

IN THE MAGISTRATE'S COURT FOR THE REGIONAL DIVISION OF
SOUTH TRANSVAAL; HELD AT: JOHANNESBURG.

BEFORE: MR. J. de K. DU PLESSIS.

REGINA versus: (1) ROBERT (Mangaliso) SOBUKWE.

- | | |
|---------------------------------|----------------------------|
| 2. KITCHENER LEBALLO (Potlako.) | 3. JACOB NYAOSA. |
| 4. SEPHANIA MOTHOPENG. | 5. SELBY NGENDANA (Themba) |
| 6. LENNOX MLONZI. | 7. ROSETTE NDZIBA. |
| 8. JOHN WALAZA. | 9. DANIEL KHUNOU. |
| 10. WELLINGTON RANGAKA. | 11. JOSIAS MADZUNYA. |
| 12. SOLOMON MATHOPA. | 13. ZACHARIA MTUNZI. |
| 14. ABRAM MOGALE. | 15. ABE KGARE. |
| 16. JAMES THAMAE. | 17. JOHANNES PHASHE. |
| 18. LUCAS MATLOU. | 19. GEORGE NDHLOVU. |
| 20. JOSHUA MACHABA. | 21. GEORGE SIWISA. |
| 22. LANCELOT MAKGOTI. | 23. JOHN MAKGETE. |

CHARGE: As per Charge Sheet attached.

PLEA: All the Accused REFUSE TO PLEAD.

FOR THE CROWN: Mr. J. Robinson.

FOR THE DEFENCE: All the Accused - IN PERSON.

TRANSCRIBERS: Mesdames: McKenzie, Kuhn, Sykes & Vos.

INTERPRETER: Douglas Rasmen.

Now, I want you to refer to his address, there, from the words, "Preparation of provisions...", just near the beginning. Now just read out to the Court the notes you have recorded?-- From where?

From the words: "Preparation of provisions..."?-- "Preparation of provisions has been stated by the previous speakers for the demonstration of passes by our organization.."

All right. Now, go a little down in the address, from the words, "We are going to fight against..."? After the sentence with 1963 in it; "We are going to fight against..."?--/ "We are going to fight against..."? ^{is it...}

"We are going to fight against the pass laws..."? -- "We are going to fight against the pass laws and other oppressive laws."

Yes, all right, thank you. Now, did you notice any of the other accused present at this particular meeting? Yes, Your Worship.

Who?-- Josias Madzunya.

Is he one of the accused? Which one?-- No. 11.

Any others? Any other of the accused?-- No, there was no other one.

Now, I want to refer you to these notes, those notes prepared by you, Exhibit M?-- That is correct, Your Worship.

They relate to what?-- Pan-Africanist Congress meeting.

Are those the notes which you kept of the meeting?-- That is correct.

And the date?-- 21st of February, this year, Your Worship.

P.P.: (To the Court):

Page 7, Sir, at the bottom.

P.P.: (To Witness):

How many persons....where was this meeting held?

-- No. 3 Square, Alexandra Township.

How many persons were present, approximately?--

Pardon?

How many persons were present?-- There was a group of about 100, Your worship.

What sex?-- Of both sexes, Your worship.

Adults or children?-- No, adults.

What race?-- They were Natives, Your worship.

Now, who was the Chairman?-- Josias Madzunya.

Accused No. 11?-- 11, that is correct.

Was there any agenda declared?-- Yes, Your worship.

And what was on the agenda?-- Pass Laws, Your Worship.

Who declared this agenda?-- Mr. Madzunya,

Did he address the meeting?-- Yes, Your worship.

In what language?-- In Sesutu.

Did he have any interpreter?-- Yes, there was an interpreter.

Who?-- Peter Bopape.

Now, did you make notes of his address?-- Yes.

I want to refer you to the last portion of your notes on this speaker, the address by the speaker, starting with the words, "We are all under oppression..."?--

It is the last portion of this speaker...of Josias Madzunya's address ... "We are all under oppression and the pressure is..." 2-- "We are all under oppression and/...

and the pressure is too much. The Pan-Africanist Congress is calling upon the people to condemn the pass laws and it says please save money and food. The pass laws campaign will be all over Africa. We are 200 years under the oppression of pass laws."

All right. Now, who was the next speaker?-- Abram Mogali. (Abel Mogali?)

In what language did he speak?-- In Sesutu, Your Worship.

Did he have an interpreter?-- He had an interpreter, Your Worship.

Interpreting into what? Into what language?-- Into the Zulu language.

Now, will you read from his address? Will you read from, "The Whites oppressed us, by introducing pass laws to men..."?-- "The Whites oppressed us by introducing the pass laws to men and to-day they introduce passes to women, and this is oppression. I say we are abolishing pass laws this year, whether the Dutch people bring armoured cars and saracens. We condemn the pass laws. The day we get independence the Whites will know that we are a wise nation, but when still oppressed nothing will be improved. We prefer liberty than poverty."

Who was the next speaker was Phineas Khoboko, Sir.

Yes, now read from his address, from the beginning?-- "I am under the Pan Africanist Congress for we have been long under oppression. Now I am talking against the pass laws which 'what' (?) my father..."

Which...?-- "Which worried my father, and I also got into the same oppression. Pan Africanist Congress policy differs from the other organisations because we want no Whites and other races. We are to elect lead-

leaders to fight against the pass laws, not only to wait that Madzunya should go to jail because he is a leader."

All right. Who was the speaker after Phineas Khoboko?-- Abe Kgare, Your worship.

Just look again? After Phineas Khoboko?-- Solomon Ndhlovu.

All right, and read his address, from the notes of his address?-- Yes?

Read from the beginning of his address?-- "We five met in the year that everybody has to come into action, where everybody has to give up everything, even if he dies, is nothing. Your children will not die because you are to take care of them. We are slaves through pass laws, but if we call a political campaign and succeed, is then that we will be able to live in peace. The first enemy is pass, and if we win this, we will rule our country. The Pan-Africanist Congress will lead us to freedom and independence. We are to go step by step until we would reach the Parliament House. We are to abolish the pass laws! Africa! Africa! Iswe Lethu!"

Yes, who is the next speaker?-- Abe Kgare, Your worship.

And what language did he speak?-- He spoke in Sesutu, Your worship.

Did anybody interpret?-- Yes, Solomon Mathopa.

Now, Abe Kgare, is he one of the accused?-- Yes, Your worship.

And Solomon Mathopa, is he also one of the accused?-- He is also one.

Will you point out these persons? First Abe Kgare? -- Solomon Mathopa is No. 12, Your worship, and Abe Kgare, Your worship, is No. 15.

Yes/...

Yes, all right, now read Abe Kgare's....tell me, what did Solomon Mathopa interpret into? Into what language?
-- Into Zulu, Your Worship.

Now just read the address made by Abe Kgare?--

"Africa! Fellow Africans, we are slaves and we are struggling on a political point of view; we even lost our brothers through this political campaign. We have been given a pass and ordered to pay 3/6, buying oppression. Waar kom jy, waar gaan jy? Everybody is devising some means how pass laws should be dealt with. There is no African who knows what a pass is and pass laws mean. We get arrested daily through it. What will happen on this political campaign in Africa? When I lost my pass, the police are worried against me as the law says I should be in possession of it. The Whites say there is no taxation without representation. We have no representation in Parliament. If we abolish the pass laws the whites will starve because they are getting paid through pass laws fines when arrested and buying them. The P.A. Congress says it is 200 years looking and investigating the pass laws and now the time has come to do away with them. Since 1760 the passes were being introduced to enslave the African people of this country. The pass prevents you;/those who are under Pan-Africanist Congress...(According to typed copy of the speech at/ this has been left out: "...you to look for work wherever we like. The Government never showed anything wrong about the pass laws. I would like to hear from you whether we burn them or leave at homes. I will hear from you the day we start our campaign. The pass laws are our enemies. When you approach the Bantu Affairs Commissioner and tell him that you don't want a pass like when you divorce your wife, they will arrest you." Then/...

Then follows:): "Those who are under the Pan-Africanist Congress, the time has come to do away with pass laws, but you should know what will happen when they get you, because there is no bail, no fine and no defence."

