

said to his mother? --- I saw him showing her the documents only.

And said he was - and you also heard him of course saying that he's not prepared to do anything stupid? --- Yes.

That he wants to learn his driving and complete his (5 lessons? --- Yes.

Because there was a lot of money as a driver apparently? --- Yes.

He said he was not interested in any arguments about going away? --- Yes. (10

And of course you are - I think you agreed with me yesterday that you can't dispute it if these two accused say that they never instigated or incited any one of you to go and undergo training? --- No.

And accused no. 2 will deny that he made any suggestions (15 that his brother should remain behind? --- Yes, he said so.

Sorry your Worship, I'm just trying to cut down on cross-examination by - you remember you mentioned that you met accused no. 1 and 2 near a shop at the mill? --- Yes.

Up to that time, am I correct in saying that you had not (20 met Muntu at all that day? --- That is correct.

Am I correct again in saying that you only saw Muntu at night when you saw him in the room where you people say you slept? --- Yes.

If Muntu says that he was with you during the day, (25 he'll be telling lies or would be referring to some other occasion? If he says he was with you all the time during that day? --- No, I was at the mill.

So if Muntu says that he was together with you, you went to his home, then you went together to accused no. 2's place. (30 and he went back again to his home, he would be talking about/...

about a different occasion altogether? --- He would be talking about a different occasion.

And also if Muntu says that there was no drinking this morning when you say the discussions took place, he'd be talking about some other occasion? Or some other day? --- He'd be talking about another day. They were definitely drinking and there were beer tins. (5)

I'm going to ask you a question which may embarrass you now and I don't want you to be shy. You smoke dagga isn't that correct? --- I don't smoke it. (10)

Does Muntu or Moosa smoke dagga - do they smoke dagga? --- I don't know.

I see you're smiling. Anyway - that's all your Worship, thank you. --- I am smiling because it is alleged that we smoke dagga. (15)

NO FURTHER QUESTIONS BY MR. SKWEYIYA.

NO QUESTIONS BY MR. LANGA.

RE-EXAMINED BY THE PROSECUTOR:

Now you said that you were woken up early that morning by Moosa who called you to accused no.2's room. --- Yes. (20)

And did you go straight away from your room to Moosa's room - to accused no. 2's room? --- Yes.

Did you have anything to drink before you went to accused no. 2's room? --- We found drinks in accused no. 2's room.

Now it was put to you by defence counsel - just before I get there, when you arrived at accused no. 2's room, was accused no. 1 there? --- Yes, he was there. (25)

And it was put to you by defence counsel that when this discussion took place, when accused no. 1 was present, no. 1 was present only for a very short period? --- We had been sitting there with him early in the morning. (30)

For/...

For a long time or for a short time? --- It was a little while.

Do you know time? Can you read time? --- Yes, I do.

How long would you say you were discussing this training, from the time that you started discussing it until accused no. (5) 1 left the room? --- No. 1 left at five.

Five in the morning? --- Yes.

Right, now what time did you get to the room of accused no. 2? --- No, I do not know the time.

Do you know how long you were there more or less, in the (10) room before no. 1 left? --- I wouldn't estimate the time.

Would you agree with the defence that it was a short time? --- Yes it was about a short time.

I'm just trying to straighten out this suggestion by the defence that there was a lot of drinking? --- There was (15) drinking there because when we arrived there, we did have drinks.

What did you have to drink? --- Tins of beer.

How many? --- I did not count them.

One or two or more? --- There were more. (20)

BY THE COURT: That is what he drank? --- I drank but I did not count how much I drank.

BY THE PROSECUTOR: Was it more than one? --- Yes.

Was it more than two? --- Yes.

So this period the discussion took place, couldn't have (25) been a very short time then is it? --- It was but not very short.

Were there tins of beer there? --- Yes.

Who offered you the beer? --- Accused no. 2 was offering it. (30)

Where did he get the beers from? --- He had put them under a/...

a table.

Were they in a box or were they just loose tins standing around? --- They were in a box.

You know the carry bags that you get - the carry packs?
--- Yes. (5

Now you say the beer was standing under the table. Now how many - were they in carry packs the beer that you saw?

--- Yes, they were.

How many carry packs were there? --- I saw one.

And you know that a carry pack of beer takes six beers?(10
--- Yes.

That is all the beer that you saw there? --- Yes.

And when you arrived there, were there empty tins lying around or not? --- Yes there were.

But when you and Muntu and Vivian arrived, there were (15
a carry pack of six beers under the table? --- I do not know,
I did not see it clearly.

What did you not see clearly? --- I did not count how many there were.

But there was only the one box you say? --- Yes. (20

Are you positive that Muntu had some beer? --- Yes, we were drinking with him.

And the two accused also had beer? --- Yes, they were also drinking. When we arrived there, they were happy and they were drinking. (25

That must have been after four in the morning? --- Yes.

Are you positive that accused no. 1 left at 5 o'clock?
--- Yes.

Would you regard this summons to the accused - to accused no. 2's room as something out of the ordinary at that time (30
of the morning? --- No, it was not something out of the
ordinary/...

ordinary.

Do you usually drink at 4 o'clock in the morning? ---
The thing is we were respecting them as old people and we
would not have refused liquor if it was offered to us.

Accused no. 2 is your kraal head? --- Yes. (5

And it's your custom to pay all due respects to your
kraal head, is it not so? --- Yes.

And you do whatever he asks you to do? --- Yes.

Would you drink beer even if you didn't want to drink
beer if he offered you that? --- I would not drink if he did (10
not offer it to me, then I would have been afraid to take it
from the table.

And would you do anything for him that he asked you to
do? --- Yes.

If he asked you to go for military training outside the (15
country, you would go? --- I wouldn't agree now.

Ja, but then you did agree? --- Yes.

Now did they explain this training to you? --- No, they
did not explain it.

But they said you are to learn how to shoot? --- Yes. (20

And then you said that - in answer to a question by my
learned friend you said that he referred to the White people
in Africa in general? --- Yes.

Now I want you to repeat, what did he say what would
happen after you had received your training in Swaziland? (25
--- He said we would be trained in Tanzania.

And then after you were trained? --- Then we would go
overseas.

Did he mention the country? --- No, he did not mention it.

And after you've received this training overseas, did (30
he say what you were going to do then, once you're fully
trained/...

trained now? --- Yes and then come back here.

Come back where? --- Come back here to Africa to kill the Europeans.

The Europeans in which part of Africa, did he say? --- Yes, Africa. (5)

Were you ever going to get back home again? --- I don't know.

Now you've said that after accused no. 1 had left the room and gone away in Blöse's car, you stopped the subject about training? --- Yes. (10)

Was all this training discussed in the presence of accused no. 1? --- Yes and he was telling us.

Accused no. 1? --- Yes.

Who mentioned going to Tanzania and overseas as well? --- The second accused. (15)

What did accused no. 1 explain to you? --- He explained to us that we would learn how to shoot.

You've also said in cross-examination that no arrangements were made as to when you were to be trained. --- Yes.

Now - but you have said that you were in the meantime (20 to wash your clothes, prepare - under preparing meaning washing your clothes. --- Yes.

Now what did you gather from this instruction to start preparing and washing your clothes? --- I wouldn't know.

Did you think it was going to happen soon or was it (25 going to take a long time? --- I thought it would take place soon.

You've also said that the coin that was shown to you - the Swazi coin, had four corners. --- Yes.

Are you sure it was a four cornered coin or could it (30 have had more than four corners? --- There were four.

And/...

And you also said it was a two cent piece. --- Yes.

Why do you say that it was a 2 cent piece? --- It was written 2 cents.

Did you closely inspect it? --- Yes.

Would you say that you were under the influence of liquor? --- Yes. (5

Have you ever been under the influence of liquor before that day? --- Yes.

Did you still know what you were doing after this discussion? --- Yes, I still knew. (10

Did you still know what you were saying? --- Yes, I still knew.

Tell me did Muntu have to go to work that morning? --- Yes.

How does he get to work early in the morning? --- He goes by his place of employment's lorry. (15

Where does he get the lorry? --- From the compound which is nearby.

Does it sometimes happen that Bethwell Blose gives him a lift to the compound? --- Yes on certain occasions. (20

Did Muntu look as if he was drunk when he went to work? --- No.

And Vivian? --- No, I didn't notice that.

And accused no. 2? --- Well I noticed that he was drunk but not very much. (25

Drunk but not very much? --- Yes.

And accused no. 1? --- He was also drunk, not to fall down.

More or less drunk than accused no. 2? --- No, well I don't know. (30

NO FURTHER QUESTIONS BY THE PROSECUTOR.

BY/...

BY MR. SKWEYIYA: Your Worship arising from some point which came out only in re-examination by my learned friend, could I be allowed through the Court to ask one question?

BY THE COURT: Yes.

BY MR. SKWEYIYA: Thank you. You have now for the first time (5 on re-examination by my learned friend, mentioned a place known as Tanzania. --- Yes, I could - I was hearing it even in the radio.

You were hearing it even the radio, even before the discussion? --- Yes. (10

You were hearing about military training from the radio even before the discussion? --- No, I've never heard of that.

