the way from the hall the students were singing, would you agree with that or disagree with that? --- I agree with that.

And the constable who has given evidence says that the 20 students seemed to file from the hall and then congregate, mill about on the soccer ground, is that what happened? --- I cannot understand.

All right, let me make it a little clearer. The impression I get from Constable van der Merwe's evidence - who is a member of the police force who was there at the time - is that the students came out of the hall and as it were reassembled and congregated in a group on the soccer stadium, do you agree with that? --- I would say that the students were standing around on the ground, and they stopped when Mr. 30 Sedibe asked them to do it, when he wanted to tell them

that / ...

that they should disperse.

Now, was there any marching on the soccer ground, did the students march? --- No.

Do you know what the word chaotic means - chaos? --- Yes.

Was there a chaotic situation there in the sense - this may be a matter of degree - that people were milling about and there was a sort of a throng of people in no real order, would you say that that is how things were on the soccer ground when you first got there, a state of disorder? ---- No.

How would you describe it? --- I would say students 10 started when they got into the ground, perhaps next to the centre line.

In the centre of the soccer field? --- Yes.

Where they kick off for a soccer match? --- Yes. Then they moved to the northern side, just singing, until they stopped on the northern side of the soccer field.

I understand that there is a bank? --- Yes.

Now did you hear any instructions over a loudspeaker from the major to the students on the soccer ground? --- No, I did not. 20

To disperse? --- No, I did not.

At that stage when the students milled about on that portion of the field, where were the police? --- They were standing on the eastern bank of the grounds.

That would have been, if the students had been looking down the length of the field, that would have been to the right, the students' right, where the police would have been standing, correct? --- I cannot say.

Well, you say that the students were on the section of the ground - is this behind the goal posts? Well look at the 30 plan, B/53 - do you see the plan? --- Yes.

Now / ...

Now on that plan, would you tell the Court where are the goal posts, are they on the same side of the soccer field as the tennis courts, or are they in line with the tuck-shop and the bank? --- PAUSE

Maybe I can help you this way, do you see the road going through the campus? --- Yes.

Now there is an illustration there with pencil lines of what is supposed to be a bank, do you follow that? --- Yes.

Now is that the bank that you are talking about where the students were milling, where they moved to? --- No, no. 10

Where do you say they moved? --- They moved along the bank which is almost parallel to the halls.

I see. Is that to the right then - do you see the word "soccer ground"? --- Yes.

Is that bank to the right of where those words are written? --- Yes.

And where are the goal posts, are they to the right and left respectively of the words "soccer ground", or are they above the word "soccer" and below the word "ground"?

COURT: Well you have got a photograph, why don't you use the photograph? 20

MR. ALLAWAY: M'lord, the photo does not show the whole field, that is the trouble, it might have helped to have an aerial photograph.

COURT: Oh I see, well it shows the field.

MR. ALLAWAY: It shows a portion of the angle, anyway, have a look at this exhibit, it might help you, EXHIBIT RALLY B/41. Do you see that photograph? --- Yes.

Now, is that the bank you are talking about where you see a number of students either on it or about to get up it? 30
--- No, the police were not on that bank.

Were / ...

Were the police where there appear to be policemen on the left side of the photograph? --- Yes, that is where the police were.

I follow. Now what is that tall building in the photograph behind the bank, you can see a tall building, it looks to comprise about three or four floors, what is that? --- The male hostel.

And then slightly to the right of that there seems to be a lower building, do you see that? --- Yes.

What is that building? --- The hostel.

10

Another hostel? --- Yes.

And then to the right of that there is a further building which seems to be of identical sort of construction and shape, is that another hostel? --- Yes.

Are those the male hostels? --- Yes.

Now, you say Accused No.7 and other members of the Representative Council were busy asking the students to move away, where were they asking them to go to? --- They asked them to leave the grounds, just to disperse.

You said in your evidence that you heard the sound of 20 a shot being fired and then you looked and saw what was happening, did you see any of the events before the shot was fired, what led up to the shot being fired? --- No.

What were you doing that prevented you from seeing that? --- I was standing with Mr. Sedibe and others, and did not pay any attention because he ..(Mr. Allaway intervenes)

Now according to my instructions Accused No.7 was more concerned to get the women away to their hostels, is that correct. He says that at the time that - what you call the shots being fired - that he was in the process of trying to 30 usher the women in the direction of their hostels. Would you

agree / ...

agree with his evidence or disagree with his evidence?

--- Well I would not exactly disagree because when the males moved that way, the women were singing around there but then getting down, at the same moment there were some people, some members of the SRC who were telling them: go away, go away, and then some were standing with him, and we were not fixed I would say in what we were doing.

My instructions from Accused No.7 are to this effect that as far as he could see the women were the ones who were more excited and more emotional than the men, would you agree with that? --- Exactly. 10

And that his own view of the situation was to get them away would help to stop any trouble. Now would you agree that that was the impression you got or not? --- Yes I agree, because as I say when he made the announcement that the rally had ended, the women students were busy singing and well, they did not move out faster than the male students.

And according to my instructions if you look at the photograph, RALLY B/41, the women's hostels are more to the right? --- Yes. 20

In other words they are off the photograph? --- Yes.

So if one was attending to the women, you would tend to have either your side or your back to where the men were on this bank? --- Yes.

Is that so? --- Yes.

COURT: Now when you said the students were on the side near the embankment, were they located as indicated on this photograph? --- Yes they were just on this.

Were they on the embankment as shown here on the photograph, or does the photograph not show the correct position, I do not know when the photograph was taken? --- It shows / ... 30

shows the correct position.

When you say the students were on the embankment that is what you are referring to? --- Yes, they were moving to their hostels.

MR. ALLAWAY: That is the embankment, and the other side of the embankment is the road, and on the other side of the road is a hostel, is that right? --- Yes.

Now, you said that what attracted your attention was the noise of a shot? --- Yes.

And when you looked to see what was happening, what did you see? --- When I looked I saw students - I saw movement of students, trying to run away. 10

You saw a movement of students trying to run away, were these male students? --- Yes.

And were they in the process of trying to run up and away from that bank in the direction of their hostels? --- Yes.

COURT: May I just interrupt you, Mr. Allaway. Well you had this position at some stage, now where would you have been when the situation reached that position more or less?

--- The camera would cut me here. 20

You would still have been on the football field here? --- Yes.

And the women, would they have been off the soccer field or still on the soccer field moving off? --- They were moving off in the opposite direction.

MR. ALLAWAY: I take it like any respectable campus the ladies' quarters are kept away from the men? --- Yes.