P.P.:

Wait a bit, I think you have actually missed something there. "The passes prevent..." and from there, you seem to have skipped something there?-- I'm sorry, Sir. "The passes prevent us to look for work wherever we like. The Government never showed anything wrong about the pass laws. I would like to live from you..." Sorry... "We would like to leave from you, whether we burn them..."

BY THE COURT:

We would like to 'Leave'? We would like to...? -- "To leave" "We would like to leave ..." should be "for you," Sir. ... "for you, whether you burn them or leave them at homes. I will hear from you the day we start our campaign. The pass laws are our enemies. When you approach the Bantu Affairs Commissioner and tell him that you don't want a pass, like when you divorce your wife, they will arrest you. Those who are under the Pan-Africanist Congress, the time has come to do away with pass laws, but you should know what will happen when they get you, because there is no bail, no fine and no defence."

Thank you, Your worship, I've got no further questions.

(COURT ADJOURNED UNTIL 2.15 p.m.)

COURT RESUMED: (At 2.15 p.m.):

GABRIEL RAMABOYA: (s.u.o.):/....

GABRIEL RAMABOYA: (s.u.o.):

XXD: ACCUSED NO. 1.:(ROBERT SOBUKWE):

Do you carry a pass?-- Yes, Your worship.

Do you like to carry a pass?-- It is the law,
Your worship.

My question is, 'Do you like to carry a pass'?--
I like to carry a pass, Your worship, because the Law com-
pells me to.

If it were not the Law, would you like to carry
a pass?

BY THE COURT:

No, is that...? I don't really know what the
question is, but it happens to be the Law.

ACCUSED NO. 1.:

Would you say then that the African people, too,
carry passes because it is the Law?-- Yes, I would also
say, I think so.

From your experience, as a member of the Security
Branch, would you say the African people like the passes or
hate them?-- Your worship, as far as my work is concerned
I have always noticed that the Africans hate the pass.

Would it be correct to assume that they are carry-
ing these passes, then, because they fear the consequences
of disobedience?-- Your worship I cannot answer that
question.

BY THE COURT: (To Accused No. 1.):

I think that is really an argument rather more
than a question.-- Oh, I see.

He has already said the people hate carrying the
passes?-- Yes. No further questions.

BY THE COURT:

Has No. 2 any questions?--

Accused No. 2, have you any questions? Will you please listen? Have you any questions to ask?

XXD: ACCUSED NO. 2.: (Kitchener Leballo):

The witness in the box, you alleged that...you alleged that in the meeting of the 6th December, 1959 a certain Mr. Kgare told the meeting that the Pan-Africanist Congress calls for unity to form a strong organisation that fights for freedom of the Non-Whites?

BY THE COURT:

That is not what the witness said?-- I'm afraid I must call your attention to the fact that the particulars are, as supplied by the Crown, are not quite correct there. The witness, as I understood him, he read from his notes, and, instead of "to form a strong organisation" he read from his notes, "to form or organise the fight for freedom of Non-Whites." That is how I understood him to read his...you can ask him about it, just to make certain? But I understood it...?

ACCUSED NO. 2.:

You allege that a certain Mr. Kgare told, at a meeting that the Pan-Africanist Congress is calling for unity to form or organise this fight for-freedom of the Non-Whites.

WITNESS: What meeting was this?

ACCUSED NO. 2: The meeting of the 6th December, 1959.

BY THE COURT:

Yes, that is correct, you did say that. Yes, you did say that. Ask...put the question now. What is the question?

Accused/...

ACCUSED NO. 2:

The question is that, Your Worship, that he says that the Pan-Africanist Congress is calling for unity to form or organise that ...the fight for freedom of the Non-Whites. I don't know how to put it, but I think, this, I ask him, it gives him to answer, 'Yes'?

BY THE COURT:

Yes, "to form or organise the fights for freedom of the Non-Whites." that is how he read it. You can have him refer to his notes again, just to make certain that that is the case, but if you accept that, it means much the same thing?

ACCUSED NO. 2.:

Yes, Your Worship.

BY THE COURT:

You are making a statement of fact now, which, separately, is the basis of a question you wish to put?

ACCUSED: NO. 2.:

The basis of the question, Your Worship, I want to find out, whether he did say "the Pan-Africanist Congress was calling for unity to fight for the freedom of the Non-Whites"?

BY THE COURT:

That is what he said.

ACCUSED NO. 2.:

Who are the Non-Whites?

BY THE COURT: (To Witness):

Is that correct?-- That is correct, Your Worship.

ACCUSED NO. 2.:

Who are the Non-Whites?-- All the people, Your Worship, who are not Europeans.

Which/...

Which people were at this meeting?-- It was Africans that were in the meeting.

Now why, here you say that he said that the Pan-Africanist Congress is calling for unity to fight for the freedom of the Non-White if they were Africans?-- That is the manner in which the speaker spoke, Your Worship.

What did he say about Non-Whites?

BY THE COURT:

No, I don't quite follow the question. He has just told you what he said about the Non-Whites, and you have got it in front of you. What is your question aimed at?

ACCUSED NO. 2.:

Your Worship, I want to find out whether this meeting was attended by Africans or Non-Whites?

BY THE COURT:

No, he said it was attended by Africans, and this is what was said.

ACCUSED NO. 2.:

Now, my point...

BY THE COURT:

The speaker used the words 'Non-Whites'.

ACCUSED NO. 2.:

Yes, Your Worship, I wanted to know who are the Non-Whites, because....

BY THE COURT:

But he has told you.

ACCUSED NO. 2.:

...because he must give a definition of Non-Whites.

BY THE COURT:

But he has just told you, everybody who is not

an/...

an European, is considered to be a Non-White. Only Africans were present, and 'Non-Whites' happened to be the word used by Kgare. I don't want to stop you if you want to ask any further questions.

ACCUSED NO. 2.:

I feel I cannot go further, Your Worship, because calling this term 'Non-White', never has referred to the Africans at that meeting.

BY THE COURT:

Yes, that is a matter for TO WITNESS: argument. You say that the speaker used the words 'Non-Whites, and not the word African?-- No, Your Worship.

BY THE COURT: (To Accused No. 2.):

Is that what you wanted to know? You see, perhaps I can explain to you that the purpose of cross-examination is to get the facts on record. The argument arising out of those facts can be raised later at the close of the case.

ACCUSED NO. 2.:

Your Worship, I would like to ask in the Sesutu version, what is 'Non-Whites'?

BY THE COURT: (To Witness):

Yes?-- Your Worship, all those that are not-White.

No, what was the Sesutu word for it, that the speaker used?-- All those that pure white, Your Worship, that are dark in colour.

What was the Sesutu word? Was the speaker speaking Sesutu?-- Yes, he spoke in Northern Sesutu, Your Worship.

Yes, now, what word did he use? That you wrote down as 'Non-White'?-- Your Worship, he said those that were/...

were not Europeans, that did not come from overseas.

Did the speaker give that long description of Non-White, or is it now your definition of it?

ACCUSED NO. 2:

Your Worship says that he said 'the Black nationalities of Africa', those that were not Europeans.

BY THE COURT:

All those...did he condense it into Non-Whites?-- Yes, I wrote it in that manner.

Yes. Anything further?

ACCUSED NO. 2: No further questions.

ACCUSED NO. 3: No questions.

XXD: ACCUSED NO. 4: (ZEPHANIA MOTHOPENG.):

What is your mother tongue?-- Seklogwa, Your Worship.

What is your educational qualification?-- Your Worship, that is not a question that I can answer in Court.

BY THE COURT:

What is your standard of education?-- Junior Certificate, Your Worship.

J.C.

ACCUSED NO. 4.:

How were you taking your notes? How were you making your notes? I mean were you using short-hand or long-hand?-- I was using long-hand, Your Worship.

We come to the meeting of...

BY THE COURT:

Speak into the microphone, please.

ACCUSED NO. 4.:

Oh! We come to the meeting of the 20th of September/...

just refer to
September, 1959, /the speech which was made by Bopape;
will you read the extract which you read?... ..
....."Early this year...."

BY THE COURT:

Well, do you want to ask a question about it?

ACCUSED NO. 4.:

Yes, I want to ask a question about it.

BY THE COURT:

Yes? If you want to refer to it? You have already referred him to Bopape's speech of the 20th of September....