You were hearing about terrorists even before this discussion? --- Yes, I was hearing that on the radio.

What made you not to mention this country Tanzania (15 yesterday or at any time when I cross-examined you? --- Because you were asking me quickly on certain occasions.

I see. You also said that you were under the influence of liquor during this discussion? --- Yes.

Would you say that Muntu, Moosa and Vivian were under (20 the influence of liquor in the same manner that you were also under the influence of liquor? --- I don't know.

NO FURTHER QUESTIONS BY MR. SKWEYIYA.

NO QUESTIONS BY MR. LANGA.

(25

JABULANI SHANGE: Sworn, states. (Speaking Zulu).

EXAMINED BY THE PROSECUTOR:

Do you reside at Ntumeni in the district of Eshowe? --- Yes.

Do you know accused no. 2? --- Yes. (30

Are you related to him? --- Yes.

Were/...

Were you at school together? --- Yes.

Do you know that the accused no. 2 was working at the Ntumeni Sugar Mill at one stage? --- Yes.

And you know that he left the mill to go to Durban? --- Yes. (5

And did you see accused no. 2 again after he had gone to Durban? --- Yes.

When did you see him again? --- During Easter.

Easter weekend this year or ...? --- Yes.

Now where did you see accused no. 2 during the Easter (10 weekend? --- At the mill.

Do you work at the mill? --- I'm not employed there.

Were you visiting at the mill? --- Yes.

Now on this particular day when you went visiting at the mill, where precisely did you go there at the mill? --- (15 I'd gone to Blose's room.

On your arrival at this room, was there anybody there? --- Yes.

Who was there? --- I cannot remember who they were but I did find some boys inside the room. (20

Did you see accused no. 2 there? --- He found me already there.

You were in the room together with some other people? --- Yes.

Was Bethwell Blose not there? --- I cannot remember. (25 This is some time ago now.

In any event, whilst you were there what happened? --- Temba then arrived after that.

Was he all by himself? --- Yes, he was all by himself.

Now have you ever seen accused no. 1 before? --- I do (30 not know him.

Never/...

Never seen him before? --- No.

Now I want you to tell the Court what happened after your - after accused no. 2 had arrived at the room? --- He arrived in the room, where he found us sitting having a discussion. (5)

Yes? --- He greeted us and he also spoke to us. He came there with some liquor. So we started drinking the liquor.

Ja, what sort of liquor was it? --- Beer, Amstel.

How many beers did he have with him? --- Two cans.

Now when you say you started drinking, you mean did all (10) the people there partook of some beer from these two cans? --- Yes, when that was finished, then we bought some more and we continued drinking.

Right. Now what was discussed? --- We were just talking, talking in general, and after some talks I asked Temba as to (15) where he was coming from.

BY THE COURT: Is that accused 2? --- Yes, and he said he was coming from Swaziland. I asked him what he had gone to do in Swaziland. He said that there was a certain gang which - they were taken to Swaziland to go and join the military training. (20)

BY THE PROSECUTOR: Who were taking - who was going to take this gang to Swaziland for training? --- Temba himself.

Yes what else? --- I then asked him how does one have to go over and he said that one has to cross the border.

Yes? --- But we haven't got money to travel with and he (25) said "I have the money".

Money for what? --- Travelling.

Travelling to where? --- Swaziland.

Yes? Did he say what this gang was going to do in Swaziland? --- Yes, he said we would join there - recruit (30) he had said, as I have already explained.

You/...

You say "we", I'm not quite sure whether I heard correctly now. --- Yes.

Did that include you? --- Yes.

Now how did it come about that you wanted to go there?
--- During the discussions he asked me whether I would go (5
and I said "I am still going to think about it."

Didn't he in fact ask you to go for military training in Swaziland? --- Yes that is correct.

Did he say what sort of training you were going to get in Swaziland? --- He did not explain what type of training (10
we would get but he said that we would be trained.

Trained as what? --- Trained as soldiers.

And then what would you do once you were trained as soldiers? --- We would come here and fight for our freedom.

Against who? --- The Whites. (15

Did he say why you had to fight the Whites? --- Because we want freedom.

Did you agree to go? --- I was still going to think about it.

But then you asked him about how you were going to get (20
to Swaziland? Is that correct? --- Yes, I asked him.

And what did he say? --- He said he knows how one enters there.

Now did you know that one can't leave your country without a passport? --- I did not know that. (25

Did you ask him how you were going to get to Swaziland?
--- Yes, I asked him.

And what did he say? --- He said he knows.

Did he say anything else as to how you would get there?
--- There was nothing else he said, but he also said (30

"Whoever/...

"Whoever likes to go may go, and if you do not want to go you may not go, you are not forced."

Now you've told us that accused no. 2 said that he's got the money, --- That is correct.

Did you see any money? --- Yes, I did. (5

What sort of money was it? --- R10,00 notes.

Did you know how many R10,00 notes there were? --- I think from 150 to R200,00.

Now is that your estimation or did he tell you that was the amount? --- He told me. (10

Did you ask him where he got the money from? --- Yes, I asked him.

What did he say? --- He said he comes from Swaziland with it.

Did he say who in Swaziland gave it to him? --- He did not explain that.

Did he say when this gang was going to leave for Swaziland? --- He did not say.

What did he say? --- He said we should wait and that he will tell us when to go. (20

Was there anything you had to do in the meantime? --- No.

When this discussion took place, was it at the beginning of the Easter weekend or towards the end of the Easter weekend? --- In the Easter holidays? (25

Yes. --- I'd say it was the beginning of the Easter.

In any event after the discussion you had with accused no. 2, you said you want to think about it? --- Yes that is correct.

Now during this weekend did you see accused no. 2 again? (30 --- Yes, I was with him for quite a long time.

On the following days or on the same day? --- On certain days I would go home and on other days I would see him.

So you saw him several times during the weekend? --- Yes that is correct.

Didn't he bring the subject of military training in Swaziland up again when you saw him again during the weekend? --- Yes as a matter of fact he used to raise that subject when he had consumed some liquor. (5

And what did you say whenever he raised the subject of military training? --- "I haven't thought properly about the matter". (10

Now did see - do you know when after the weekend did accused no. 2 leave for Durban? --- I cannot remember the day.

NO FURTHER QUESTIONS BY THE PROSECUTOR.

(15

CROSS-EXAMINED BY MR. SKWEYIYA:

How old are you? --- 22 years old.

Do you work? --- I do not work.

Did you ever work? --- Yes.

When last did you work? --- Last year. (20

When last year? --- Last year.

When last year? --- During November when the firm closed down.

Why haven't you worked since November last year? --- I use the family's vehicle. (25

It's a vehicle which was bought by your father and which he gave to you to go and pirate at Zululand with, is that correct? --- Yes, that is so.

Right. Is your home at Umlazi N 415? --- Yes that is so.

And do you have a public certificate - a driver's certificate, public service? --- Yes, I have. (30

And/...

And forgetting this public certificate, did you have to borrow money from accused no. 2? An amount of R25,00? --- Yes, that is correct.

And this is the time when you and accused no. 2 were staying at your home at Umlazi N415? --- Yes. (5

I notice that you reply to my questions before they're interpreted to you. Do you understand English? --- A little.

You hear my questions before they're interpreted to you is that correct? --- Yes that is so.

And during what period was this when accused no. 2 was (10 staying with you at your home at N415? --- It was after the Easter holidays.

But wasn't this in March? My instructions are that this was in March? --- I have forgotten the month.

Could it be March this year? --- That is quite possible. (15

And accused no. 2 stayed for some time at your home? --- Yes.

You intimated to him that you wanted to renew your public service driver's certificate? --- Yes that is so.

Accused no. 2 in turn also was learning to drive to obtain (20 a driver's licence, is that correct? --- Yes that is correct.

When did you get your public certificate driver's licence? --- It was during the period when he was learning how to drive.

And you are of course aware that accused no. 2 was due (25 for a driving test in May this year? --- Yes.

Somewhere around the 23rd of May this year? --- Yes, that is so.

I'm sorry it's the 24th to be exact, of this year. --- Yes.

And between March when accused no. 2 lent you this (30 amount of R25,00 and the time that you say you met him at Eater/...

Easter at his home at Eshowe and up to the time of his arrest, you were in constant touch with him, is that correct?

--- Yes that is correct.

In fact you were staying together for quite some time at your home? --- Yes.

(5)

And there are hundreds of periods when he was sober and not drinking? --- Yes, that is correct.

And you say that the only time he ever raised these questions of military training and so on, is when there was drinking and he was drunk? --- Yes, that is so.

(10)

He never at any stage tried to incite you, encourage you or procure you to undergo military training at any time whenever he was sober? ---Correct Sir, he has never.

Would I be correct in saying that what you have described as military training talk, was one of those drunken discussions? --- Yes.

(15)

Which often crop up when people drink and start talking and getting excited? --- Yes that is correct.

Especially now that you know with the Soweto issue ..(unintelligible)it's an ordinary talk among young men and among old people when they are drinking? --- Yes that is correct.

Saying these things during discussions, looking at the pros and cons of going for training. --- Yes.