Now, there has been evidence from a police constable that the police had batons, and that dogs were being used and there was a baton charge. Did you see a baton charge? 30
That is, policemen running at students with batons drawn and

with / ...

with dogs in the foreground? ---- I saw one policeman who was attacking with a baton, but I was far.

COURT: Just a moment please. Now when that happened, were the students on the embankment like that, or were they already on the way to the hostel? --- It was already after a shot was fired and then they were already moving away from there now faster.

Were the shots fired when they were on the embankment like this more or less? --- Yes.

And was a shot fired from this side where the police 10 were? --- Yes.

Did you see a police charge? ---- Charging the students?

Yes? ---- I saw, immediately the shot was fired and students started moving, then the police followed.

I see, from this side then they moved towards the students on the embankment, and was the shot fired when the students were on the embankment like that? --- Yes.

MR. ALLAWAY: Were the police moving from the field towards the embankment or from the side, that is where these men are standing on this exhibit, B/41, you see the White police 20 officers there, were they moving from the field itself or from the side where there seem to be terraces? -- They divided themselves into two, there was a group of police which went in the direction of this dog.

Were they a group on the field? --- Yes.

And then there was another group on the terraces which are in the foreground left of this photograph, B/41? --- Yes.

And what did that group do? --- The one which was on the east?

Yes, what did it do? --- I think a shot came from the 30 one which - the group which was on the eastern side, and the group / ...

group which was in the ground were having batons, actually the police were - I saw one knocking a student down with a baton.

Now where was this student who was being knocked down, was he on the bank or on the field or across the road, where was he? --- Right when he was just told to get to the bank.

To get to the bank from the level of the field? --- Yes.

You mentioned this man's name, I cannot pronounce it properly, forgive me, you said his name was Ismail somebody?

--- Ismail Mkabele.

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Is he a cripple? --- Yes.

So he could not get away fast enough? --- Yes.

And you mentioned something about another student being bitten - you saw a student being bitten by a police dog?

--- Yes.

Then you talked about - what did No.7 do when that happened, did you see what No.7's behaviour was? --- Actually I left him, immediately when I saw the police attacking Ismail, then from there on I went running in the direction of the tennis courts, I could not see him.

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So were you running away then? --- Yes.

Were you frightened? --- Yes.

Right.

COURT: Were you going to the west? --- Yes.

MR. ALLAWAY: And when did you next start to pay attention to what was happening, you said you ran to the tennis courts?

--- Yes.

Running away, when did you next focus your attention on what was happening? --- After I got to the nearest block of hostels.

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On that exhibit, that is the plan B/53, what hostel are you / ...

you talking about, the women's hostel? ---- No, the male hostel.

And what did you then see? --- When I was there I was looking at the way in which the dog was dealing with Peter.

Did you see students throwing stones at the police?

--- Yes I did.

Was that before or after the stage when you saw the dog dealing with Peter? --- Actually it was at the time when the police arrived and an African was taking Peter to the police van.

That is when the students were throwing stones? --- Yes.

What was your impression, that they disliked the fact 10 that this student was being taken away, I mean you do not know why they threw stones, but what impression did you form from what you saw? --- I think they were a bit annoyed in the first place about the way he was handled by the dog, and they could not then understand why he should be arrested, because they were arresting him.

Where did they get these stones from? --- I won't say where exactly but some were already coming from within the hostel complex.

I see, are there stones in and about the hostel 20 complex? --- Well there may be.

You cannot say. Have you ever paid any attention as to whether stones are in the grounds, I mean you do not go around the campus looking at stones? --- No.

Did you throw these stones yourself? --- No.

Now at that stage can you tell the Court, I do not know whether you can, what if anything you saw Accused No.7 doing? --- No, I cannot say.

Did you at any stage see what Accused No.6 was doing after the people moved out of the hall? --- No, I did not 30 see him.

And / ...

And you then mentioned that you saw the Rector, that is Professor Boshoff, was on the scene, did you also see a Mr. Kloppers there, I understand he is a groundsman, he looks after the buildings and that sort of thing, do you know Mr. Kloppers? --- Yes I know him, but I did not see him.

And did you observe at any stage Accused No.7 talking with the Rector and Major Erasmus? --- No, I did not.

You did not see that, all right. Now after the police had left, what did the students do, did they go back to their hostels, did they stay on the soccer field, what was the sort of general state of affairs on the campus once the police had gone? --- Some students went to their hostel, I am referring to male students, and some remained standing when the police went and were generally discussing what happened.

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COURT: The students just stood around after the police had left? --- Yes, they were still around along the road.

MR. ALLAWAY: Now at the time that the students were on the soccer field, before the incident involving the dog, or the dog and the shot going off, was any attempt made by the students to hold a meeting on the soccer field? --- No.

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Or to continue the meeting that had been held in the hall on the soccer field? --- Not a bit.

About what time was it that you became aware that this lady, Victoria, was having a discussion with Accused No.7 about her camera, what time was it? --- I cannot remember, but it was after the Rector left with the police, then I went to the office.

The SRC office? --- Yes.

And that is when you saw this woman there? --- Yes.

Now I am instructed that there is an SRC rule that cameras may not be used for the purpose of photographing

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functions by the SRC, do you know of that a rule, that cameras can be used for private things on the campus, but not for that sort of purpose? --- I do not know about that rule but it was the first time that they had been doing it.

How long have you been a member of the SRC? Were you elected in 1974? --- Yes.

And I understand that there is also an SRC rule limiting the right of people to talk to the press, do you know of such a rule? --- Yes, I know.

But this lady Victoria, she was not illtreated or 10 anything like that was she, she was not assaulted or anything of that sort? --- She was not.

Did she hand her camera over voluntarily, or was she a bit reluctant to do so? --- I did not go with the people who went to her room to take her camera.

I see, you did not go to the place where the camera was fetched.

COURT: I see, she did not have the camera with her, they took her to her room to get the camera, is that correct?

--- They went to her room and they came back with a film. 20

But did she have a camera with her? --- I cannot remember whether they came with the camera to the office.

MR. ALLAWAY: You do not know what happened to the film did you, whether it was developed or what? --- We sent it to be developed but it simply disappeared.

I see, it never got developed? --- No.

COURT: Who did you send the film with, who took the film for development? --- It was taken by a number of members to the post office, and then it disappeared, it never came back.

MR. ALLAWAY: Lost in transit? --- Yes. 30

Now, there has been evidence that members of the staff were / ...

were assaulted later that afternoon. Did you see any of those assaults on any of the members of the staff? --- No.