ACCUSED NO. 4.:

Oh, I see, well, I'll ask the question.

ACCUSED NO. 4: (To Witness):

In what language was Bopape speaking?-- Sesutu,
Your Worship.

Sesutu?-- Yes.

Did you take your notes in Sesutu, while he was speaking?-- No, Your Worship.

So you translated into English as he was speaking?
-- Yes.

Just read that speech...not that extract...I would like to hear....

BY THE COURT:

Your question won't be recorded if you don't...
Can't you pick up your paper and speak into the microphone?

ACCUSED NO. 4.:

Oh, I'm sorry. Your Worship, this is an extract from the speech. I want to know what came before, what came before this extract.

BY/...

BY THE COURT:

Yes, you are certainly entitled to ask it; you may find a lot of irrelevant matter going into the case.

BY THE COURT: (To Witness):

See that that speech, that part of it is found? -- "Iswe Lethu! Iswe Lethu! I am here under the Pan-Africanist Congress, which, in 1963 will come into action and I believe I will..." There is an error there, Sir... "...still be alive..." that should be.

ACCUSED NO. 4.:

I would like to see the notes there....well, let us refer to Joshua's speech, sorry, I mean let us come to it, let us come to Joshua's speech. All right, I am not going to ask you to read it all, but I just want you to read from.."But.." there, "But came.." there. It says there, "People are being arrested daily for passes which have been introduced by the Europeans, but..."?-- That is: "...but came to the P.A.C. to get a medicine to cure and to show you that an European is an enemy."

BY THE COURT:

Is there now, did you read now..."but came to the P.A.C."? You see, this morning you read, ..."but now you come..." What are your actual notes that you have got there? Read the actual words, don't put in any words of your own now?-- "...but came to the P.A.C. to get a medicine to cure and to show you that a European is an enemy."

ACCUSED NO. 4.:

Now, this is not quite clear to me, what do you mean..."But came to the P.A.C." who came to the P.A.C., Europeans,/...

Europeans, or what?-- No, Sir, not Europeans. Your Worship he says...the speaker was not referring to Europeans, he was referring to the people who had come to the meeting, to come and get their medicine.

BY THE COURT:

I believe, as it stands there..."but came to P.A.C." must refer to the people who are being arrested. You see, "People who are being arrested daily, for passes which have been introduced by the Europeans, but came to the P.A.C. ..." that is, those people came to the P.A.C. to get medicine and so on. Is that correct?-- That is correct, Your Worship.

ACCUSED NO. 4.:

Now, you allege that on the same meeting there were people of ages from 16 and onwards?-- Yes.

Did you come and look at everybody there, to see that now there was no-one who was less than 16?-- Your Worship, there were some children that were selling cool drinks, but they did not come to the meeting.

You are not answering my question, I am asking whether you looked at the meeting, at the people who were attending the meeting to see that everybody was less than.... was more than 16 years?-- Your Worship I did not examine each and every one of them, but I could see that they were all adult, those that were in the meeting, and only the children were there to sell cool drinks.

Now, the meeting of the 21st of February, 1960. What words did he use to refer to the Dutch people, because he mentioned Dutch people here?--... What word, in Sesutu, did he use? - He used the word "Amaburru".

Now, is the "Amaburru" a Dutchman, or does that stand/...

stand for Dutchman?

(It seems as if Witness and then Accused 4 speak to each other over the microphones in a Native language.)

BY THE COURT: (To Accused.)

Wait a minute, what is going on now? If you want to speak Sesutu, then you must speak so that the other accused can hear.

ACCUSED NO. 4. (To the Court):

I am just speaking this language so that ...

MR. INTERPRETER: (To the Court):

He spoke about "Amaburru", now, Your Worship.

ACCUSED NO. 4: (To the Witness.):

No, I ask you now, do you...is "Maburru" the Dutch people?-- Yes, according to the way I wrote it, Your Worship, it is the Dutch.

BY THE COURT:

No, that is not the point, not according to the way you wrote it; the question was whether "Amaburru" meant the Dutch people.

ACCUSED NO. 4.:

What does it mean?-- It does not mean the Dutch, Your Worship; it means a man, a farmer, Your Worship, but those people, then are the Dutch.

Are there no english farmers or african farmers? -- Your Worship this word was used to the first farmers that came out here, and they were the Dutch, Your Worship.

BY THE COURT:

You say it was a word used of the first farmers that came out here?-- The first farmers, Your Worship, and they were the Dutch.

When did they come, the first Dutch farmers?--

By/...

BY THE COURT:

Well, are you going into history now?

ACCUSED NO. 4.:

Well because he tells me that they were the first farmers that came in here, to this country; before them there were no farmers, according to what he said.

BY THE COURT:

He says that the word means the first farmers who came out here, and he says those were the Dutch. So I think we've got a lot of...we are now/already confusing politics with Law, and I don't think we should import History as well.

ACCUSED NO. 4.:

Yes, I understand, Sir, as the Court pleases.

ACCUSED No. 4.:

Now, let us...during the same meeting, let us refer to the speech of Kgare. Now, just from there: "If we abolish pass laws..." just read there?-- "up to "Buying them.

BY THE COURT:

That is about the middle of the speech, the portion that you read out. Have you got that portion? "If we abolish passes...pass laws"...

WITNESS:

"If we win this...?"

ACCUSED NO. 4.:

No, no, "If we abolish pass laws..."?-- Yes, I got it, Sir.

BY THE COURT:

Have you got it?-- Yes, Sir.

BY THE COURT: (To Accused No. 4.):

Yes, now, what is the question?

ACCUSED NO. 4.: (To the Court):

I say he must read it; Sir. because I don't know/...

know whether it is going to coincide with what he has written there? "If we abolish..."

BY THE COURT:

He has already read it; do you want him to read it again?

ACCUSED NO. 4.:

Well, then I will read it to him, then I will ask him if he understands it: "If we abolish pass laws the Whites will starve because they are getting paid through pass laws, fines, when arrested and buying them." What does that mean?-- Your worship, this orator indicates that if we do not accept these passes, then the Europeans that work in the Pass Offices won't get the work that they are getting.

That is not what is written? "If we abolish pass laws, the Whites will starve because they are getting paid through pass laws, fines when arrested and buying them"?-- Your worship, it was just to indicate that if they do away with the passes, Your worship, the Europeans who are employed in the pass offices, and in other Government offices where the passes are being the subject matter and they are being sold at 3/6, then these people would not get their employment that they are getting.

Did he refer to 3/6 anywhere in his speech, Mr. Kgare?

BY THE COURT:

No but he says that 'buying them' refers to the 3/6. You asked him what it meant?

ACCUSED NO. 4.:

Yes.

BY THE COURT:

He is giving his opinion.

Accused/...

ACCUSED NO. 4.:

He is giving his opinion, but it is not written here. No further questions.

BY THE COURT: (To Witness.)

Did you write down actually what the speaker was saying?-- Yes, Your Worship.

All you did was to translate what he said into English?-- Yes, Your Worship.

ACCUSED NOS: 5 to 23:

Asked individually by the Court if they have any questions answer: NO QUESTIONS.

P.P.: No re-examination.

P.P.: Addresses the Court: requests that witness be excused, since he has been brought from the Northern Transvaal to give evidence. He could be brought back if required.

BY THE COURT: (To Witness):

Now, at these various meetings, you have been asked by the Crown whether any other persons were present, any other of the accused were present; for instance, at the meeting of the 24th of January at Alexandra City, you said that accused No. 11, Josias Madzunya, was present, and none of the other accused, except, of course the speakers you had already referred to, Kgare and Phashe?-- Your Worship, there was another one, Lucas Matlou.

Lucas Matlou?-- Lucas Matlou, yes.

Was that on the 24th of January?-- No, that was on the 21st of February.

No, I am talking about the 24th of January. What I'm getting at...I'll tell you what you said, you needn't refer to your notes. You said that Abe Kgare was the Chairman, and he spoke Sesutu, and you say that then Abram Mogale spoke, and you said he is not here; you said Johannes Phashe was the next speaker. ...?-- Abram Mogale is here, Sir, Abram Mogale.

Yes, I am just telling him what he said in his evidence. He said Jonathan Nkwebi was the next speaker and Abram Mogale was the interpreter, and, also present, was Josias Madzunya?-- Yes, No. 11, that is correct.