Some people agree with this, some people don't agree? --- That is quite true.

(25)

In other words you know different views are expressed when such topics are raised? --- Yes.

In the same way that as you allege there was this discussion between you and accused no. 2 during Easter, different views were expressed as to the pros and cons of this sort of thing? --- Yes, that is correct.

(30)

It/..

It was not a question of inciting you or instigating you to go and undergo training, but it was a question of a general discussion? --- I agree.

And I take it that at the time that you say that this discussion took place, you were indeed under the influence (5 of liquor by the time this discussion took place, during Easter now? --- Yes.

Is it at Eshowe when you say that this topic cropped up after accused no. 2 had arrived with two cans of beer? --- Yes. (10

You and accused no. 2 were in constant touch between March and May of this year, is that correct? --- That is correct.

And after you say that there was this discussion during Easter at Eshowe with accused no. 2, he never raised this topic again thereafter at any stage when he was sober? --- (15 No, he was only thinking about driving.

Driving to better his position, get better money and so on as a driver? --- Yes, that is correct.

You at one stage of course had a rand note which is Swaziland money, is that correct? --- Yes that is correct. (20

And you showed this to accused no. 2 during one of these discussions? --- Yes.

And you said you had got this note from Swaziland while you were a traveller? --- Yes.

And in fact at one stage you know, you say that only (25 of your own accord, during one of these drunken discussions, you said this - I'm looking for this in my notes.

THE COURT TAKES AN ADHOURNMENT.

ON RESUMPTION: WITNESS TAKES THE OATH.

(30
BY MR. SKWEYIYA: At this discussion which you have referred to Bongani/...

Bongani during Easter at Eshowe, there were other people as well? --- Who is Bongani now?

Or Jabulani, I'm sorry. I'm saying that Jabulani - your name is Jabulani, isn't it? --- Yes.

I'm saying there were other people as well at this discussion at Eshowe, is that correct? --- Yes, that is correct. (5)

Are you able to remember any of their names? --- Yes.

Can you mention them please? --- Muntu, Boy and Moosa, Maqenuka and others. (10)

What about Ernest Mhlongo? --- Yes, he was also present.

Mduva Ngcobo? --- Mduva was not there at that stage.

Did he come at any stage? --- I do not know at what stage he came.

Anyway would I be correct in saying that all of you including the persons who you have mentioned now were drinking? --- Yes that is so. (15)

And you were all under the influence of liquor? --- Yes.

Correct me if I'm wrong, have the question of the talking about military training and the pros and cons of it become common talk in townships nowadays? --- (no audible reply). (20)

And some young men or men tend to be boastful at these discussions? And pretend as though they know a lot? --- Yes, that is correct.

And make all sorts of claims like having - like knowing about training and having been for training, that's a common thing. --- Yes, that is correct. (25)

In fact you at one stage said to accused no. 2 that you wanted to go to Swaziland because you had many traffic offences apparently? Remember that? --- Yes. (30)

And whilst you were talking at Eshowe during April, at this/...

this discussion which you have referred to, you said that you had left some traffic summonses at Umlazi N 415, which you should pay? --- Yes that is correct.

Would I be correct in saying that insofar as you allege that accused no. 2 spoke of people going to Swaziland and (5 insofar as you may have gained the impression that he was trying to encourage you to go to Swaziland, that it would be proper to refer to that talk as the common drunken talk which he normally engaged in? --- Yes.

And one can't raise it higher than one of the people (10 who when they are in high spirits and drinking liquor, tend to boast? --- Yes.

They want people to believe that they know a lot? --- Yes.

After Easter when you had this talk, you in fact remained (15 and stayed at accused no. 2's home at Eshowe for some time, is that correct, before you came back to Durban? --- Yes.

And accused no. 2 never raised this topic at any stage thereafter? --- Yes.

Except at drunken meetings perhaps? --- Yes. (20

. And I take it that you can't dispute it if I put it to you that accused no. 2 never tried to encourage any one of you to go and undergo training? --- Yes.

Although there was talk as you say perhaps about training, it was in the form of a general discussion and no (25 plans were fixed and no time was fixed as to when one could go? --- Yes.

Do you at times discuss at these drunken discussions the fact that it is reported that there are many Soweto school kids who leave the country? --- Yes. (30

And the pros and cons of whether it's a good thing or not/...

not are discussed? --- Yes.

And it is common talk, some say that well these people are going abroad to come one day and come back and fight with Whites? --- Well I don't know about that.

Well some say that these young men are running away (5
from Bantu education, they want to go and get better education?
--- I don't know about that.

In any event insofar as you are concerned, you are saying
- you say that insofar as you had contact with accused no. 2,
it was always his intention that he should get a driver's (10
licence and that he should better his position? --- Yes.

Insofar as he may have mentioned military training in
any drunken talk, it was during the course of talking but
not encouraging anybody to go and train? --- Yes.

Jabulani you have been in trouble with the law before, (15
is that correct? --- Yes that is correct.

I'm not going to go into the question of what trouble
you were involved in with the law before.

BY THE PROSECUTOR: ... (inaudible) give a reason for bringing
it up. (20

BY MR. SKWEYIYA: You are afraid to be detained, is that
correct? --- Yes.

You were told that you have to give evidence whether you
like it or not, is that correct? --- (intervention).

BY THE COURT: Will you repeat that please? (25

BY MR. SKWEYIYA: You were told that you have to give evidence
in court whether you like it or not? --- Yes, that is correct.

Insofar as you are concerned and from the talks which
you have held with accused no. 2, you can't imagine why accused
no. 2 could be charged for these talks, is that correct? (30
--- I do not know.

And/...

And the money which you say accused no. 2 had with him, when the discussion took place, was South African currency?

--- Yes, that is correct.

And it wasn't the first time that you'd seen accused no. 2's - a bit of money? --- Yes. (5

And where accused no. 2 says he has no recollection of ever producing money saying that he got it from Swaziland and he denies that, what's your reaction to that? --- He never produced any Swaziland money. He produced R10,00 notes.

NO FURTHER QUESTIONS BY MR. SKWEYIYA. (10

NO QUESTIONS BY MR. LANGA.

RE-EXAMINED BY THE PROSECUTOR:

You were more or less in the company of accused no. 2 from the time - from the Easter weekend until May, was put to you by my learned friend. --- Yes. (15

Was he working at the time? --- He was not working at the time.

As far as you know then he wasn't earning any money either then? --- He was no longer working, but he had not yet been signed off at work. (20

When did he leave the sugar mill? Do you know? --- I do not know.

But in Durban he never worked? --- He never worked.

Now when you say that the matter of military training was discussed during drinking sessions, do you mean that the accused was drunk or do you mean that he was under the influence of liquor or just that he had a drink? --- Sometimes he was under the influence of liquor, sometimes he had a drink. (25

Only one drink for instance? --- No, when we were drinking in general. (30

Did he only discuss military training when he was drinking/...

drinking? --- Yes.

Do you always drink when you get together? --- Yes.

Every day? --- Not every day.

You mean you don't get together every day or that you don't drink together every day? --- We don't drink every day. (5

Did he sometimes discuss this when you were not drinking? --- We were only discussing about this when we were having drinks.

Now when did he first mention military training to you? --- When we were drinking and even after we've had had drinks. (10

Where and when? --- At the mill.

Was that the Easter weekend? --- Yes.

Now you said in answer to a question by my learned friend that people tend to get boastful and pretend that they know a lot about military training? --- Yes, I said so. (15

What do you mean by that? --- Because they were only talking about that when they had had drinks.

But what I want to know is why do you say - I think the words were put into your mouth, but you answered "yes" to the question, you said that they are boastful and pretend, how (20 do you know that they pretended? --- As a person who was saying these things when he was under the influence of liquor. To me it appeared as if he was pretending.

So you don't really know whether people in fact were in earnest or whether they were pretending? --- That was the (25 first time I heard such a thing from him, and he said it when he was under the influence of liquor.

Did you believe what he was saying? Did you think he was serious? --- Well I was listening to what he was telling me.

And did you believe that he got the money from (30 Swaziland? --- He did not explain to me to tell me where he had/...

had obtained the money from. He did not explain to me as to where he'd obtained the money from, whether from Swaziland or somewhere else.

What did he say about the money? --- He did not explain anything about the money. (5)

He showed you the money, what did he say about it? Because you'd said he'd showed you the money and said here is R200,00 or R250,00 - I can't remember now what you said, but you said he showed you the money? --- Yes.

And what did he say about this money? --- He said we (10) will travel with that money when we go to Swaziland.

For what purpose? --- For military training.

And did you think that he was serious when he said that? --- As a person was talking I did not think anything about that. I was just listening to what he was saying. (15)

But you did say that you said you'll think it over, whether you will go for military training in Swaziland? --- Yes, I said so.

NO FURTHER QUESTIONS BY THE PROSECUTOR.

ERNEST MHLONGO: Sworn, states. (Speaking Zulu). (20)

EXAMINED BY THE PROSECUTOR:

Do you reside in the Mvombeni area in the district of Eshowe? --- Yes.