What was the general sort of atmosphere on the campus after the police had left, and after this incident with this woman, what was the atmosphere on the campus, was it edgy, quiet, were the students still annoyed, what was the position? --- I would say students were quiet, although students were along the road there, they were quiet anyway at the road they were not shouting, but then I spent the whole afternoon at the SRC office, so I could not - pause -

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Now look, this may be opinion evidence, my learned friend for the State may object to this, I do not know, but you might be able to help the Court, do you think that the assaults on the staff had anything to do with the holding of the rally, or do you think it was to do with the police intervention? --- I think it was primarily due to the police intervention.

Now after this I understand from reading the record of an Inquiry before Mr. Justice Snyman, that the Rector had a disciplinary inquiry which apparently he is supposed to do in terms of the university's statutes. Now do you know that he had an inquiry, that he conducted an inquiry into the happenings on the campus that day? --- You mean with the SRC?

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Yes? --- Yes, we were summoned to appear before the Disciplinary Committee of the Council the following day.

And whenever there is any apparent breach of discipline on the campus, it is the Rector's duty to hold such an inquiry is it not? --- Yes.

And who did the Disciplinary Committee consist of?

--- It consisted of the staff members, Black and White.

30

Do you know how many members it consists of, because the

Inquiry / ...

Inquiry record is not very helpful in this regard, how many people comprise this Disciplinary Committee? --- I am sorry I can't say.

COURT: Were you also present at the inquiry? ---- Yes I was.

More or less?

MR. ALLAWAY: My learned junior says the witness does not understand the question, M'lord, may I try and rephrase it. How many people form this committee of inquiry, that is Black staff members, White staff members, how many men sit to inquire? --- I think about ten. 10

And is it predominantly Black, or is it equal Black equal White, what is the position? --- It is predominantly Black.

Now I understand from evidence given at the inquiry that it was the decision of that committee that the students were in no way to blame for the trouble on the campus that day. Was the SRC informed to that effect, was the SRC told the result of this inquiry? --- I am not sure whether we were informed or we got it from the press, I am not sure.

Well what did you get as an SRC, what did the inquiry 20 find, what were its findings?

MR. REES OBJECTS: Hearsay evidence, if my learned friend wants to prove these facts he can prove them, but not through a man who is obviously speaking of hearsay, and it does not help this Court to come to any conclusion either.

MR. ALLAWAY: Well I merely want to adduce the evidence because it is relevant to show what the university disciplinary body decided about the matter, that is relevant.

COURT: Well in what capacity did you attend this inquiry, you yourself? --- As an SRC member. 30

And did you take part in the workings of the inquiry?

Yes / ...

--- Yes, I did.

Were you present when they arrived at their conclusions?

--- No, no, when they got to the conclusions they called a meeting - they adjourned the meeting and they told the SRC to go out, and they took a decision.

So then they take their decision privately? --- Yes.

And is that publicly announced then, or is the SRC then informed? --- That is why I cannot remember whether we got a ..(Court intervenes)

So you have no personal knowledge of that.

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MR. ALLAWAY: Can you say from your personal knowledge whether any disciplinary action was taken against anyone?

--- No, it was not.

No action was taken against anyone? --- No.

I understand that this is a Disciplinary Committee that sits? --- Yes.

Can you tell the Court whether the SRC made any written representations to that Disciplinary Committee? --- I am sorry?

Did the SRC put in any formal representations to the Committee? --- Not before.

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COURT: Did any members of the SRC give evidence before that Disciplinary Committee? --- Yes.

MR. ALLAWAY: Was a memorandum prepared? --- No.

Not that you are aware of, all right. Now that night, that is the night of the holding of the rally, I understand there was a cinema show? --- Yes.

Did you go to the film? --- PAUSE

Anyway there was a cinema show that had been planned and activities resumed a normal level that evening? --- Yes, I did attend.

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COURT: So you went to the bioscope that evening? --- Yes.

MR. ALLAWAY: I want to go back to earlier aspects of your evidence, just to touch on them where I have not completed my cross-examination. You spoke about a meeting that was a mass meeting of students at which a new SRC was elected, correct? --- Yes.

Now according to my instructions that meeting of students would have taken place in about June of 1974, would you agree with that, when the old SRC was ousted and a new SRC was elected? --- Yes.

Now I understand - I believe you ought to be able to 10 assist here because you attended that meeting did you not? --- Yes I did.

It was I believe called an Extraordinary Meeting of Students? ---- Yes.

And it would seem from documents that I have been given that the general student body was extremely dissatisfied with the way in which its existing SRC was carrying on its business? --- Yes.

And without going into all the somewhat, with respect, tedious details of these complaints, did the complaints 20 concern things like the accommodation, the allocation of accommodation on the campus by the SRC? --- Yes.

And something called the "SRC Primarii"? --- Yes.

What was that all about? --- It is a sort of prefect.

And was the general student body dissatisfied with the SRC because of the improper way in which they were conducting relationships - when I say improper, that is their liaison with the White staff and in particular with the Rector was thought to be not on a sound basis? --- Yes, that part of the story came through them submitting a memorandum on 30 Africanisation, and the students feared that such a memorandum

may disturb the good relations.

In other words the SRC had gone ahead, that is the old SRC and put in this memorandum on Africanisation prematurely?

--- Yes.

Without consulting the general student body? --- Yes.

And I gather from the representations made by the students, that is the SRC before the Snyman Commission, that what the students really wanted is the whole university to be run by Blacks? --- Yes.

So the events which led to the old SRC losing their 10 offices has got nothing to do with SASO taking over the campus, had it, it was merely student dissatisfaction with the way in which the SRC was running the business? --- Yes.

In the Minutes, and there are Minutes which I have read, have you ever read the Minutes of these meetings yourself?

--- I think I read them.

The Minutes paint the picture quite clearly I suggest, that this was the position? --- Yes.

You see the State says that SASO got in and ousted the old SRC, this was the work of a sort of SASO takeover, was 20 it a SASO takeover or was it genuine, honest student dissatisfaction? --- It was merely student dissatisfaction, although perhaps - at that meeting, somebody did mention that the SRC are first to try to negotiate with the authorities to bring the SASO local committee back.

Yes, it was said at the meeting that the SASO local committee should be allowed to come back, those were views expressed by individual people? --- Yes.

But the burden of the complaint, the main complaint was about prefects, accommodation, and things that had got 30 nothing to do with SASO local committee? --- Yes.

And / ...

And as far as you could see was this - the events that led to the old SRC being ejected from office, that was not organised by SASO was it, it was not a SASO plan? --- I would not say it was, I would not have any basis for saying that.