And you said that no other of the accused was present. Now, he told me that there were about 80 people present at the meeting?-- Yes.

Did he look through all 80 people, to see whether there was anybody else present?-- Your Worship, it was an estimation.

No, I am talking about...he says that nobody else was present, of the accused? You see what I am driving at, what I want to know is, at these meetings, how are these meetings formed? Is there a platform on which the speakers or on which the chairman sits, or what is the position?-- Your Worship, they are just mixed up with the audience that has come to listen at the meeting.

Are all the speakers just mixed up?-- Yes.

There is no platform?-- There is a platform.

Who uses the platform, then?-- The Chairman,

That is what I was asking you. Now about this meeting of the 24th of January, you say that Abe Kgare was the chairman?-- Yes, Your Worship.

Now, was anybody else with him on the platform?

--There/...

-- There was only the interpreter, who came and go, Your Worship, (Verbatim.) when someone was delivering a speech.

And as these people delivered speeches, did they come on to the platform?-- Yes, they came to a table on the platform.

Do you now say that Abram Mogale is in Court, here?

--Yes, Your Worship.

Well, where is he?-- Your Worship, the second man from the right, in the front row.

The man who has always got his head down?

BY THE COURT: (To Interpreter):

You must tell Abraham Mogale he must sit up. He is hiding behind the bench, there, the witness can't see, he couldn't see him this morning, with his head down.

BY THE COURT: (To Witness):

Why didn't you see him this morning?-- I saw him this morning, Your Worship.

Well, you said he is not in Court?-- Abel Mogale was not in Court, Sir.

P.P.: (To the Court):

That is so, Sir, that is what he said this morning too. I would like to ask permission to follow that aspect up, and explain it to the Court, Sir.

BY THE COURT:

Yes.

BY THE COURT: (To witness):

Now on the 24th of January, ^{at} this meeting at Alexandra City, who was the Mogale who was speaking there? Was that Abraham, or was that Abel? -- Abel Mogale, Your Worship, was the speaker, No. 2.

And you say when Jonathan Nkwebi was speaking, this/...

this Mogale was interpreting, was that also Abel Mogale?--
Yes, it was Abel that was interpreting.

Yes, thank you. You may now be excused.

P.P.: (To the Court):

Thank you, Sir. If the Court should require him
I can always have him sent for.

JEREMIAH MOLLSON: s.s. (Speaking English.)

P.P.:

You are a constable in the South African Police,
attached to the Security Staff, stationed at The Grays,
Johannesburg?-- Yes, Sir.

Now, amongst your duties, is included that you
attend meetings?-- Yes.

And take notes of what transpired at these meet-
ings, what takes place, who the speakers are and what is said?
-- Yes, Sir.

And, in accordance with your duties, did you at-
tend meetings?-- Yes.

And did you make notes accordingly?-- Yes, Sir.

Belt 12.

Now, amongst others, did you attend a meeting on
the 1st of November, 1959 at Alexandra, in the Regional
Division of Johannesburg...the Regional Division of South
Transvaal? Is that right?-- Yes, Sir.

Now, what meeting was that, Constable?-- It was
a meeting of the Pan-Africanist Congress, Your Worship.

At what time did the meeting commence, at 11.15
to 3.45 p.m.

And who attended this meeting?-- Pardon?

Who attended this meeting?-- I attended it, Sir.

Were/...

Were there any other persons present?-- Which sort of persons?

Well, who was at the meeting? Were you the only one at the meeting?-- No, Sir. The members of the P.A.C. were at the meeting, Sir.

Yes, and were there any members of the public there?-- There were about 250.

What, Europeans?-- No Europeans, Sir.

What race?-- There were about 250 Bantus of both sexes.

Now, did you make notes of that meeting?-- I made notes of that meeting.

Exh.O.

Are those the notes in your hand? (Exhibit O.)?
-- These are the ones, Sir.

Now, who was the Chairman at that meeting?-- The Chairman was Josias Madzunya.

And who is he?-- No. 11.

Accused No. 11?-- Yes.

Did he speak at the meeting?-- He spoke at that meeting, Sir.

What did he speak? What language did he speak?
-- He spoke in Zulu.

Did he have any interpreter?-- Yes, he had an interpreter.

Who was that?-- Joshua Machaba.

Is he one of the accused?-- I can't identify him, Sir.

You don't know?-- Yes.

What language did Joshua Machaba interpret into?-- He interpreted into Sesutu.

Did you take notes from his speech?-- Pardon?

Did/...

Did you take notes of the speech by accused No.11?

-- Yes.

Now, I want you to refer to your notes. Go down to the portion where it begins... "When we are going to fight the pass laws..." It will probably be about on page No.2 or 3 of your notes? Have you found it? "When we are going to fight the pass laws, it will not be only passes for men .." then it continues? Have you found it?-- Yes, Sir.

"When we are going to fight the pass laws," just read it from there?-- "When we are going to fight the pass laws it will not be only passes for women or for men, it will be a fight for passes as a whole."

Yes, go on?-- "You must understand that the reference book is your property. When you are facing the national struggle don't think of your family. The African people support their own oppression machine. I will call Mr. Motsele, he will introduce your leaders, so that you must know them."

Yes, all right. Just so far. Who was the next speaker?-- The next speaker was Michael Motsele.

Now, start right from the beginning of his address: "I am sure..."?-- "I am sure you will all like to know your leaders...."

Yes, just before you go on there, Constable, what language did he speak?-- He spoke in Xosa.

And did he have an interpreter?-- Joshua Machaba interpreted into Sesutu, Your Worship.

Yes, all right, now just go on reading from the second sentence again?-- "There are..."? -- "I am sure you will all like to know your leaders, as there are some people who say that Pan-Africanist Congress got no leaders/...

leaders. Yet they know that Pan-Africans was formed last year. We said in Africa there will be only one nation - the Africans. Those who don't want, they can go. Pan Africanist Congress got leaders in Alexandra and anywhere where there are Africans...."

Yes, go on? Go on, there is still some more of it, as far as I can see.

Mangaliso, Robert Sobukwe, he is the leader of the Pan Africanist Congress. You must know that when we get freedom those who are not with us, what will happen to them.

BY THE COURT: (To Witness):

I didn't quite get the first part. Who is the leader of the Pan-Africanist Congress? The names? I didn't catch the name? -- What do you mean, Sir?

P.P.: (To Witness):

The name of the leader? The name, His Worship didn't catch the name, just repeat that name?-- Mangaliso, Robert Sobukwe.

Yes, all right, now go on, after that, again? -- "People say that Nkuruma Government is dictating the government of Ghana..."

No, wait a second, where are you going from, now? -- Page 6.

Are there no further names, after the name you read out, about the leader of the P.A.C.? The Pan-Africanist Congress?-- 2nd: Secretary, Potlako Leballo of the Pan-Africanist Congress. Themba Selby Ngendane, he is the one who write news of the Pan-Africanist Congress."

All right, just for now, Constable, just before you go further, this Potlako Leballo of the P.A.C., who/...

who is he?-- He is accused No. 2.

Yes, and Themba Selby Ngendane?-- I can't identify him, Sir.

You can't identify him. All right, go on?--
"Peter Molotsi; Secretary for Education Department, Peter Baboroko. I have introduced all your leaders. Assistant Secretary, Mr. Nkosi; Assistant Chairman of the Reef is Mr. Michael Motsele and we also got Mr. Bob Ngwendu."

Yes, all right. Now, after Michael Motsele, who was the next speaker?-- Abe Kgare.

In what language did he speak?-- He spoke in Sesutu.

And after him, who was the next speaker?-- Peter Molotsi.

What language did he speak?-- He spoke in English.

Now I want you to refer to his address, with the words, starting: "You are told that you cannot walk here, you must produce a piece of paper to show whose slave are you..." Have you got such a sentence in the notes? About a page, or two pages or three pages on, in your notes? It is after the words..."History repeats itself. There are many newspapers which don't report what the people say..."? Do you know what you are looking for?-- Yes, here are the words, Sir.

"You are told..." what?-- "You are told that you cannot walk here, you must produce a piece of paper to show whose slave you are."

All right, now go down a little further again?--
"And you are also..."?