Do you work at the sugar mill or not? --- Yes. (25)

Now do you know any of these two accused? --- Yes, I know one of them.

Which one? --- Temba Makatini.

Accused no. 2? --- Yes.

Now did he used to work at the mill as well? --- Yes. (30)

Did he at one stage leave the mill? --- Yes.

And/...

And then did you see him again after he had left the mill? --- Yes.

When was that that you saw him? --- I may not remember the date.

Can you more or less remember when it was? --- It was (5 in the morning. I think the month was April.

How did it come about that you met him on that day? --- I was not working at the mill then. I was still looking for work. He called me as I went past along the road.

Who called you? --- Temba. (10

Accused no. 2? --- Yes.

Where was he when he called you? --- He was in Bethwell Blose's room.

Is that in the compound of the sugar mill? --- Yes.

And you were walking past the room? --- Yes. (15

Right. Accused no. 2 called you and then what did you do? --- He explained to me that he was coming from Swaziland.

Just before you get there, did you go then to the room of Bethwell Blose? --- Yes.

Who was in the room when you went in? --- Jabulani (20 Shange.

And accused no. 2? --- Yes.

Was there anybody else then there at that stage? --- It was only Jabulani and accused no. 2 who were in the room when I entered. (25

What happened when you entered the room? --- He then told me that he wanted some boys who would be recruited.

Recruited for what? --- He did not explain to me to be recruited what for, but he said they would go along with him.

He wanted some boys who would go with him where? --- (30 To Swaziland.

What/...

What were these boys to do in Swaziland? --- To be taught there different types of guns.

Yes and what were they to do once they were taught about the guns? --- To come here to South Africa, to come and fight with the Europeans. (5

Did he say why they had to fight the Europeans? --- Because they were oppressing us.

Did he say how you would get to Swaziland? --- He did not say.

Did you agree to go? --- I did not agree. (10

Did he say how he was going to get people to Swaziland? --- He did not explain that to me, but he said he would make the arrangements for the going.

These people who were going would they have to pay their own way to Swaziland?--He said he had the money with him. (15 which comes from those who had sent him.

Did he say who these people were? --- No, he did not say who they were.

Did he say where they were? --- He did not say.

Now when this discussion took place, were there only you, (20 Jabulani Shange and accused no. 2 in the room? --- Before he finished the conversation, Boy then entered.

Is that Boy Blose? --- Yes.

Was he the only one there then - extra one? --- And Maqenuka. (25

Did he carry on with his - with this talk after the entered the room? --- Yes, he carried on.

Were there some of them that were prepared to go for military training? --- No.

Was there any drinking in the room? --- No, there was (30 no drinking.

Did/...

Did accused no. 2 say who would go with these people when they went to Swaziland? --- Just repeat that.

Did accused no. 2 say who would go with these boys to Swaziland? --- No, he did not say.

Did he say what he was going to do? --- No, he did not (5 say.

Can you say whether accused no. 2 was under the influence of liquor or not? --- I wouldn't say.

How long did you stay there in the room of Bethwell Blose? --- I think two hours. (10

And during these two hours was this Swaziland - this military training discussed? --- No, it wasn't for two hours, because when I entered we were talking about some other matters.

When did he start discussing this ^{training} military bit? --- (15 After I'd entered?

Ja? --- It wasn't a long time. I think it was about after 30 minutes after I had entered.

And you left. Were you the first one to leave? --- Yes.

Did you see accused no. 2 again after that? --- I did (20 not see him again.

NO FURTHER QUESTIONS BY THE PROSECUTOR.

CROSS-EXAMINED BY MR. SKWEYIYA:

The Jabulani you have referred to, is he the man who has just finished giving evidence here in court before you? --- Yes. (2

And you say that when this talk about going for training took place in Blose's room, Jabulani was present? --- Yes.

And he was present all the time until you left? --- Yes.

What happened to Maqenuka and Boy? --- What happened as far as what is concerned? (30

Did they leave before you or after you or did you leave together/...

together with them from that room? --- I left first.

Boy, is that Boy Vivian Blose? --- Yes.

Maqenuka is he Maqenuka Sibiya? --- Yes.

And are you able to tell this Court on what day this discussion took place? --- I cannot remember. (5

What about the month? --- April.

And was it Easter? --- I wouldn't know whether it was before or after.

Maqenuka and Boy Vivian Blose, heard all this discussion? --- They did not hear everything because they entered when (10 it was in the middle of the discussion.

Ja but they heard part of the discussion? You said they entered before this particular discussion was ended? --- Yes.

They heard about military training, they heard about people trained coming back to shoot the Whites as you said. (15 --- I think they might have heard about it.

Well if they were there they should have heard it, is that so? --- Yes.

And they were there in fact? --- Yes.

You see I'm asking you these questions because Maqenuka (20 and Vivian Blose have given evidence in this court. Do you know that? --- Yes.

They referred to a discussion which they say they had with accused no. 1 and no. 2 about military training, and they said to this Court and they made it perfectly clear, (25 the only time that they had discussions about military training and Swaziland and coming back to shoot the Whites, was once only, and it was in accused no. 2's home early some morning.

BY THE PROSECUTOR: I don't know whether they said it was the (30 only time, that was the only evidence they gave, but I don't know/...

know whether it was in fact put to them that there might have been another time when this might have happened.

BY MR. SKWEYIYA: In fact I made that clear. I asked them whether that was the only time, they said yes, that was the only time they were hearing about it, they never heard about(5 it after that and that in fact the accused when he came back to Eshowe, he never even mentioned a word about military training to them.

BY THE COURT: Well without going through all the notes, it's impossible for me to ...(intervention). (10

BY MR. SKWEYIYA: Yes I know your Worship.

BY THE COURT: I mean it's on record.

BY MR. SKWEYIYA: I know your Worship but for the record I have to put this thing down insofar they can recollect what took place because I canvassed this. Let's assume that Blose (15 and Maqenuka have given evidence to this Court and they said that the only discussion they ever had with accused no. 2 involving military training, happened at accused no. 2's place and that was once only. --- It was not at accused no. 2's home. (20

Ja, if you say they were present when the discussion took place in Blose's room, would you be able to advance any reason why when it was put to them were they ever engaged in any discussion with accused no. 2 about this, that they said no. --- Will you repeat that. (25

Well if they have not - if they said in their evidence - Maqenuka and Vivian Blose, the only time they ever discussed military training and about coming back to shoot the Whites, was once only and that was in accused no. 2's bedroom at accused no. 2's home, do you know why they would say that and(30 say it was once only, not mentioned this occasion which you are/...

are referring to?

BY THE PROSECUTOR: Your Worship this witness can really not answer for the other witnesses' actions. I think it can be put to him they weren't there or something like that, but I can't see how he can possibly answer for the other witnesses' (5 reasons.

BY THE COURT: The way it's put, I mean how can this witness say why some other witness didn't say something. In the way you're putting the question.

BY MR. SKWEYIYA: Let me put it this way. If Maqenuka and (10 Vivian had been involved in more than one discussion about military training with accused no. 2, would you have expected them to mention that when I asked them the question whether they had discussions more than once with the accused?

BY THE COURT: Now you're asking his opinion. You're asking (15 him whether he would have expected them to have said it. Surely that's arguing.

BY MR. SKWEYIYA: Perhaps it's a matter for argument more than anything else, you know. I want to put it to you that you're telling lies when you say that there was - you were (20 recruited to go and undergo military training by accused no. 2. --- I'm not telling lies.

And you also say that Jabulani was present during this discussion? --- Yes, he was present.

And you are saying that there was no liquor whatsoever (25 which was consumed in this room? --- I did not see it and it was not there.

Didn't you see any signs of liquor? --- No.

Well Jabulani has referred to the discussion in Blose's room and he has said that this was said when liquor was being (30 consumed and it was a drunken talk, what's your comment on that/...

that? --- It was not a drunken talk because I did not notice that he was drunk.

Well are you saying that he had not taken any liquor or are you saying that he may have been drunk but that you did not notice that? --- No. (5

What are you saying then? --- When I observed him I noticed that he was not drunk.

Right, did you know no. 2 before then - that day? --- I knew him by sight.

He was no friend of yours? --- No. (10

And you were only acquainted to him merely by seeing him going past you before that date? --- You mean when I saw him when he talked to me about this matter?

No, you are saying that accused no. 2 was no friend of yours and you are saying that he was a mere acquaintance, is that correct? --- Yes. (15

He was not somebody who was your friend? --- No.

He was not somebody who had engaged in any discussion before with you, that day? --- No.

And that was the first time that you sat down together (20 with him and were involved in a discussion? --- I used to see him whilst I was still attending school when I used to visit my brothers.

Just to see him but not to engage in any discussion with him? --- That is correct. (25

As you said he was just a mere acquaintance, somebody you had seen before the day when this discussion took place? --- Yes.

He did not know what your real background was, and what your feeling was about political matters? --- (reply inaudible)(30

And indeed you had never before discussed with him anything/...

anything connected with politics? --- No.

He just saw you walking down the road and then decided to call you? --- He called me.

And the moment you entered the house and sat down, he started - he immediately said to you he wanted boys who (5 would be recruited, is that correct? --- No, he first talked to me about other matters and I have already told you.