I just want to touch now on your evidence about a statement which you say Accused No.6 made - just to get your mind working in the proper order in time, in September 1974 as I understand it, the new SRC was elected consisting as you said of Accused No.7 as the president, and Mr. Mangwathe as vice-president, Mr. Phaladi as treasurer and yourself as 10 the secretary? --- Yes.

Now, I understand when elections are held on the campus, people are proposed for office and their names go up on a board, and then the elections are held during a week, the whole of a week? --- Yes.

And the students apparently elect people by ballot? --- Yes.

And their electoral officers are appointed to count the ballot, and then at the end of that week, the people with the most votes then become the SRC members? --- Yes. 20

Now, I am instructed that the new SRC results became known by Friday the 13th September 1974, you might remember that. Can you dispute the date? --- No, I cannot.

You cannot comment on the date, all right, and as far as the procedure is concerned once the new candidates have become SRC members, then you have a meeting amongst yourselves do you not, to decide who is to hold various offices on the SRC? --- Yes.

And then it is the practice that, that having been done, and the new president having been nominated by the SRC 30 members, he generally speaks to the students generally? --- Yes.

He / ...

He tells them the position and he addresses the students generally? --- Yes.

Now it was after the SRC had decided who was to hold various positions, namely, you were to be the secretary, Mr. Phaladi was to be the treasurer, and Mr. Mangwathe the vice-president etcetera, I am instructed it was after that meeting that Accused No.7 addressed the students and said the SRC thought it would be a good thing to hold a viva Frelimo rally? --- Yes.

So in other words, although your official decision to 10 hold the rally was taken at a meeting on the 22nd September, the SRC members had in principle agreed to hold a rally before the president, Accused No.7, addressed the body of students, do you follow me? --- I do not? - pause -

Look, your meeting when the official decision was taken to hold the rally, if you look at the exhibit, it was the 22nd September? --- Yes.

But according to my instructions the SRC had been elected by the week ending the 13th September? --- Yes.

Now you have said that shortly after the SRC was 20 elected, Accused No.7 addressed the students and said that the SRC had decided it would be a good thing to hold a rally? --- Yes.

What I am putting to you is this, and I would like to be clear about this, according to my instructions No.7 said that several days before the SRC formally took its decision on the 22nd December to hold the rally? --- Yes.

Because you as members of the SRC had agreed in principle to do that thing several days beforehand? --- Exactly.

Now you followed up your evidence yesterday, when 30 dealing with this aspect, namely, No.7 saying it would be a

good / ...

good thing to hold a rally, by talking about a conversation in which you and Accused No.6 were involved concerning the rally?

--- Yes.

Now I want to ask you questions about that conversation. Firstly, where did the conversation take place? --- It was just on the way to the hostel, along the road.

And did Accused No.6 tell you that he had been away in Durban - what did he tell you about where he had come from or where he had been? Can you remember? --- He only said there will be a rally in Johannesburg and Durban. 10

Now, did he tell you that he had been in Durban, or did he not mention that? --- No, he did not mention that.

Now he was talking there about rallies which were to be held by SASO? --- Yes.

And was he then told: well, the SRC has already decided to hold a rally on this campus? --- He was told first before he -- pause -

Before he said that? --- Yes.

So in other words, what happened was, he was told that the SRC had decided to have its own rally on the campus, 20 and then by way of information he mentioned well, SASO has decided to hold rallies in other centres? --- That is right.

And you mentioned something in your evidence that somebody said something about there not being any confusion, do you remember you talked about that yesterday? --- Yes.

I did not quite get a clear note on what you said on that, what was not to be confused? --- That students should not confuse the rally which we will be organising on the 25th with a demonstration.

And did Accused No.7 also in the conversation - was he 30 present when No.6 was talking about other rallies? --- Yes.

According / ...

Q According to my instructions No.6 said - he was told of the SRC's own decision to hold its own rally? --- Yes.

Q And was it decided then to keep these rallies separate, in other words not to confuse the SASO rallies with the Turfloop rally? ---- PAUSE

Q Was SASO in any way to organise the Turfloop rally, or was SASO to be kept out of it? ---- No, it was to be kept out of it.

Q Then did Accused No.7 play any part in the organisation of the rally at Turfloop? ---- No. 10

Q You mentioned something about Accused No.6 saying he thought it would be a good thing to send a telegram to Mozambique, when did he say that? ---- He said it at a general meeting of the SASO local committee.

Q That is the SASO local committee branch. Was any such telegram ever sent? --- I only heard him saying that, but I did not hear anything about it later.

Q Was it ever taken up as far as you know, I mean where do you send the telegram to, Samora Machel, Lourenco Marques, I mean what was done, anything? ---- I did not know anything. 20

Q And this was to be a telegram I understand of congratulations? ---- Yes I think so.

Q Just one point about a date, according to your evidence the reference to the Rand Daily Mail report which contained the text of the banning order, you said in your evidence that this newspaper was available on the 24th September, I am suggesting to you that you are wrong in your recollection, that it was available on the 25th, the morning of the rally? --- I cannot dispute that.

COURT ADJOURNS

30

Court / ...

COURT RESUMES:

JONA LESIBANA LEDWABA STILL UNDER OATH:

CROSS-EXAMINATION BY MR. ALLAWAY CONTINUED: Mr. Ledwaba, I just want to clear up one thing where I think I wrongly put something to you. The new SRC was elected, is that correct?

---- Yes.

Then at that meeting, after its election, the officers, that is the office-bearers, president, treasurer etcetera, now it was at that meeting that Accused No.7 said that it would be a good thing to hold a rally, a viva Frelimo rally? 10

--- Yes.

He was then speaking only to his SRC not to the students?

--- Yes.

M'lord, I want to correct that, I incorrectly put something to the witness before the adjournment. Then after that, after the SRC had met and allocated the offices, I think you said it was in the following week, the SASO local committee met? --- Yes.

And of course Accused No.6 was a member of the local committee? --- Yes.

20

So was No.7? --- Yes.

And you were present? --- Yes.

And that was the meeting at which No.6 was told of the SRC's decision to have an independent rally of its own? --- Yes.

And was it at that meeting, I checked your evidence-in-chief, I think you said it would not be necessary for SASO to help because this would cause confusion? --- That is right.

And you wanted to keep your own rally separate from SASO? --- That is right.

Then after that, the SRC at Turfloop on the 22nd September formally took a decision to hold a rally? --- Yes.

30

And / ...

And then after that Accused No.7 addressed the students, and told them of the decision? --- That is right.