No, no, don't read on, just start again here, now, "We have allowed ourselves..."-- "We have allowed ourselves..."?

ourselves,,,"?

"We have allowed ourselves to the Whites, you have allowed yourselves, when you went to Pretoria, to go and complain...."?"-- "You have allowed yourselves, when you sent to Pretoria to go and complain about the passes. You also went to the City Council of Johannesburg and you have handed the petitions to the White, Coloured and Indian women to hand the petition to the White Councillor, of which it was supposed to be handed in by you as people who are facing the pass laws."

All right. Now, who was the speaker after Peter Molotsi?-- Potlako Leballo.

Who is that?-- Accused No. 2, Sir.

And what did he speak, what language?-- He spoke in English and Sesutu.

And after him, who was the next speaker?-- Robert Sobukwe.

And who is that?-- Accused No. 1.

And what language did he speak?-- He spoke Xosa.

Did he have any interpreter?-- Peter Molotsi interpreted into Sesutu.

Now I want you to turn to the end of his address: "I will lead you, I will be in front..."? Towards the very end of his address, the address of that day? Robert Sobukwe? Don't read all of it, just go right to the end of his address, to the last words of his address, and then work yourself back a bit, till the words, "I will lead you, I will be in front."? Have you found it?-- Yes, I have, Sir.

All right, just read it then?-- I will lead you, I will be in front. What will happen if we will say to/...

to them..."

BY THE COURT: (To Witness):

Just a moment, it must be interpreted.-- "I will lead you, I will be in front. What will happen if we will say to them go from where they are. The thing is this, the mothers began to put food away, put money away, we will call you. We may not come back from where we have went to. Passes, permits, there is their waterpipe, it is the Parliament; close the waterpipe, we went to fight the Acts once for all."

All right. Now, who was the next speaker? -- Meriam Leotlelo.

Yes, and the speaker after that?-- Peter Raboroko.

Now, were there any of the other accused present at that meeting? Bar the ones who you have mentioned already?-- Abram Mogale.

Yes, point him out?-- Yes, he is sitting here.

Where? Where is he sitting?-- He is sitting about in the middle of the box, Sir. In the middle of this...in front.

BY THE COURT:

Well, count from the right, there are 1, 2, 3, 4, 5...?-- The fourth one...

The fourth one from the right?-- The Fourth one from the right, Sir.

Right. That is accused No. 14.

P.P.:

Yes, who else?-- Johannes Phashe.

Point him out?-- Accused No. 17.

Anybody else?-- 'Swart' Siwisa.

Point him out?-- That one, I can't see his number, but/...

but the third one from the right, back row.

Yes, the back row, how many from the right?-- The third one.

P.P.: (To Court):

Accused No. 21, Sir.

BY THE COURT:

No. 21. What did you call him, what is his name?-- Swart Siwisa.

Swart Siwisa.

WITNESS:

That is all, Sir.

P.P.:

That is all.. Now, in accordance with your duty did you again attend a meeting in Alexandra Township on the 7th of February, 1960, is that right?-- Yes, Sir.

Now, what meeting was that?-- It was a meeting of the Pan-Africanist Congress.

How many persons were present?-- There were about 80.

What race?-- About 80 Bantus of both sexes.

What time did the meeting start?-- At 11.30^{a.m.}/to 1.30 p.m.

Who was the Chairman?-- Solomon Mathopa.

Did you again keep notes?-- Yes.

Exh.P. Are those the notes now before Court, (Exhibit P.)?

-- Yes, Sir.

Now, this Solomon Mathopa, can you just point out who is Solomon Mathopa?-- Accused No. 12.

What language did he speak in?-- He spoke in Sesutu.

Now, I want you to read from his address: "To-day/....

"To-day we are selling our labour, I think it is page 3 of your notes?--

Have you found it?-- Yes, Sir.

All right, read it?-- "To-day we are selling our labour through the passes."

BY THE COURT:

Through the passes?-- Yes, Sir.

WITNESS:

"You must know the difficulties of the pass laws."

P.P.:

"Of the..."?-- "Of the pass."

Yes, go on?-- "A pass is known as the people's enemy. Yet the person who gave us the pass, he is our enemy. Africans, there is nobody who can free you, you must free yourselves. The Europeans are worried about the Africans, that's why they are here. I am going to call my next speaker."

Yes, and who was the next speaker?-- Abel Mogale.

What did he speak?-- He spoke in Sesutu.

Was there any interpreter?-- Alfred Mtembu interpreted into Zulu.

Yes, all right, now read his speech from the beginning.

BY THE COURT:

Alfred who, was the interpreter?-- Alfred Mthembu, Sir.

WITNESS:

"Africans, the time has come. It is for you to open your eyes. Africans, no matter you are educated; you must know that you are oppressed; Africans, why are we asked to produce passes where-ever we go, they don't demand passes from Indians and Chinese, why? Because they have/...

have got their own countries. England is for English people; America for Americans; Africa must be for the Africans. That's why they keep on demanding passes from us."

"From...?" "That's why they keep on demanding passes from..."?-- "From you."

"That's right. Yes, go on?-- "Europeans, Indians, Chinese, must carry passes; they must also have a permit. By demanding a pass from you, it's to oppress you, so that you must realise that South Africa is your country."

"Is...?"?-- "So that you must not...."

BY THE COURT:

I didn't quite get that, "So that you must realise ..."?-- "So that you must realise that South Africa is your country."

"Is your country"?-- "Is your country."

P.P.:

"You must realise..."? What is the word immediately after "Must"?-- "Not realise..." I'm sorry.

BY THE COURT:

Read that again, now?-- "So that you must not realise that South Africa is your country."

P.P.:

That's right. All right, go on?-- "Africa is our fathers' country, why must we be troubled in our country? Why are we banned? Will they speak for us? No, you must speak for yourselves. Africans you accept everything from them; one day they will say you must not sleep with your wife. Mr. McMillan told them that time of oppression had passed. Laws are only made for the Africans. There is a political war, so Africans, wake up...so Africans wake up. We say "Africa for Africans" and it must be/...

be governed by the Africans. How can we act if we are oppressed (by not accepting their laws) which are made by them. The time has come, Africans, that we must not accept their laws. We must take the passes back to them; we are tired of the passes. Africans the pass laws will be the first step that we must fight. We don't want passes. We want to fight the pass laws for ever and ever. Africans there are only few days left. Do you want passes? No, we don't want passes. Africans be ready as from to-day, it may be to-morrow, but I will not tell you which date it may be."

All right, now who was the next speaker, Constable?-- Josias Madzunya.

What language did he speak?-- He spoke in Zulu.

Now, I want you to turn to page 10 of your notes and read the following...read from "The Pan-Africanist Congress gives you the message..."?-- "The Pan-Africanist Congress gives you this message: That you must be ready. Keep food away because we want to abolish the pass laws this year, but we don't know which month and date. 1960 is the end of the pass laws in South Africa. 1963 South Africa must be free and ruled by the Africans."

Yes, now I want you to page further on, starting with : "Africans, if I ask you to throw your passes away.."? Turn over the page, there?-- "Africans, if I ask you to throw your passes away, will you throw them away? (Yes!)

Who said 'Yes.'?-- The audience.

The audience, yes all right, go on?-- "I know you are afraid to be arrested; you will not throw your passes away, but you are arrested daily. Pan-Africanist Congress say away with the passes! Total abolish of pass laws. Not what they have done when they said they are abolishing the passes/...

passes. Yet they have only change the name and called it the reference book. We are not going to make demonstrations like other organisations which had send women to the Union Buildings and to the Native Commissioner. Africans it is not a secret, we are going to abolish the passes this year. Do you want to be free, Africans? (Yes we want to be free.) Go and tell the people that the day is coming to abolish the passes. We don't want spies any more in the Pan-Africanist Congress."

Yes, that is all, thank you. Now, were any of the other accused present at that meeting?--No, Sir.

Not.

(Case REMANDED to 8/4/1960.)

(COURT ADJOURNS.)

Belt. COURT RESUMES: (8/4/1960):

14. APPEARANCES: The same.

JEREMIAH MOLLSON: (s.u.o.):

P.P.: (To the Court):

Your Worship, just before I proceed to call the witness again, I would like to draw the attention of the Court, that yesterday, just outside the Courtroom there was an attempt at intimidation of Crown witnesses on the verandah, and there have been, I understand, very subtle subsequent attempts as well. There have, however, been no arrests made in connection with the matter; there is nothing Your Worship can do about it, I am merely informing the Court what the position is.