Matters like what? --- I can't remember.

You can't remember anything else other matters which you discussed except this which you have deposed to? --- No. (10

You have a complete mental block about anything else which was said there except just that you were recruited? --- I cannot remember.

I see. --- It was only matters - it was only other matters that did not matter. (15

I see. Did he know where you stayed? --- What's that?

Did he know where you stayed - did he, no. 2 know where you stayed? --- You mean in the room where I stayed?

Yes. --- Yes, he knew.

Did he ever come to you at any stage to have discussion (20 with you before that day? --- No.

How did Maqenuka and Vivian Blose come to this room?

--- You mean to this room?

Yes, where you say this discussion took place? --- They came there whilst we were sitting down and I think they were (25 coming from home.

And they were not called from the road by accused no. 2? --- No.

Do you know why Jabulani would say that there was drinking when there was this discussion in Blose's room? When (30 there was in fact no drinking? --- I do not know.

You/...

You say that there was mere talk of boys to be recruited and to go to Swaziland, and no date, time, place was mentioned as to when this would take place? --- No.

No other people's names were mentioned who would be going with you? --- No. (5)

The source of the money which accused no. 2 had, was that mentioned? --- I did not see any money.

If there was money produced by accused no. 2 in that room, would you have seen it? -- I would have seen it.

And you are sure that no money was produced? --- I am (10) sure because he did not produce it to me and I did not see it.

Do you know why Jabulani said there was money produced when this was discussed in Blose's room when in fact there was no money produced, according to you? --- I do not know. (15)

What did you mean when you replied to my learned friend when you were asked as to what accused no. 2 said, you said this "He told me that he wanted some boys who would be recruited. He did not say what for." What did you mean by "He did not say what for"? --- I don't understand you. (20)

Well you say that - I'll put to you the question again. When a question was put to you by my learned friend as to what accused no. 2 said about recruiting, you said that "Accused no. 2 said he wanted some boys who would be recruited and he did not say what for". What did you mean by that? (25) --- By that I meant that he wanted some boys to be recruited, who would go with him.

What did you mean by "He did not say what for"? --- Concerning what transport or what? Or the reason?

No, you gave evidence, you replied. I'm asking you what (30) you meant by "He did not say what for"? --- He did not say with/...

with what we would travel.

Look you said that after he had said this - I'm asking you about this specific point connected with recruiting, as to the reason why the recruiting, you said that accused no. 2 did not say what for. What did you mean? --- I don't think (5 I understand you.

Well the interpreter is there, he's interpreted to you, I can't say better in English than I have said it. I'll repeat it again for the last time. This is what I have recorded you to have said. You said after your entering the room, (10 accused no. 2 said he wanted some boys who would be recruited but did not say what for. Did you get the interpretation from the interpreter? --- Yes, I understood.

Now what did you mean when you said accused no. 2 did not say what for? In other words he did not mention the (15 reason why the recruiting? Why did you say that? --- He said we would be recruited for us to come back and fight with the Europeans.

If that is the position then why did you say "Accused no. 2 did not say why the boys were to be recruited"? Why did (20 you say so? --- He mentioned the reason why we should be recruited.

But why did you use the words then "Accused no. 2 did not say what for" - why you would be recruited in other words? Why did you say that? --- He said we would be recruited in (25 order to fight with the Europeans because they are oppressing us.

Because you say that he said so, I'm asking you then why you said the accused no. 2 said that he wanted some boys who would be recruited and I underline the following words "He (30 did not say what for". Those two don't tally. Just please
reconcile/...

reconcile those two. Please help us reconcile that? --- He said we would be recruited in order to come and fight with the Europeans, because they are oppressing us.

You are saying that now for the tenth time, you are still not replying to my question. Please reply to my question, (5 and I insist you must reply to my question, if you can't, say so. --- I think I don't quite understand you.

You say that when you went into the room where accused no. 2 and Jabulani were, and you were later joined by Maqenuka and Boy Vivian Blose, accused no. 2 said he wanted some (10 boys who would be recruited but he did not say what for. Do you understand so far? --- Yes.

And in the same breath you have said that accused no. 2 said that the recruiting those boys would be for training so that they can come back and fight Whites in South Africa. (15 Now my question is this to you Ernest, if you say that accused no. 2 said that after recruiting and training those boys would come back and fight Whites in South Africa. Why did you say that accused no. 2 did not say what the boys were being recruited for? Those two don't tally, and they can never (20 tally. I want you to explain that. You can't say so? --- (no. audible reply).

You are quiet. --- I don't understand.

No I've repeated this question humpty dumpty times already. What is your reply? You are not going to get away (25 with this. What's your reply?

BY THE PROSECUTOR: I think this witness is completely confused now. Perhaps it will be better if we do replay the tape to see exactly what was said and whether the interpretation of it was correct, because the witness in his (30 evidence-in-chief used the words as my learned friend has/...

has said now, but straightaway went on and explained at all so there does seem to be a bit of a conflict there, but he - I don't know whether that might be an interpretation mistake. BY THE COURT: The Court will replay this. (Recording machine switched off). Yes. (5

BY MR. SKWEYIYA: Thank you your Worship. Your Worship it is my contention that this is a major conflict and I'm saying it now, I'm submitting that this is a major conflict and I will submit later on that it's irreconcilable with what the witness said later on, namely that the accused said to him and the (10 others that when the boys had been recruited and had been trained, they would come back and fight the Whites of South Africa. I will repeat my question to him and I want him to explain why the conflict. Now the tape has been replayed. You are recorded to have said this or words to this effect, (15 you say in Blose's room, accused no. 2 told you people that he wanted some boys who would be recruited, but he did not say what for. Understand so far? --- Yes.

Now in the same breath you have said that accused no. 2 said that he was recruiting boys, who would go and train (20 so that they could come back and fight the Whites of South Africa, or if you like he wanted some boys for the purposes of coming back so that they can fight the Whites of South Africa. Now these two to me with respect are conflicting statements. Now I want you to explain why that conflict. If you can't say (25 so please say so. --- As far as no. 2 is concerned he did not explain to me that after we had been recruited, how we would travel.

With him? --- Yes.

But again now this is exactly what you said in your (30 evidence, if I remember your evidence correctly, one of the things/...

things which you have said is this that accused no. 2 said that you should join him and you would go with him. Unless I'm wrong your Worship but that's the impression I have. Your Worship my learned friend Mr. Langa has in fact that note, which I have referred to, namely that this witness said (5 that accused no. 2 said the people he was recruiting, would go with him to Swaziland. So let's take it that you said that and it's on record, now I'm saying to you that is no explanation for the conflict, which I pointed out to you. Can you think of some other way of explaining this conflict? (10 What explanation? --- He did not explain to me how we would have travelled there.

Is that now your explanation? --- Yes.

Well that also you said in your evidence? --- Yes.

That's no explanation also for this particular conflict. (15 I want you to explain this conflict. If you can't, say so so that we can proceed with something else. --- I'm afraid I cannot give you an explanation.

Yes, you can't give me one because that never happened. Accused no. 2 never tried to recruit you, I put it to you, (20 to go and undergo training. --- He did because he explained to me that he wants boys who would be recruited.

And all of you were perfectly sober, no drinking, nothing? --- Yes.

Did you ever meet accused no. 2 after that discussion (25 that day? --- No.

Now you have already said that accused no. 2 had never before that date engaged in any discussion with you? --- I never said that.

You said before that date you never engaged in a (30 discussion with accused no. 2, is that correct? --- Yes.

So/...

So are you suggesting that accused no. 2 went for you being an acquaintance, not knowing your background, what your political views are, what your reaction would be, if he tried to recruit you, just called you and said to you "Look I want to recruit you to go and undergo training"? --- (5
Well we used to see each other before, greet each other, but have no conversation.

Yes, just seeing him going past you, I mean that's one thing I can't understand. --- Yes.

It is exactly that, that's why I can't understand it. (10
--- Well maybe he noticed my health, maybe he was taking notice of me.

And are you still saying that insofar as - no, I withdraw that. For how long did this conversation take place more or less? That is the conversation in the room between you and (15
the accused, Jabulani and Maqenuka and Vivian Boy Blose?
--- I think it was about one and a half hours.

During that period many things were said by all of you?
--- No, not by all of us.

Think about it, weren't you discussing other things as (20
well? --- We spoke for 30 minutes, and then I listened to him when he was explaining this to us.

For about one and a half hours? --- He was explaining that to me alone.

Yes, in the presence of Jabulani? --- Jabulani was there (25
but he was up and down.

Oh you are now trying to ^{run away} by saying that Jabulani was up and down hey? --- He was a person who was cooking. He was not sitting down.

What about Maqenuka? --- Maqenuka came and then sat down. (30

And they were there when part of this discussion took place/...

place? --- Yes, they were there.

What was their reaction to what accused no. 2 said? --- They did not say anything and I think maybe he was going to explain further to them: I have heard of this.

What makes you think that? --- Because he did not tell (5 them to keep quiet, and if he had not told them about this before.

He told you to keep quiet? --- No, he did not tell me.