I am sorry, M'lord, it was my fault, I got two dates inverted there. Now you spoke in your evidence yesterday after lunch, when my learned friend for the State was leading you, you gave evidence about a formation school of SASO?

--- Yes.

Now that was a formation school of the Transvaal branch was it, or the Transvaal region it is called? --- Yes.

Just to get the language right, it is the Transvaal 10 region? --- Yes.

Where was that formation school held? --- At the University of the North.

And was it held between the 21st and the 22nd September, I am checking on the calendar for you to try to help you here, the 21st was a Saturday and the 22nd was a Sunday? --- Yes.

Now I would like you to explain, because in your evidence-in-chief you did not explain, what a formation school is, in your own student terminology, is it called a skull session? 20 I gather some students call it a skull session, other students call it a pot session? --- I do not know.

Well I am instructed by some of the Durban students here, is it a meeting of anyone who cares to go to ~~the~~ formation school where ideas are discussed? --- That is right.

It is to provoke - when I say provoke, it is to stimulate ideas and to see what people are thinking? --- That is right.

I think that is why some of the students call it a skull session. Anyway, now am I right in saying that anyone can go to a formation school? --- Yes. 30

You do not have to be a member of SASO? --- Not.

And / ...

And do you have to be a Black person, or could White people go there as well if they wanted to? --- I think it was open for everybody, I do not know whether Whites would be allowed.

Now one of the ideas of a formation school is that it is as much a social function as a discussion function, is it not? ---- Yes.

I believe that they have - you have got your own terminology for this, but I believe they have jive sessions and things like that, dancing? ---- Yes. 10

And they are called "goombos" - do you know what a goombo is? --- Yes.

Anyway, these activities generally take place at night do they not? --- Yes.

Now people come to the university and they get accommodation there do they not? ---- Yes.

And all this, when you have a formation school like this, the university authorities would know about it? ---- Yes.

By that I mean the Dean and the Rector and people like that? ---- Yes. 20

And on that subject there was one point which I should have dealt with, when the new SRC was elected in place of the old one, the Dean and the Rector were aware of what had happened were they not? ---- Yes they were.

And can you help us here, I have seen the correspondence, did they in fact recognise the new SRC, in other words the Dean dealt with the new SRC as the newly elected body? --- Yes.

To get back to the formation school, this particular one - had you been to any of them before? ---- Not.

This was your first one? ---- Yes. 30

And I am instructed that what happens is that there is a programme / ...

programme drawn up for the formation school, as to the events which are going to take place? --- Yes.

But this is a rather loose programme, it is not necessarily followed to the letter? --- Of course.

And did you have a chairman of the school?

MR. REES: M'lord, it is not clear whether my learned friend is asking his opinion or whether he is asking him for facts, this man said he attended one formation school.

MR. ALLAWAY: With respect, M'lord, I will withdraw the question, quite rightly taken. This particular formation school, did it have a chairman? --- Yes it did. 10

Who was running it? --- It was run by the regional director.

That is the regional director of the Transvaal region of SASO? --- Yes.

What was that gentleman's name? --- Gerald Phukudje.

And you have told the Court that you in fact were on a commission on Bantustans? --- Yes.

And you were the chairman of that commission? --- Yes.

Now, can you tell the Court about how many people arrived at the start of the formation school to take part in it? --- I think there were about 80. 20

And as I understand it, these people all congregated in a hall, is that right? --- Yes.

And then this gentleman who was the director, you have a procedure where you split up into commissions? --- Yes.

And apparently - correct me if I am wrong - you split up into commissions on the basis of how you are seated, 1, 2, 3? --- Yes.

In other words in the hall where you are sitting there are seats, and you are sitting on them, just explain to the

Court / ...

Court how you are split up into commissions? --- Well, there were three commissions, the hall - I would say that the Chair was somewhere there at that door, and the rows of people just sitting from there ... (Mr. Allaway intervenes)

You are pointing now to your right as you are facing the Chair? --- Yes, and others to my left, and the others facing the Chair, so there were - no, I am wrong, it was done, they were counting one, two, one will go to the first one and so on.

Just in the order in which you were sitting? --- Yes. 10

In other words the director, he as it were allocated you one, two, three, and then you would move off to form this commission? --- Yes.

And did the director decide beforehand how many commissions there were to be? --- PAUSE

Who decided how many commissions were to sit from what you could see? --- I don't know exactly.

How many commissions were there at this particular formation school? --- There were three.

What were their names please? A commission on Bantustans, yes? --- And the other one was dealing with Bantustans, I do not know what aspect of Bantustans, and the other one was dealing with communalism.

Communalism not communism, that is an important distinction is it not? --- Yes.

What is communalism? --- Communalism is a way of life, a way of sharing when living, what used to be followed by Black people.

In other words it is the traditional - I am using the word Bantu in the old-fashioned sense - a traditional Bantu way of sharing? --- That is right. 30

In / ...

In their tribal systems? ---- Yes.

Now would you agree or disagree with evidence that there was a commission on Bantustans, you seem to agree with that? ---- Yes.

And that there was a commission on Social, Economical and Political Alternatives, do you remember such a commission?

---- I cannot remember that.

Will you dispute that evidence? ---- I cannot dispute it.

Now, once the director had split you up into commissions, did the people comprising those commissions then go off to 10 various places on the campus and have their talking sessions?

---- Yes.

And I understand the procedure is that the people in the commission, who comprise it, elect a chairman? ---- Yes.

Some people might go under a tree, sit down there and talk? ---- Yes.

Other people in another commission might congregate in a particular part of the hall? ---- That is right.

Now the commission that you were with, where did that go and discuss its topics? ---- In the great hall. 20

In the great hall itself?---- Yes.

How many people were in it approximately? ---- Approximately thirty.

And did they elect you chairman? ---- Yes.

Was Accused No.7 on your commission at all, or Accused No.6? ---- It was Mr. Nefolovhodwe although he came later.

He eventually was on your commission? ---- Yes.

Accused No.7 was not on your commission? ---- He was not.

Was Accused No.8 on your commission at all? ---- No, he was not. 30

Do you know what commission he was on? ---- I cannot say.

When / ...

When did your own commission start its discussions, on the Saturday morning, the afternoon, or the Sunday?

--- Saturday afternoon.

And how long did you go on talking for? --- I think perhaps for an hour.

And were you given any guide by the director as to what subjects were to be spoken to, I mean a commission on Bantustans sounds to me like a very wide subject, but are you given any indication of what is to be discussed, or is this just left to the individual members in the commission 10 to express their ideas? --- We were given the scope.

What was the scope that you were given in the commission on Bantustans? --- It was how to get into the Bantustans and to activate the people in the Bantustans.