BY THE COURT:

By people outside?

P.P./...

P.P.:

That was people outside, Sir, members of the public who were standing in the passage, they attempted to intimidate, or did, in fact, intimidate, witnesses on the verandah.

BY THE COURT:

It is very unfortunate that that should have happened. I may say, for the information of the people present in Court, that, of course, that is a very serious offence to try to intimidate any witness of the Court, in a criminal case, in any Court case, for that matter.

P.P.: Thank you Sir.

THE CROWN CALLS:

JEREMIAH MOLLSON: (s.s. -):

P.P.:

Jeremiah, you gave evidence yesterday in this matter?-- Yes, Your worship.

Now, on the 14th of February, 1960, did you attend a meeting in Alexandra Township?-- Yes, Your Worship.

What meeting was that, Jeremiah?-- It was a meeting of the Pan-Africanist Congress.

About how many people were present?-- There were about 200 Bantus of both sexes.

And what time did the meeting commence?-- From 10.15 a.m., to 1 p.m.

Now these 200 persons, or Bantus that you referred to, were they children or adults, or both?-- There were no children, they were only adults that were there.

I see. Who was the Chairman?-- The Chairman was Jonathan Nkwebi.

Are those your notes, which you kept of what/...

what transpired at the meeting?-- Yes.

And of what the speakers said?

P.P.: (To the Court):

Exh.Q. That will be Exhibit Q, Your worship.

P.P.: (To Witness):

Now, Constable, I want you to read from the addresses of the various persons at this meeting; first of all by Jonathan Nkwebi. I want you to read from the words, "There are other organizations which claim..."?--

It is on page 1 of your notes; it has been marked with a little 'x' there?-- "There are other organisations which claim that they are also fighting for their country, but they differ with the Pan-Africanist Congress. After our country had been taken, we were given passes; you all know that from Cape to Cairo it is our country which God had 'gaven' us."

Yes, now I want you to stop there and I want you to refer to the bottom of page 2 of your notes and start again with the words..."when you are arrested..."?--

At the bottom of Page 2?-- "When you are arrested for a pass, they will fine you £1.5.0., meaning that your wages is £1.5.0.

BY THE COURT:

You say, after "£1.5.0." is, "knowing that your wages are £1.5.0."?-- Yes, Your worship.

Yes?-- "After that they will tell you to go to the Pass Office as your pass is not in order. At the Pass Office you will be told to go to the farms. All the offices of the Pass Office will be fowl runs this year. We have been trying, but we have failed, we think the best we can better go to jail all..."

By/...

as Verwoerd said passes are abolished. We are going to rule this country in 1963, we don't change."

All right, Now, what language did that speaker speak, Jonathan Nkwebi?-- I didn't note it down, Sir.

You haven't got that down. Now, who was the next speaker?-- Lucas Matlou.

Is he one of the accused?-- Yes, Sir, there he is right at the back.

Right at the back?

BY THE COURT:

Which one?-- The first one from the left.

The second one from the left?-- The first one from the left.

At the back?-- At the back.

BY THE COURT: (To accused):

Just stand up, there?

BY THE COURT:

Is that the man? - Yes, Sir.

What is the number?-- No 18, Sir.

No. 18. Yes?

P.P.:

And what did he speak?-- He spoke in Sesutu.

Did he have an interpreter?-- Peter Bopape interpreted into Zulu.

Oh, well, all right, will you read from his evidence...from his statement, "Africans, the Chairman has already told you..."?-- "Africans the Chairman has already told you what is required. Don't worry about the Boer, they are jumping fences. We are fighting the pass laws, the pass laws are many. Remember there will be no bail, no fine. Let us all be arrested and fill the jail.

"We know that they will not have enough food to give us. Police are demanding passes every morning at Noord Street; they will call us "Baas" in future. If you are told at the Pass Office that your pass is not in order, the only remedy will be to tear it. . ."

Is there anything after "it"? Go on, is there anything after "it"?-- "Europeans raid our houses through our own children. I wish I was a Police; I will demand passes from all nations, Indians, Chinese and Europeans. We must abolish the passes. If we want to burn the passes we can burn them because we had paid our money for the passes, 3/6. Mr. Chairman, is there any pass permit in the Bible? Mr. Chairman, speeches is to waste time."

Well, now, who was the next speaker after that?-- Simon Pitswane (Motswana)(?).

What did he speak?-- He spoke in Sesutu.

Did he have an interpreter?-- The interpreter was unknown to me, Your worship.

BY THE COURT:

The interpreter was?-- Unknown, Your worship.

P.P.:

Now read from his address at that meeting? "Africans we are meeting here..."?-- "Africans, we are meeting here, Africans there is no other organisation better than the Pan-African Congress. It say no Indians, no Coloureds, Europeans will be allowed to join the Pan-Africanist Congress. No bail, no fine, no defence when you are arrested as a member of the Pan-Africanist Congress."

Now just one moment, there, Constable, you mentioned a few moments ago...you said, "No Indians, no Coloureds, Europeans will be allowed..." Is that right?-- That's

right/...

right, Sir.

There were no words between "Coloureds" or Europeans?-- Yes.

All right, go on then, continue, "Africans you must be..."?-- Africans you must be ready when you are called; if you don't go with us, you must know that you are the people's enemy. We said we will follow our leaders, therefore, we must follow. The pass have killed my father, mother and it is killing me too. "

BY THE COURT:

Was that 'has' or 'have'?-- "The pass have killed my father, mother and it is killing me too. "

P.P.:

Yes, go on?-- "Africans, don't you think that if we go to pay fines, will the Government not be rich? I appeal to you to send the youths to our meetings. To-day we are given Bantu-education. With Bantu education our children are taught that they must trust the Whites and respect them. Africans a visitor will not lead you; We must teach our children that they must know that the Europeans are our enemy."

And who was the speaker after that?-- Abel Mogale, Sir.

I want you to turn to page 11, from the words, "Our first step..."?-- "Our first step, we are going to throw the passes away. You will be free without a pass. We are going to abolish the passes. Put food away, Africans."

Now, who was the speaker after Mogale?-- Josias Madzunya.

In what language did he speak?-- He spoke in Sesu-tu/..

Sesutu.

Now, who is Josias Madzunya?-- He is accused No. 11.

All right, now turn to Page 15 of your notes, and read what you have recorded on his address: "You have been told to put food away..."?-- "You have been told to put food away. Some of you will say, 'We keep food until when?' Are you not suffering under the pass laws? Dr. Verwoerd, when Minister of Native Affairs said you can only be allowed in the white man's area when you are still employed. I say to you, save food and money. Don't ask me when is the campaign going to begin. What did it help the women to go to the Union Buildings? It didn't help them anything; they are carrying passes. When we are arrested, no fine, no bail, and we will not plead."

Just repeat that again? "No fine, no bail..."?-- "No fine, no bail, and we will not plead."

Is there nothing after "No bail" except "and we will not plead"?-- Yes. We can not 'plea', yet we are not making the laws. When the day comes you police will not carry passes. Do you know what are the police doing at Nyasaland? When they are told to do a batton charge, they stand still. We want our country..."

Yes, but isn't there something in between there? After "stand still"?-- No, Sir.

BY THE COURT:

"We want..."?-- "We want our country"...."We further say independence, I want my country.. "

Yes, wait a minute, I can't get that. I haven't got that now. Yes?

P.P.:

Yes? "We further say..."-- "We further say independence/...

independence, I want my country which God gave it to me. We don't want Indians, Coloureds, Europeans in our organisation. We don't hate them; Europeans are from Europe, Indians from India, Coloureds got no country. Passes must be abolished this year. Passes have been abolished by Dr. Verwoerd himself. They call it the reference book. For your information, all chiefs and headmen say they will follow you."

Just one moment now. Now, you don't have to read any further from that address.

BY THE COURT:

I would just like to explain to the accused that you have noticed a number of typographical errors in the particulars given to you, so you will just have to alter your copies that you have received, by way of further particulars, to conform with the evidence given by the witness. Do you understand?

Yes, Mr. Prosecutor?