I don't understand your statement that he did not tell (10 Magenuka and Blose to keep quiet. What do you intend to convey by that? --- If they were people to whom he had not explained this to.

You mean if they were not people? --- If they were people to whom he had not explained.

Yes? --- Now after entering he would have said to (15 them "Listen to the conversation." He would have told them to listen or to tell them to sit down and listen to it until the end.

So far as you are concerned, this conversation by accused (20 No. 2 was directed only at you? --- Yes.

. It was not intended for Magenuka or Vivian? --- Yes, what makes me to say is because he did not tell them to listen.

Nor was it, according to your evidence, intended for (25 Jabulani? --- No.

POSTPONED TO 1/12/1977.

BY THE COURT: This witness must be back here tomorrow morning at 9 o'clock and in the meantime he mustn't discuss the case or the evidence with anybody.

(30

ON RESUMPTION:

ERNEST/...

ERNEST MHLONGO: Sworn, states.

BY MR. SKWEYIYA: Mr. Mhlongo did you have a restful night last night? --- Yes.

You had a lot of time to think about the evidence which you gave in court yesterday? --- Yes. (5)

Now is there any part of the evidence which you gave in Court yesterday, would you'd like to change today? --- No.

Right. Do you work at the moment? --- Yes.

Where do you work? --- Ntumeni Sugar Mill.

And since when have you been working at Ntumeni Sugar Mill? --- October. (10)

This year? --- Yes.

And before that what were you doing? --- I've been at school.

Which school? --- Ntumeni. (15)

What class were you doing? --- Form 3.

When did you leave school? --- This year.

Did you leave because you had finished writing exams or what? --- I started doing my form 4 this year but due to finances I was unable to carry on, because I did not have enough money. (20)

How old are you? --- I was born in '55.

Before this day when you say you had gone to look for work at the Ntumeni Sugar Mill and you say you were called by accused no. 2 into Blose's room, had you ever been to the mill? --- Yes, I used to go there to go and get money from my brother. (25)

Did you stay for any considerable time whenever you went there? --- No, I never used to stay there for a long time, because I was in a hurry to go back to school. (30)

Other than your brother at the mill, did you know anybody/..

anybody else? --- Yes, my uncle Bethwell Blose.

Did you often pay him a visit? --- I used to visit him.

Now reverting back to the events of the day you have deposed to, was accused no. 2 drunk or under the influence of liquor in any way when you saw him on this particular day (5 in Blose's room and you spoke to him? --- According to my observation, he was not drunk.

You are certain about that? --- Yes.

Could he have been drunk or under the influence of liquor? --- When I saw him he was quite sober. He was not (10 drunk.

Now if that is so, why did you when you gave evidence, yesterday in-chief, and you were asked about his state of sobriety, why did you say this "I wouldn't say whether accused 2 was under the influence of liquor." --- I said so because (15 when I looked at him he was not drunk.

Is that what you wanted to express by the use of the words I have read to you? -- Yes.

And now who were in this room? I want you to name all the persons who were in this room, when you say that this (20 discussion took place in Blose's room? --- Just after I had entered I found accused no. 2 and Jabulani.

And what happened - yes, yes, you wanted to say something else? --- Boyce Blose and Maqenuka then entered and Moosa Shange - Moosa Cele. (25

For how long would you say you were in Blose's room when Moosa Cele, Blose and Maqenuka entered the room? --- I think it was over an hour.

And during this hour, that is before - the first hour before these three came into the room, what was the discussion (30 about between you, accused no. 2 and Jabulani? --- About 30 minutes' /...

minutes' time. He was just telling me stories which did not mean anything.

You mean for about 30 minutes' time? --- Yes.

Then what happened in the next 30 minutes which - to make up the hour? --- He told me and he explained to me that he (5 comes from Swaziland.

And at that time, Jabulani was still there? --- Yes, he was there.

Jabulani could hear the talk between you and accused no. 2? --- I wouldn't know about that. (10

But he was present? --- Yes.

Is there any reason why Jabulani would not have heard what was being discussed if he was present? --- Because he was cooking.

But he was cooking there in the room where he was sitting(11 isn't that so? --- At certain stages he would go out, he would fetch water and then come back and cook.

How many times did he go out to fetch water? --- I cannot remember.

Was it many times? --- No. (20

You must give us an indication then please. --- I think it was about twice.

And would you say that those are the only two occasions that he went out of the room whilst you and accused no. 2 were having a discussion? --- Yes. (25

He merely went out to go and get water and came back? --- Yes.

How long did it take to go and fetch water on each occasion? --- I wouldn't estimate the time because I was still listening to the explanation given to me by accused no.2. (30

But was the tap far from Blose's house? --- Yes it was far/...

far.

How far? --- I do not know how to estimate the distance.

Well, he can point out a distance here in court. --- From here to where we had been sitting that side.

Is that outside court here? --- From here to the other (5 side, at the place where we had been sitting, since we came in this court.

Your Worship we just want an indication of the distance. About 15 paces I believe. I accept that.

BY THE COURT: If he indicating beyond those doors, it's (10 certainly more than one five.

BY MR. SKWEYIYA: Well 50 then. I'm not disputing that. Why was it necessary that he should go and fetch water twice? --- Firstly he had to go and fetch water for cooking purposes and then secondly for washing purposes, because it was still (15 in the morning.

Washing what? --- His face. To wash his face and to wipe his feet, that's what I saw him doing.

Did he in fact wash his face and feet whilst you were there? --- Yes. (20

And did he do so in a different room from where you were talking or in the same room? --- Going into the bedroom because we were in the diningroom.

And was this during the time that you allege you were having this discussion with accused no. 2? --- Yes. (25

So - are you then advancing the possible failure of Jabulani to hear what was discussed between you and accused no. 2, as being - are you suggesting that is one of the reasons? Besides cooking? --- No other reason.

You see yesterday you advanced as a reason merely the (30 fact that Jabulani was cooking that's why you think he did not/...

not hear the conversation between yourself and accused no. 2?
 --- (no audible reply).

You never mentioned the fact that he was out of the room where you were having discussions because he had to wash himself and also that there were occasions when he had (5 to go and get water at a distance of about 50 paces from the room where you were? --- I did say that yesterday, that it's possible that he might not have heard about this because he might have known about this because it was the same ... (inaudible). (10

Now do you know Blose's room very well? You had been there before that day, is that correct? --- Yes.

And do you know all the rooms which are in that house where he stays, if I may call it that? --- Yes.

Is there no water system inside Blose's room? --- There (15 is but I remember on this day the tap system was out of order.

Is there also a sink there inside the room? --- Yes.

How do you remember so clearly that on that day you know, the water system was not working inside the room? --- Because (20 last night I had an opportunity of thinking thoroughly about ... (inaudible due to noise).

.. (Inaudible).. occasions when you were inside that room - Blose's room, when the discussion took when you had to go and - and go to the sink or to the tap yourself? --- No. (25

Did he then go into the next room? --- No.

In which room is the sink with the water system situated? You see you were sitting in the diningroom having discussions, now in which room is the tap and the sink situated? --- The room in which we were sitting. (30

Ernest aren't you just fabricating this question of Jabulani/...

Jabulani going out to get water outside because of the differences which I pointed out to you between your evidence and that of Jabulani, isn't it just a fabrication for instance... (intervention).

By the Interpreter: ... (inaudible) while I'm doing the translation. (5

BY MR. SKWEYIYA: I'm sorry.

By the Interpreter: I haven't put the question.

BY MR. SKWEYIYA: Okay go ahead. Aren't you just fabricating the question of Jabulani going out to go and fetch water and (10 coming back into the room twice, just because of the difference I pointed out between your evidence and that of Jabulani? --- I'm not fabricating this.

I see. And inside that room where you were having this discussion, you say you saw no signs whatsoever that liquor (15 had been drunk or was being taken before you came there?

--- Yes.

And you say you certainly saw no money whatsoever being produced by no. 2 at any stage? --- Yes.

If accused no. 2 had produced any money you would have (20 seen that? --- I would have seen that.

Do the other rooms at the compound, the other houses in other words, don't they have tap systems inside the houses?

--- They do.

Was there a room which is adjacent to Blose's room? (25 In other words Blose's next-door neighbours? --- Yes.

And you yourself know of no animosity between Blose and his next-door neighbours I take it? (interpretation and no audible reply) As far as you know they're on good terms? --- Yes. (30

And you say that among the people who were there, who you/...

you had counted, that is Maqenuka, Vivian and Moosa, Jabulani, none of these expressed either way their willingness or otherwise of wanting to go for military training? --- No.

Would it surprise you if I tell you that Blose and Maqenuka have given evidence in this court and they said that(5 they were willing to go and undergo training ...(intervention).

BY THE PROSECUTOR: That did not happen in Blose's room, according to the evidence, but at the kraal of accused no. 2, where this witness was not present.

BY MR. SKWEYIYA: Yes, I appreciate that. Would it surprise (10 you, assuming that you know

BY THE COURT: Mr, Skweyiya you must please put your question.

BY MR. SKWEYIYA: That - what I said to you, you know is what they have said, would that surprise you? --- That would surprise me. (15

Why would that surprise you? --- Because I did not hear about it.