In other words what was being called for were ideas from people present as to how to spread the Black Consciousness gospel in the Bantustans? --- That is right.

Because I take it that it is much easier to spread Black Consciousness in built-up areas than in rural areas? --- Of course. 20

So this was really a commission of ways and means of giving effect to the philosophy of Black Consciousness that SASO stood for? --- Yes.

Did you find at this particular formation school that the people that you were talking to there, that they were in fact a very talkative lot, do you understand me? --- Yes they were.

I am not saying this in any way disrespectfully to Black people, but it seems that they have a great ability to speak? --- Yes. 30

And sometimes never to get to the point. Anyway, as far as / ...

as this own commission was concerned that you were chairman of, did it eventually come up with any ideas? --- Yes it did come up with ideas.

And I do not know how this is done, but as far as your own commission was concerned, by say 5 o'clock on Saturday afternoon, had any ideas been crystallised, taken shape? --- Yes at the close, when we closed the commission we had already collected ideas.

Now, amongst the people present, is there any form of voting at that stage whilst you are still in commission on what the ideas or recommendations are? --- No. 10

Say you have got 30 people on your commission and each one has got a separate idea, how does the chairman cope with that situation? --- Well, somebody is taking notes, and the chairman will, if he doubts perhaps, somebody is at liberty to challenge that voice.

And is there a scribe, did you have somebody taking notes for you? --- Yes.

Did you take them yourself, or did you ask somebody to take notes? --- I asked somebody to take notes. 20

This is really a discussion group is it not? --- Yes.

I suppose it must be very difficult for the best of note-takers to keep a verbatim account of the discussion? --- Yes of course.

Because people will be chipping in here and there, and different people have different ideas? --- Of course.

At the end of your deliberations, your session I am going to call it, had the note-taker got anything in writing as to what the views were of the people there? --- Yes he did.

And what did you then do as chairman, once he has got these notes taken down, what did you do at that stage? --- I

asked / ...

asked him to go through them, read the notes and everybody listened.

And does that give people an opportunity to say something more or to say what they like, or does he just read it out and everybody keeps quiet? ---- PAUSE

What happened in your commission? ---- He simply read through the notes and there was nothing more to say.

In your own commission how many people were there?

COURT: He said thirty.

MR. ALLAWAY: I thought he said thirty too, M'lord? Is that 10 right? ---- About thirty.

Now as chairman of this commission I suppose you have got to allow everybody his say? ---- Yes.

Whether you agree with his views or not? ---- Yes.

And you might get, I suppose, the most radical views being expressed, and you personally as chairman might disagree with them? ---- Yes.

But the idea is to see what the thinking is? ---- Yes.

So the view is expressed and the matter is recorded?

---- Yes.

20

As being the sum total of the views of the people present?

---- Yes.

Now, I understand that the next step at these - at this sort of seminar, is to have a plenary session at which the commissions report back to the director? ---- Yes.

And is it fair to say that as far as your own commission was concerned, during the time that it deliberated on the Saturday afternoon, people who had originally formed part of the commission, some left, and some came back later, they did not all stay together in a solid group, people were at liberty to go or to come back? ---- Yes they were at liberty

to / ...

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to do that.

So there is no set form - although it is called a formation school - there is no set form whereby once you are put into a commission you have to stay there throughout its deliberations? ---- No.

You are free to move as and when you please? --- Yes.

You are free to agree or disagree? --- Yes.

And as chairman it is your job to give complete ventilation by the components of the commission for them to express their ideas? --- Yes. 10

Now, was there a plenary session at this particular formation school when the chairmen of the commissions reported back? --- I cannot understand.

COURT: Was there a full sitting of this formation school when the commissions reassembled to report what happened at the various commissions? --- ... (INAUDIBLE) on Sunday, so there were a few people I would say.

MR. ALLAWAY: Well this is what I am very interested in, I understand that at this formation school on the Saturday night there was a "goomba"? ---- That is right. 20

And a goomba is something where people sometimes drink a little more than what is good for them by way of alcohol? ---- Of course.

And I am instructed that the attendance at the next Sunday morning when this conference was due to resume, the attendance was not very good, there were some people with sore heads? ---- Of course.

Now, from your own point of view, what did you do the next morning, can you tell the Court, did you go to the hall at the appointed time to report back, or what happened? 30
---- Yes I went to the hall to report back.

And / ...

And your secretary or scribe, the man who kept notes, did he give you any notes? --- I took him with me, he was the man who was reading his own notes.

And when did you get to the hall, what time did you get to the hall on the Sunday morning of the 22nd September? --- I cannot be sure about the time.

What time were the deliberations due to start again? --- They were due to start at 8, but this came a bit later.

And would you say by about 9 or 10 o'clock you would have been there yourself? --- About 10 o'clock. 10

And as far as that particular formation school was concerned, was it going to function only until lunchtime of the Sunday and then people were going to disperse, travel back? --- It was just a function in so far as the commissions - pause - ..(Mr. Allaway intervenes)

Reporting back? --- Yes.

And then the people who had come there would use Sunday to travel to their homes and destination? --- Yes.

How long did you remain in the hall? --- I only remained until the time that my commission's report had been read and 20 then I left.

How long did it take for your secretary - I am going to call him - to read out what he had written down? --- I think about ten minutes. It was just a short time.

Now, then you left and did your secretary left? --- Well I do not know what happened to the secretary, but I left.

Did you hear any of the report-backs of any of the other commissions? --- No.

And does the secretary hand in to the director his - or did the secretary of your commission hand in to the director 30 of the school what he had written out, or did he keep it himself / ...

himself? --- I do not know, because - I presume he did hand it over.

You presume that, but did you see that happen yourself?
--- No, I did not.

Now from what you gathered, from your membership of SASO, was the National Executive, that was the body that ran the affairs of SASO? --- Yes.

And as far as the regional director was concerned, he was merely the director of the region, and in that case the Transvaal region? --- Yes. 10

Which was the policy-making organ of SASO? --- The General Students' Council.

That is the GSC? --- Yes.

And what does this General Students Council comprise?
--- It is comprised of delegates from all the branches of the organisation throughout the country.

And how many delegates is each branch entitled to send?
--- I cannot say.

Now apart from the delegates of all the branches, are there any other persons who form the GSC, in other words 20
does the National Executive ex officio form the GSC, what is the structure of the organisation at the top? --- I think it is the National Executive, yes.

Plus the delegates? --- Plus the delegates.

And you say that comprises the GSC? --- Yes.

And that is the policy-making body of SASO? --- Yes.