P.P.:

Thank you, Sir.

P.P.: (To Witness):

Were any of the other accused at that particular meeting?-- Solomon Mathopa.

Yes, point him out-- Accused No. 12.

Yes, who else? --

Who is the first one on your list of other persons present?...At the meeting?-- Should I read them all?

The first one on your list of other persons present?-- Should I read them all?

The first one?-- Nelson Mtsichi (?)

Who is it?-- Nelson Machigo.

Oh, /...

Oh, thank you, don't worry about any further names. Now, on the 6th of March, -1960, did you again attend a meeting at Alexandra Township, Johannesburg, in the Regional Division of South Transvaal?-- Correct, Sir.

About how many persons were present?-- There were about 150 Bantus of both sexes, there.

Adults, or juveniles, children?-- There were no children.

At what time did the meeting commence?-- From 11 a.m. to 1.15 p.m.

What meeting was it?-- It was a meeting of the Pan-Africanist Congress.

Now, did you keep notes of that meeting?-- Yes, Sir.

Exh.R. Are those your notes which you now hand in, Exhibit R?-- Yes.

Now, who was the Chairman?-- The Chairman was Abram Mogale.

Did he also address the meeting?

BY THE COURT:

I didn't quite get that name?--

Abel or Abram?-- Abel.

P.P.:

Abel Mogale, Your Worship.

P.P.: (To Witness):

And the interpreter?--

Did he address the meeting?-- He addressed the meeting.

What language did he speak?-- He spoke in Sesutu.

Did he have any interpreter?-- Peter Bopape interpreted into Zulu.

Now/...

Now, turn to page 5 of your notes? Start with the words, "What will be benefit..."?-- "What will we benefit from..."

BY THE COURT:

Which page of the further particulars will I find that, Mr. Prosecutor?

P.P.: I'm sorry, Sir. Page 9, Sir.

BY THE COURT: Thank you.

P.P.: (To witness):

Have you got it? "What will be benefit..."?-- "What will be benefit from other nations who don't carry passes? You must see what action to take. The time has come when we will give you a message. The time has come when we will have to abolish the passes. Africans, what do you gain from the passes? Africans, I will call my first speaker.

Yes, who was the next speaker?-- Calvin Buloyi. What language did he speak?-- He spoke in Zulu, Sir.

All right, start off, right from the beginning, and give his address? "We are going to speak against..."

BY THE COURT: (To P.P.):

I haven't got it, he spoke in what language?

BY THE COURT: (To Witness.):

What language did he speak in....?-- He spoke in Zulu.

P.P.:

Yes, all right, now start there, "We are going to speak..."?-- We are going to speak again about our difficulties in South Africa. Fathers and mothers, we are here as oppressed people .

P.P.: "Fathers and mothers" ... Your worship, I think that,...

that should just be filled in, the words "Fathers and Mothers" to be inserted into the further particulars, Sir.

BY THE COURT: Yes. I have already pointed out to the accused.

P.P.: (To Witness):

All right, go on?-- "We are here as oppressed people. We are oppressed by the pass laws known as the dragon. The Chairman had told you that we are fighting for freedom. We are fighting the pass laws. I, as a member of the Pan-Africanist Congress, I am tired to be ruled by somebody for the past 308 years."

BY THE COURT:

"308 years?"-- Yes, Sir.

Yes?-- "You are going to starve when we have abolished the pass laws." (Repeat) You are going to starve when we have abolished the pass laws. We are fighting the pass laws. Africans I appeal to you all to join the Pan-Africanist Congress so that we can be able to ..."

"So that we can be able to..." what?-- I have a gap.

Pardon?-- I left a gap at this place, Sir.

Yes, and then when do you start again?--

What is the next word that you can....?-- "They can not rule us forever, if they don't want to be ruled by us."

Just one second...

ACCUSED NO. 1: (To the Court):

Your Worship, we object to this interference. The witness should be able to read his notes without any assistance, Your Worship.

P.P.: (To the Court):

I am not reading the notes to the witness, I am showing him he is reading from Page 5, instead of from

Page 7.

BY THE COURT:

The Prosecutor has every right to refer the witness to his notes. Your objection is over-ruled.

P.P.: (To Witness):

Just look at page 7, there. You have got page 5, page 6, then after page 6, turn to page 7, Constable, don't turn back to the top of page 5. You have read the last portion at the bottom of page 6, you read: "So that we can be able..." Now turn over to the top of page 7, and then read on from there?-- "...we can be able to fight the pass laws. I don't want to speak about Europeans. Africans are like the soil of Africa. Europeans don't look like the soil of South Africa. When we read the European's books we find that the passes are abolished."

Yes, all right, now I want you to turn to page 9 of your notes, starting with the word, "Africans"...?-- "Africans, I appeal to you to join the Pan-Africanist Congress. Africans I give you this message: Keep food and money away."

All right. Now, who was the speaker after that? Who was the next speaker?-- Josias Madzunya.

What language did he speak?-- He spoke in Sesutu and Zulu.

Who is Josias Madzunya?-- Accused No. 11.

Now just turn to page 10 of your notes, starting with the words: "Some people will think..."?-- "Some people will think that we are dreaming when we say we are going to abolish passes. People like Bishop Reeves are not carrying passes and permits. They preach that you will get your freedom in heaven. Why must only Africans carry passes. We are the only people who pay poll tax. We are the people who
are/...

are digging the potatoes 'as' (?) Bethal and who are killed .
Do ducktails carry passes? (Audience: No!) If passes
were good for us, why don't other nations carry them too?"

All right, you can stop there. Now turn to page
13 of your notes, the same speaker's address: "The day when...?"
-- "The day when the leaders declare this campaign is open,
we will not pay fines, bail or defence. We will not plead
to laws which are not made by us. You coward men, you
must wake up. We are not going to disclose our plans, but
you must be ready at any time. You cannot tell your enemy
which day you are going to fight him. We are not stupid to
tell the Government that we are going to act on a certain
day. We only say we are abolishing the passes this year,
1960. Afrika ners call us Bantus; then they are animals."

"Then they are...?" --

What did you say there? "Then they are...?"-- Animals.

BY THE COURT:

Animals.

WITNESS:

"If I can tell you to go to work to-morrow without
a pass will you do so?"

P.P.: (To the Court):

Just one second, Sir, I think....THERE might be...

BY THE COURT: (To witness):

Did you say, "If I can tell you to go to work to-
morrow 'without a pass' will you do so?-- Yes, Sir.

Is that what you read?-- Yes.

WITNESS:

"Do you think the Europeans will abolish the pass-
es? Verwoerd said he had abolished the passes in 1953. He
said it's a reference book. That day I will ask the

Non/...

Non-European Police to resign and join the struggle with us. We don't want people to provoke the police, but we want the police to be civilized like the European police. Africans I appeal to you all to save food and money, even the police must save food and money. Dr. Banda told his people the same. Dr. Banda will be released very soon. I say to them that their order which was made against me that I must go to Sibasa, they must order me again out of South Africa. Africans stop killing each other. I don't want to hear that a person is killed in Alexandra. I appeal to you to join the Pan-Africanist Congress, an organisation for Africans only: Our organisation is for people who carry passes. The passes will be abolished this year."

All right. Who was the next speaker after that?
After Josias Madzunya?-- Lucas Matlou:

What did he speak?-- He spoke in Sesutu.

Can you point out Lucas Matlou, is he one of the accused?

BY THE COURT:

Will the accused at the back there please look up?

WITNESS:

He is the last...first one on the left, Sir.

P.P.:

Which row in the box?-- The second row in the box.

BY THE COURT: (To accused):

Yes, please just stand up there. Is that the man you are referring to?-- Yes, Your Worship.

P.P.:

Accused No. 18, Sir.

P.P.: (To witness):

Did he have an interpreter when he spoke?/....

spoke?-- Peter Bopape interpreted into Zulu.

All right, read from the beginning, "Africans, the time has come..."?-- "Africans the time has come. We have appealed to you to keep food away. Africans we are prepared to be...."

BY THE COURT:

Just read that again? "Africans..."?--

Just read that again, "Africans, the time has come..." -- "Africans, the time has come. We have appealed to you to keep food away. Africans we are prepared to be arrested at any time, to be arrested daily for a pass, it's all rubbish. The time has come that we will take the passes from where we bought them. The Chairman has taught us a lot. The Chairman has taught us a lot (Repeated). Mr. Chairman, please give us the day to abolish the passes, we are waiting."