And could it also be because they expressed no willingness or unwillingness to go and undergo training when you were in Blose's room with accused no. 2? (20

BY THE PROSECUTOR: The witness did say they did not discuss it - accused no. 2 did not discuss the matter with these people. They came in sort of at the tail end of the thing.

BY MR. SKWEYIYA: With respect Sir, the witness has said that they heard part of the discussion concerning training. (25

I have forgotten what my question was. Anyway - in any event as far as you are concerned, when these persons were there in that room with you, they expressed no willingness to either go and undergo training or not to go and undergo training? --- Yes. (30

This of ... also to Jabulani I take it? ---
Yes/...

Yes.

And would it surprise you if anybody said that when you, accused no. 2 and these persons you have mentioned, were allegedly having these discussions in Blose's room; you also partook of the liquor which was being drunk there? --- That (5 would surprise me because there was no liquor there.

And I take it it would equally surprise you if you hear that you, accused no. 2 and the others who were there, were under the influence of liquor? --- That would surprise me. (10

Do you otherwise take intoxicating liquor? --- Yes, I do drink.

For what period of time in all would you say you were in this room? --- Two hours.

And in all that two hours when you were there, the only (15 thing you remember is what accused no. 2 you say said to you about training, is that correct? --- Yes.

And you are also certain that you found accused no. 2 in Blose's room when the discussion took place, in other words you called into the room and he was in the room? --- Yes. (20

Would it surprise you if anybody were to say that when accused no. 2 entered that room, he found you, Jabulani and the others in that room? --- That would surprise me because I have already said that I had gone to look for employment.

Did you in fact look for employment that day? --- Yes, (25 I did.

So insofar as you are concerned - insofar as the discussion is concerned between you and accused no. 2 are concerned, concerning the question of military training, you are the only one who had the whole of the discussion concerning (30 that? --- Yes, as I said yesterday the others were not asked/...

asked to the conversation for accused no. 2 to start afresh.

I put it to you that you have not taken this Court into your confidence and that the evidence you have given is not the truth? --- They are the truth.

And I must tell you further that my instructions are (5 that you were not in any way incited, instigated, advised or procured to undergo any training in any discussion between yourself and the accused? --- I was, I was told by him.

Do you know a person known as Badenhorst - Victor Badenhorst? --- I know him. (10

Does he sell liquor? --- No - well I wouldn't know.

Did anybody from among you whilst you were seated in Blose's room, go and buy liquor from Victor Badenhorst's room? --- No.

Well I'm suggesting to you that that did happen? What (15 is your reaction to that? --- It is possible that they might have bought it and hid it away from me, for them not to see - for me not to see it.

Why would they want you not to see the liquor? --- I wouldn't know. (20

NO FURTHER QUESTIONS BY MR. SKWEYIYA.

CROSS-EXAMINED BY MR. LANGA:

You say Jabulani went out twice to fetch water? --- Yes.

BY THE PROSEGTOR: Your Worship I don't understand the situation now. As I understand either Mr. Skweyiya is (25 appearing for accused no. 1 and Mr. Langa for accused no. 2 but it doesn't seem to be the case at all now, because in this case there was no evidence against accused no. 1, so Mr. Skweyiya cross-examined. So I don't know whether it's regular now for two counsel cross-examining the same witness (30 now if they're not appearing for different accused.

BY/...

time before he started going out to fetch water? --- No.

I'm trying to understand you now, are you saying that immediately you went in, into the room, Jabulani started going out to fetch water?--- Just the thirty minutes after he entered. (5

BY THE COURT: Say that again. --- Within the thirty minutes after he entered, Jabulani was busy preparing to cook.

BY MR. LANGA: At that time when Jabulani was preparing to cook, what discussions were taking place? --- Before thirty minutes had lapsed, it was just matters concerning nothing. (10

And was he still busy cooking when matters concerning something started? --- Yes.

Now according to you that was after thirty minutes? --- Yes.

Right, my question is this, when he went to get water, (15 how long had the discussion been taking place concerning the military training now? --- It hadn't been a long time.

And I take it that fetching water did not take him a long time either? --- No, it did not take a long time either.

Did he at any stage, that is Jabulani, join Vivian Boy (20 Blose, Maqenuka and Moosa in the room? --- I did not notice that because I was listening to the person who was relating this to me.

But you're absolutely sure that at the time he was talking to you about military training, accused no. 2 was (25 talking to you about military training, Jabulani went out twice to get water? --- Yes.

And you're absolutely certain as well as to the purpose for his getting water? --- Can you repeat it?

You said he wanted to wash his face and feet? You said (30 he wanted to cook with the water too. --- Yes.

You/...

You are sure of that? --- Yes.

How did you know that? -- I know because I saw it happening.

I thought your attention was directed onto this talk of yours and accused no. 2? --- So I was concentrating on the (5 talk but I could see what was happening on the side.

So your answer is not perfectly correct when you said that you did not see whether Jabulani joined the others because your attention was directed to this talk? --- I've already said that Jabulani was busy cooking. (10

Do you know a man by the name of Mduva? --- Yes.

Did you see him there? --- Yes he entered together with boy.

If my recollection serves me, this is the first time you are mentioning him? --- Because I was being objected when I (15 wanted to mention him. When I tried to count the number of persons, then there were objections.

Who objected? --- Questions were coming from that gentleman sitting down.

An objection - for the record he seems to be pointing (20 at my learned friend, counsel for accused no. 1. Who objected? --- Objecting what?

To your mentioning further people? --- When I was about to continue mentioning the others, then he would continue putting another question. (25

In your evidence-in-chief in fact you did not mention Mduva, what do you say to that? --- Yesterday the same thing happened.

You were objected to when you tried to mention further people? --- Yes, objected through questions. (30

Are there any other things which you wanted to say and you/...

you were objected to? --- No.

It's just the mentioning of names? --- Yes.

Apart from that you have said everything you wanted to say? --- Yes.

In your evidence-in-chief in fact you did not mention (5 Moosa as well. --- I mentioned him.

You mentioned him under cross-examination. --- I was still being questioned as to who else was there.

In your evidence-in-chief, you were asked who were there when the discussions took place. You mentioned that when you (10 went in there no. 2 was there as well as Jabulani. Later at the tail end of the discussions Boy came in with Maqenuka? --- Yes, I mentioned Boy and Maqenuka. Now because of questions I could not mention the others.

I see. Is this not something else you thought up during (15 the night when you were thinking about your evidence? --- That is what I thought. I thought about it.

What did you think? You thought you had forgotten to mention these people in your evidence-in-chief? --- Yes, I thought of that, and it was because I was objected in me (20 mentioning them.

When my learned friend, counsel for accused no. 1 started his cross-examination today, this morning, he asked you if you had forgotten anything in your evidence, not so? --- Yes.

What was your reply to that? --- I said there was (25 nothing.

He asked you if there was anything in your evidence which you gave yesterday which you wanted to change, not so? --- Yes.

What was your reply? --- I said there was nothing. (30

Was that not an opportunity for you to mention these things/...

things? --- It was, but I forgot.

Tell me what makes you so sure of what Jabulani was doing at the time, at the very time, talk reverted to military training? --- Because I brought it back to my mind and that's why I remembered. (5

What do you mean you brought it back to your mind? --- Because I repeated this a number of times in my mind that I tried - I wouldn't fail to remember it.

Did you repeat it often in your mind because it was something that was worrying you? --- Yes, because the questions that were put to me were supposed to make me know the date (11 on which I heard about this.

Do you mean that - are you referring to the questions you were expecting to be asked? --- Which I was supposed to have been questioned, so that I should remember everything. (15

I want to understand you clearly, are you saying that you were expecting certain questions to be asked of you? --- Yes.

And therefore you had to repeat this all over - over and over again in your mind? --- Yes it came back into my mind (20 and then I remembered that date.

When you say because it was **worrying** you, what are you referring to? --- By that I mean I had failed to understand the questions yesterday because I could not remember very well. (25

So this repeating over and over again in your mind, refers to between yesterday and today? --- Yes.

Can you remember any questions which you did not answer yesterday because you could not remember clearly? --- Can you repeat that? (30

Can you remember any questions which you did not reply to/...

to yesterday because you were not able to? --- Yes.

Which one was that? --- This question about Jabulani, whether these boys who were supposed to be recruited, would be recruited.

Is that the only question? --- Yes. (5

Is that what you were turning over and over in your head?
--- No.

Look, my question to you was why do you remember specifically that at the time, at the very time military discussions were being held, as this military training was being(10 discussed, at that very time Jabulani was going out to fetch water, why is it so vivid in your mind? --- Because I remember what accused no. 2 told me on that day, so I remembered everything about what happened on that day.

So when you were given the opportunity now to rectify (15 your evidence, why didn't you mention these two people who were also there, whom you did not mention yesterday? If everything came back vividly in your mind this morning? --- When I was thinking during the night, I remembered that I should mention them today, but I forgot. (20

. Now as far as these discussions which you allege took place with you between no. 2 and yourself, you said yesterday just before we adjourned, during cross-examination, that they were intended just for you. --- Yes.