Now according to my instructions, the formation schools
are held purely and solely to get the thoughts of individual people who come to them and to see the way the Blacks are thinking, that is the idea behind SASO holding a formation school? 30
--- Yes.

And / ...

And then at the top of the tree, at some stage when these reports have filtered in to the GSC, the GSC may or may not decide to adopt any particular suggestion or recommendation as the policy of SASO? ---- Yes, of course.

That is how it is supposed to work is it not? ---- Yes.

So as far as your own commission is concerned, apparently it had been suggested that teachers in the Bantustans who did not co-operate ought to be punished? ---- Yes.

You thought that meant by hitting them, I think as far as SASO's GSC is concerned, that idea might have been 10 rejected completely? ---- Of course.

As being childish and unrealistic? ---- Of course.

So really it follows from what you say, does it not, that because anybody could go to a formation school, persons holding the most radical of ideas might express those views at a formation school? ---- Yes.

And in turn through the chairmanship, that would be translated into a recommendation? ---- Yes.

Which would never see the light of day as SASO policy if SASO rejected it? ~~Say someone had suggested this at a 20 formation school, there is only one way for liberation, that is to overthrow the government by violent and revolutionary means, now does that mean that that constitutes SASO policy?~~ ---- No.

The GSC would have rejected it? ---- Yes.

COURT: Well you are talking about a recommendation, it is not clear to me what the position is, if I understand you correctly the secretary would report back, he will read his Minutes? ---- Yes.

And according to his Minutes there might be a view 30 that these people should be beaten up, and there might be another / ...

another view expressed that they should not be beaten up they should be pampered. Now, both those ideas would be disclosed in this report would it not? --- Yes, this would be disclosed, it would go to the GSC.

And then that would go to the GSC so there would be two points of view that will go up to the GSC, and then they will sort of sift the ideas and decide what should be policy, is that correct? --- Yes.

So you cannot really call it a recommendation, it is merely a report as to the way of thinking of the people? 10
--- Of course.

And as far as your chairmanship of the commission was concerned, did you find that you got conflicting ideas amongst the people in your commission, or did they all seem to speak with one unified voice? --- There were times that there were conflicting ideas.

Now, how did you handle that situation, you know sometimes with the greatest respect even judges of appeal seem to have differences of opinion as to what a decision should be and then they talk it out. Now how did you handle that 20 situation where you got conflicting views, did you try and talk it out to get a unified view, or was it left in the air, how was it dealt with? --- We never dealt finally, when it came to such a point there is somebody else that would speak on a contrary view, and when we find it is weak then the secretary just takes the other view.

I see, the secretary has got a fairly wide discretion it seems to decide what has been decided? --- Yes.

COURT: So the secretary would merely report that the majority feel this way and the minority feel differently, would he 30 report in that way, he would say the majority seems to hold the view / ...

view that that and that is the position, or would he not say it in that way? ---- He would say it is the majority view.

Or a minority view? ---- He would just put it so that everybody presumes it is the majority view.

Oh I see, so he tries to respect the majority view in his notes? ---- Yes, I would say so.

MR. ALLAWAY: That is an easy way out for the secretary is it not? ---- Yes.

And the secretary is just appointed - you know what the words mean ad lib, just offhand from a member of the commission? ---- Yes. 10

He is not appointed as secretary ~~for his particular~~ skills? ---- No.

At taking notes or anything of that sort? ---- No.

He is one person I suppose who has got to stay in the commission the whole time? ---- Yes.

As far as that formation school was concerned, the one at which you attended, was there any checking by anyone on the correctness of what the secretary had written down as expressing the views of the majority in your particular commission ? ---- I wonder whether you mean somebody rereading ? 20

Yes, in other words at the end of the commission session when you are sitting as a commission, does the secretary read out what he has written down, or does he go and work it up overnight and make his notes look rather presentable for presentation the next Sunday morning to the director? ---- He read it.

At that stage, before you broke up as a commission? ---- Yes

COURT: Well, if it does not reflect what happened at the commission correctly, would you pull him up, or who would draw the attention of the school to that fact? ---- I would say that / ... 30

that by then it was a bit late, so that everybody wanted to -
pause -

Go home? ---- Yes, so we simply accepted it.

Well Counsel wants to know that assuming now that the
secretary/^{who}kept the notes misconstrued what the thinking was
in that particular commission, and his report did not reflect
it correctly, would anybody draw his attention to that fact,
or the gathering's attention to the fact that the report is
not quite correct? ---- Well I think at a certain stage, yes,
when he was rereading, it was then when Mr. Nefolovhodwe 10
arrived, well he objected to the point where he was speaking
about infiltrating high schools. He said that we must go
publicly and preach to the students, to the high school
students, we are not going secretly because as far as he was
concerned, infiltration means going to do something secretly,
and in our case we do not do things secretly, so that means
that infiltration is wrong there, and so it was agreed that
the secretary would change it, that we do not infiltrate we
simply go to preach at high schools.

So then the secretary reports back, and if the 20
secretary does not read that correctly, then he can say:
I did not say that, that is No.6 Accused, he made that
suggestion, he put his point of view, well I assume that
the secretary made a note of it. On reporting back to the
full sitting of this meeting, if the secretary did not reflect
that correctly, then he would still be present to say: well,
I did not say that, I said something different? ---- Yes, I
think if he was present he would say it.

But am I now correct in saying that the purpose of the
commissions was to try and find out how the people were 30
thinking, and then that was really meant for the GSC, and it

is / ...

is reported back to the full meeting of the sitting just for their information, because they do not vote on it or they do not decide on it, they just take notice of it, is that correct? --- Yes.

Do you follow what I am putting to you? ---- Could you - pause -

Am I correct in my impression that the real purpose of these different commissions is to find out how the minds of the people work, that is really meant for the GSC because that will be reported to the GSC ultimately, the very fact 10 that you came back and you had one full session again and the notes were read out, was only there to inform the people how the different commissions were thinking about these topics? --- Yes.

The full sitting did not decide on it or vote on it or even discuss it, they merely took notice of what was read out? --- Yes, they took notice of it.

But they had no right in refuting it or making contrary suggestions, I mean there was no opportunity for that? --- In our case no, there was not, in that commission. 20

It did not work that way. You see usually the commissions report back to this type of symposium, and they indicate what the general feeling is, then the full meeting gets an opportunity to discuss it and then eventually they adopt a resolution on the strength of it, but that did not happen in your case? --- No.

MR. ALLAWAY: Just to take up His Lordship's point there, I understand that there is no obligation on the part of any person who was in a commission and who sat in a commission, even to be present on the Sunday morning, he might have done 30 anything he liked and not gone there, if he was interested he would / ...

would have gone? --- Yes.

But the people who had to report back were the man who had taken down the notes, he had to be there to read his notes, and the chairman could be present if he wished to? --- Yes.

So it seems to have been a very informal sort of formation school, there was no real formality or set procedure? --- No.

And just one point, one of the accused has sent me a note, I want to make this clear, he says that I must not 10 associate formation schools too closely with goombos because this will cast a bad light on the formation school. I just want to say this, I do not want to make any point of it, I take it that the formation school is conducted as a matter of serious business? --- Yes.

COURT: But it was part of the formation school, that was recreation.

MR. ALLAWAY: M'lord, I hope that satisfies the gentleman who sent me the note. Now, to return to one of the last 20 aspects of your evidence, and that is you spoke about the day of compassion, my learned friend for the State, Mr. Rees, asked you about the day of compassion? --- Yes.

And you made reference there to various events, people having been killed and events at Sharpeville and Carltonville? --- Yes.

Now I do not want to go into this in great detail, but I would like to put this in its right perspective, is the day of compassion treated as a religious day by Blacks, is it a service, has it got a religious side to it, what is the day of compassion? --- On the day of compassion while we 30 come together and think about prayerfully about the people who / ...

who have got those tragedies.

Now, are you a member of any church? --- Yes.

What church, I understand you belong to the Roman Catholic Church? --- Yes.

Now as far as accused No.7 is concerned, is he a Lutheran? --- Yes.

And do you know that he was in fact chairman of the Lutheran Church's Christian Students' Fellowship? ---- Yes, I know.

No. 6, as far as he is concerned, do you know that he is a religious man, or do you not know that? --- I do not know.

I take it you have not had any very close associations with No.6? --- No.

But now on this day of compassion ..(Court intervenes)

COURT: Is this day of compassion a day of remembrance?

---- Yes.

When you remember the people you say who died? ---- Yes.

MR. ALLAWAY: It is not something that is held to stir up feelings of hatred amongst Black people for White people is it? --- No.

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It is a day of mourning in effect? --- Yes.

Because the State says you see, and this is what I want to ask you about, it says in its charge sheet, it says the organisation that you were a member of, namely, SASO, its daily affairs were concerned with remembering tragedies like Sharpeville, and Carltonville and people slipping on soap and people being pushed under trains and that sort of thing, in order to stir up in Black people a hatred and a revenge for Whites. That was not the idea was it? --- It was not.

I take it that any group of people anywhere in the world as far as you are concerned, has got the right to think

30

about / ...

about things that they regard as being tragedies for their race? --- Yes.

Finally, just one set of questions on these placards that you gave evidence about. You said in your evidence that you went to the SRC at about 7.30 p.m. on the 24th September, that is the day before the rally, and you said that found there Accused No.7, Accused No.6 and other SRC members. Now I want to ask you about that. ---- Yes.

I am instructed that there were about 15 people in the SRC rooms at about that time on that day? --- Yes. 10

And I am instructed as far as Accused No.7 was concerned, he was not there he was in fact attending a Private Law II test which started at 7 p.m. Do you think you could be mistaken, or do you say he definitely was there? --- Well I cannot say definitely.

And there was no significance in Accused No.6 being there was there, he was there like any other student could be in the SRC room? ---- Yes.

You mentioned that you went to the room of this man Matsatola, and there you saw the banner which read "Frelimo 20 killed South African Blacks?"? ---- Yes.

Now, I would like to try to test your memory about an incident, were you ever present when a reverend gentleman was addressing you on justice and reconciliation, he was Rev. Maurice Ngakane? --- Yes.

Do you remember the occasion? ---- Yes I remember.

Now I understand that on that occasion you and Accused No.7 and Ramaposa were also present? ---- Yes.

Now is it a fact that this gentleman, Mr. Matsatola was known on the campus for his somewhat radical views? 30
He was a bit of a hothead? --- Yes.

And / ...

And do you recall that during the occasion when you were being addressed by this gentleman, the Rev. Maurice Ngakane, Mr. Matsotola shouted something out at the meeting to which Accused No.7 took exception, in other words he said something at the meeting which suggested violent action, and Accused No.7 put him in his place, do you remember it or not, or can you not remember that? --- No, I cannot remember.

But in any event, I am instructed that he was known to be a bit of a hothead on the campus, and other students did not necessarily agree with his views? --- Of course. 10

Thank you, no further questions.

CROSS-EXAMINATION BY MR. SOGGOT: Mr. Ledwaba, I take it judging from what you told the Court about your religious beliefs, that you are acquainted with the doctrine of Black Theology? --- Yes.

And am I correct in putting it to you that it is a doctrine which seeks to interpret the Bible in the light of what is considered to be the Black's predicament? --- Yes.

And that certain well-known and reputable churchmen in fact support this theology? --- Yes. 20

Would one of them perhaps be Dr. Manas Buthelezi whom I think you have already made reference to? --- Yes.

Now, you have told the Court that No.3, that is Lekota, spoke about the role of the church in the Black people's struggle, is that right? --- Yes.

Is it correct that what he expressed in his speech was in effect the views propounded or put forward by the ideology or belief which is described as Black Theology? --- I could interpret it that way.

Is this theology something with which the students are well acquainted? --- Yes they are. 30

And / ...

And Accused No.3 himself, as far as you know, is he a firm believer, is he a religious man? --- Yes.

And is it correct that as far as his speech there is concerned, he was advocating the significance of the Biblical message in so far as Black people were concerned in their predicament? --- That is right.

And that he was advocating that the church should participate more vigorously in the people's struggle for liberation? --- That is right.

And would it also be correct to say that what he said 10 to the students was: do not turn away from the church because the church is concerned with you people? --- That is right.

Now, as I understand it, correct me if I am wrong, this is what he spoke about? --- Yes.

And as I understand it he spoke about nothing else, is that correct? --- That is right.

I have no further questions.

CROSS-EXAMINATION BY MR. PITMAN: Mr. Ledwaba, I just want you to cast your mind back to that day at Turfloop, the 25th 20 in the afternoon, you had left the hall and you had gone to the soccer field? --- Yes.

And I understand from you that you were actually on the soccer field itself and not on the bank? --- Yes.

And do I understand correctly that the male students had gone to one portion of the field? --- Yes.

And they were on a slope or a sloping bank? --- Yes.

And you were not on that bank, you were in the middle of the field? --- Right.

The middle of the field or somewhere on the field 30 anyway? --- I was near to the middle.

And / ...

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