You even said that the others were not told to listen. (25
--- Yes.

Were you sitting a distance away from the others or where?
--- Yes, but in the same room. Yes a little distance away from those who entered, namely Boy, Maqenuka, Mdovu and Moosa.

And accused no. 2 was talking just to you - just for your(30 ear? --- Not to my ears. but he was close enough for me to hear/...

hear.

I mean he was not talking to the others? --- No.

And they took no part I take it in the discussion? ---

No.

They were not asked anything? --- No.

(5

Are you absolutely sure? --- Yes.

If my recollection serves me right, in your evidence-in-chief, you mentioned that Maqenuka and Boy entered during the discussion. You went on to say that none of them was prepared to go. --- Yes.

(10

Now why did you say that? --- Because he never said anything to them concerning the discussion which he was telling me about.

Now do you know they were not prepared to go? --- I do not know because they did not say that they were prepared to go. That depended on them whether they were prepared to go or not.

You did not say none of them said they were not prepared to go. You said none of them were prepared to go. How did you know that? --- I know that none of them were prepared to go, because nobody said "All right, we will go."

According to your story, they were not in a position to say "All right we can go or we don't want to join". That is your story in cross-examination, because you say accused no. 2 was talking to you and not to them, and yet you told this Court that they entered, that is Maqenuka and Boy, entered during the discussion. You told the Court that you did not agree to go. You have also said - you made this statement that not one of them was prepared to go. --- Yes.

How do you reconcile this - the conflict? --- I misunderstood your question. Can you repeat the question?

I/...

I have repeated it about three times now. I'll repeat it for the last time. You have said this discussion was intended for you, no. 2 was speaking specifically to you. The others were sitting a distance away from you. They took no part in the discussions. They were not asked anything about military training. They did not take any part, and yet in your evidence-in-chief you say they entered during the discussion. You then said that no one of them was prepared to go? --- It's possible that they might have prepared. (5

So if that is possible why did you say that they were not prepared to go? --- Because I did not know that they were prepared to go. (10

Did you know that they were not prepared to go? --- I did not know.

So why did you say so? --- I was being questioned if I had heard that they were prepared to go then I would have told you that they were prepared to go. (15

What was the seating arrangement in that room? What were you sitting on? --- Sofa.

No. 2? --- On a wooden stool. (20

What about the others? --- The others were sitting down.

You mean on the floor? --- Yes.

NO FURTHER QUESTIONS BY MR. LANGA.

NO RE-EXAMINATION BY THE PROSECUTOR:

(25

LINDINKOSI NGCOBO: Sworn, states. (Speaking Zulu)

EXAMINED BY THE PROSECUTOR:

Do you reside at Mombeni Reserve district of Eshowe? --- (intervention).

BY THE COURT: Sorry to interrupt, are you also known as Mduva? --- Yes. (30

BY/...

BY THE PROSECUTOR: I'm sorry it's Nkanini Reserve in the district of Eshowe, is that right? --- Yes.

Do you know the two accused before the Court? --- I know Themba Xulu.

Accused no. 2? --- Yes. (5

Do you know that he used to work at the Ntumeni Sugar Mill? --- Yes, I know.

And you know that he left the sugar mill to come to Durban? --- Yes, I know.

And did you see him again after he had gone to Durban or(10 come to Durban? --- When he came back?

Yes. --- Yes, I saw him.

Now when did he come back? --- It was during the Easter holiday week.

Of which year? --- (No audible reply). (15

And when you say come back, do you mean back to the Ntumeni Sugar Mill? --- Coming back to his home.

Ja, now where did you see him on his return to that area? --- I saw him at the Ntumeni Sugar Mill in Blose's room. (20

Why did you go to Blose's room? --- I was passing there and I was looking for a vehicle in order to buy a goat.

Did you want to borrow a vehicle to convey a goat? --- Yes.

Yes and then you went to his room, and then what did you(25 find on your arrival at his room? --- I found Themba himself.

Accused no. 2. Yes and then? --- He was with Boy Blose.

BY THE COURT: Which Blose? --- Vivian.

BY THE PROSECUTOR: Is he also known as Boy - Vivian Boy Blose? --- Yes. (30

Yes? --- Emmanuel Cele.

BY/...

BY THE COURT: Is that a different person to Emmanuel Sibiya?

--- Emmanuel Cele and Emmanuel Sibiya both of them.

Two different people? --- Yes.

Were they both there? --- They were both there.

BY THE PROSECUTOR: Yes who else? --- That was all. (5

I see. Do you know somebody by the name of Jabulani Shange? --- Yes.

Was he there? --- I cannot remember.

Do you know somebody by the name of Ernest Mhlongo? --- Yes, I know him. (10

Did you see him there that day? --- No, I cannot remember.

What time of the day was it when you arrived at Blose's room? --- I think it was after eight.

In the morning or in the evening? --- In the morning.

And what were these people doing in the room when you got there? --- They were just sitting there when I arrived there and there were empty beer tins. (15

Only empty beer tins or were there full beer tins as well? --- There were empties as well as beers.

Did you have anything to drink while you were there in the room? --- Yes, I did. (20

What? --- Beers.

One or two or more? --- More.

How much? --- Are you referring to the cans?

Ja how many cans of beer did you have? --- Six. (25

And who provided all the beer? --- Accused no. 2, Themba.

Did anybody go and buy this beer or was this beer just there? --- There is somebody else who left to go and buy it whilst we were there.

Who went to buy the liquor or the beer? --- I went to buy it. (30

Only you? --- Yes.

And who gave you the money to buy the beer? --- I bought it after the other beers were finished. I had the money.

Was it your own money you used for buying the beer? --- It was mine. (5

Right. Now you had some - did you sit down there in the room? --- Yes.

And was anything discussed then whilst the drinking was going on? --- Yes there is something.

What was discussed? --- Accused no. 2 said after we had sat down for quite a while, that we should join and go to Swaziland.

Should join who? --- Join to be soldiers.

Yes and you say go to Swaziland, and where was the training to take place? --- He said we would be trained in Swaziland. (15

Did he say how you would get to Swaziland? --- No, he did not say.

Did he say what sort of training you would get in Swaziland? --- I don't understand you.

Did he say what sort of training you will get in Swaziland? --- Train to shoot. (21

With what? --- Guns.

Why did he want you to go and be trained to shoot with guns? --- I do not know.

Didn't he say? --- He did not say. (25

Did he say what you would do after you had received your training? --- He did not say what we would do.

And what did you say? --- I did not say anything. I listened to what he was saying.

Yes, but you said that he said that you should join and go to Swaziland and get trained? --- Yes, and I said to him/... (30

him I was going to think whether to do it or to leave it.

What did he say to that? --- He did not say anything.

For how long were you there in Blose's room altogether?

--- I think I left at about ten.

In the morning? --- In the morning.

(5

Did you find a vehicle to convey the goat? --- Yes, I found it.

NO FURTHER QUESTIONS BY THE PROSECUTOR.

CROSS-EXAMINED BY MR. SKWEYIYA:

Are you certain that when you arrived in Blose's room (10 you arrived there of your own? --- Yes, I arrived alone.

And you entered Blose's room on your own? --- Yes, I entered alone.

And you found the other persons you have mentioned in the room? --- Yes.

(15

Lots of liquor consumed there is that correct? --- Yes.

And the discussion took place whilst you people were under the influence of liquor, is that correct? --- Yes.

(20

Your Worship may Ernest Mhlongo be asked to stand up? He's sitting at the back of the court.

BY THE COURT: Is that the man?

BY MR. SKWEYIYA: Yes your Worship. Do you know that person standing up in court? --- No.

(25

And was he also there when this drinking was taking place? --- I can't remember.

If he was there would you remember? --- If he was there then I would remember.

And do you know which month the discussion you're referred to took place? --- I do not remember but what I know is/...

(30

is that it was during the Easter holiday week.

NO FURTHER QUESTIONS BY MR. SKWEYIYA.

CROSS-EXAMINED BY MR. LANGA:

You have said that when you entered there, all the people you have mentioned were already in the room? --- Yes (5 they were inside.

Did others enter while you were there? --- Nobody entered after I entered.

So all those people you mentioned were already there when you arrived? --- Yes. (10

And will you go so far as to say everybody who was there, took part in the drinking? --- Yes, everybody who was there took part in drinking.

How many beers did you go to buy? --- I bought six.

Cans? --- Yes. (15

Where did you buy them from? --- There is a certain house from where they were selling it.

Nearby? --- A little distance away.

Is that Victor Badenhorst's house? --- I do not remember now very well whose that house is. (20

Do you know Victor Badenhorst? --- Yes, I know him.

Is that not where you bought your beer? --- I cannot remember now, it's a long time ago.

Was there liquor available at Victor Badenhorst's house? --- Yes there was liquor that was being sold there (25 and I cannot remember whether I bought the liquor from there or not.

Do you know a man called Short Bhengu? --- No.

Now was there a stage when some of the people who were in the room afterwards had gone to buy liquor? Some of them? (30 Or one of them? --- At the place where I found them?

Yes/...

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