And who was the next speaker?

BY THE COURT: (To P.P.):

It seems to be the end of that meeting, Mr. Prosecutor.

P.P.:

Sorry, Sir.

BY THE COURT:

According to my further particulars.

P.P.: (To Witness):

Were there any other speakers after that, Constable?-- Peter Bopape, Sir.

P.P.: (To the Court):

That is so. I am not going to read it, though, Sir. He is not going to read any of the notes on Peter Bopape.

P.P.:/...

P.P.: (To witness):

Now, were there any other accused present at that particular meeting?-- Solomon Mathopa.

Can you pick him out?-- Accused No. 12.

Yes, and who else?-- Nobody else.

Now, Mollson, on the 28th of February, 1960, did you attend a further meeting? Did you attend a meeting at Alexandra Township, in the Regional Division of South Transvaal?-- Yes, Your Worship.

Now, did you again keep notes, in accordance with your duties?-- Yes, Sir.

Are those your notes?-- Yes.

Exh.S.

Exhibit S.

P.P.: (To the Court):

Your Worship will recall that at one stage I indicated that there were just one or two meetings out of their order. The meeting to which I am now going to refer the witness to, is recorded in the further particulars contained on page 10.

BY THE COURT: Thank you.

P.P.: (To witness):

Now, at what time,.... what meeting was this, Constable It was a meeting of the Pan-Africanist Congress.

At what time did it start?-- From 11.20 a.m. to 1.45 p.m.

And how many persons were present?-- About 80 Bantus of both sexes, Your Worship.

Were they children or grown-ups?-- There were no children, Your Worship.

Now who was the Chairman?-- The Chairman was Solomon Mathopa.

That/...

That is accused No....?-- Accused No. 12.

And did he also address the meeting?-- Yes, Sir.

Did he have an interpreter?-- Peter Bopape interpreted into Zulu.

All right, start reading from page 1 in your notes, "Africans, we are meeting here to-day...?"-- "Africans, we are meeting here to-day under the banner of the Pan-Africanist Congress. There is nobody here who does not know the policy of the Pan Africanist Congress and its aims. You, also, know that on the 19th and the 20th December, the Pan-Africanists have passed a resolution at Orlando. The resolution which was passed said that we must abolish the pass as a whole. We are not going to fight the permits, poll tax, passes for women, we are going to fight the pass laws as a whole. Africans, open your eyes and ears so that you must see and hear what is happening at other countries. My speaker will also speak about the passes. You are also asked to put food and money away and be prepared for a struggle. When they gave us the passes, they said it will help us when we are dead, so that they can identify us. Did our fathers carry passes? Africans....

No, wait a bit; isn't there something after "fathers carry passes?"-- "(Audience: No!)"

Yes, all right, that's far enough. Now, who was the next speaker? Look on page 4 of your notes?-- Johannes Phashe.

What language did he speak?-- He spoke in Sesutu.

Was there an interpreter?-- Alfred Mtembu interpreted into Zulu.

BY THE COURT:

Alfred Mtembu?-- Yes, Your Worship.

P.P.:

Is Johannes Phashe one of the accused?-- Yes.

Point him out?-- The first one on the second row,
Your Worship.

The first one in...?-- On the right-hand side,
in the front row in the accused's box.

Oh, the front row?-- Yes, Sir.

BY THE COURT: (To Accused):

Will accused please stand up?

P.P.:

Accused No. 17, Sir.

BY THE COURT:

Will the accused just stand up, please? No. 17.

P.P.:

All right, now read what... his address to this
meeting?-- "Africans you have heard what our Chairman has
said.

BY THE COURT:

Just read that again?-- "Africans, you have heard
what our Chairman said. Africans, do you think that it
will help us if we can go to jail with our passes, and
stay six months. Who will suffer? You or the Europeans?
(Audience: The Europeans!) Africans where-ever you
want to go, they demand a permit from you. Africans it
does not pay when a person is fighting you and you keep on
saying, 'let him fight, the country is mine'. That will
not help you. Africans you are arrested, daily for a
permit. Who will arrest us if we can sacrifice like
Christ? Let us all go to jail. Freedom is near, Africans,
the day is coming. The pass is the same thing with the
beer halls. Africans, Pan-Africanist Congress say you

are/...

are free. You are only holding your freedom. Non-European Police also want freedom; they know that one day you will get your freedom, and you will be free too."

Read that again, "and..."?--

"You will get freedom, and..."?-- "And they will be free too."

"They will be free too."-- "Africans, you are arrested daily for passes. Let us be united. If we are united, what will prevent us of getting freedom?"

Who was the next speaker?-- Simon Pitswane.

And he spoke?-- He spoke in Sesutu.

Did he have an interpreter?-- Phineas Mothiwane interpreted into Zulu.

BY THE COURT:

Phineas who?-- Mothiwane, Sir.

P.P.:

Now read from the beginning of his address, on page 5 of your notes? "The Pan-Africanist Congress..."?--
-- "The Pan-Africanist Congress don't accept Europeans in its struggle...."

BY THE COURT: (To P.P.):

Just a minute, on the further particulars the speaker appears to be Phineas Mothiwane, and the witness said that was Simon Pitswane, interpreted by Phineas Mothiwane. Page 11. That should read Simon Pitswane.

BY THE COURT:

The accused will then alter that, on Page 11 of the further particulars, under Paragraph 3, the speaker there is Simon Pitswane, and not Phineas Mothiwane.

P.P.: (To Witness):

All right, read now?-- "The Pan-Africanist Congress/..

Congress don't accept Europeans in its struggle. Africans Whites are worried when they hear that the Basutos want the Orange Free State..."

P.P.:

"When they hear the Basutos..."?-- "The Basutos" Yes?-- "and the Pan-Africanist Congress are going to abolish the pass. Africans, we were given this country but the visitors don't allow us to work the land. Africans, one day we spoke of the passes and somebody said passes are there for the past 200 years, but the Pan-Africanists say it's going to abolish the passes. Last week somebody at the City Hall said passes must be abolished. The Pan-Africanist Congress has gave them worries when it said it's abolishing the passes this year. Africans we have bought this passes for 3/6. This pass is my property. Through my pass I will have to pay income tax. My wife will have to pay income tax too. Africans we are suffering through the passes. What has the passes done for us? I will give you just a short time, 5 years. Did they send your pass to your people and say you are killed at the farms? Africans, with those few words what I have said, Africans, take away the fear that what will you do because you are black." (Verbatim)

"What...?" -- "What will you do because you are black." Pan Africanist Congress says no fine, no bail. We understand that in 1919, people had tried to fight the pass laws; after that they were told that they will earn £1 per month."

P.P.:

Just look at that again? "They will earn..."?-- "£1 a month."

P.P.:

Your Worship I want to mention there, that is a correction/...

correction, evidently.

P.P.: (To Witness):

Yes, go on?-- "Africans, let us be ready for that day."

BY THE COURT:

"Let us be ready that day?" -- Yes, Sir. "We are only waiting for the President to give us a day. Africans, there is a talk that the 31st March, 1960 is the last day of passes, but that is not from the Pan-Africanist Congress. Africans put food away, and money."

Who was the next speaker?-- Abram Mogale.

What did he speak?-- He spoke in Sesutu.

Did he have an interpreter?-- Green Mtsike interpreted into Zulu.

BY THE COURT:

Green Mtsike?-- Yes, Sir.

P.P.:

Now, look at page 8 on that? "1960...", read from there?-- "1960 is the last year for the passes. Africans, you must rule in 1963. Africa must be ruled by the Africans. Look at that flag of the Pan-Africanist Congress. You will see a star on it; that is the morning star. Africans, our mothers are widows; we buy water; we are forced to work for the oppressor without wages through the passes. At Pietersburg Africans are also crying for their cattle and land. Africans, we will"

Wait a minute, is there nothing after the word "land"? ... "for their cattle and land..."?-- "...to plough."

That's right. Now go on?-- "Africans we will think that men are the only affected people by the passes. Now Women also carry passes at the farms and old women are also/...

also forced to accept passes. At Pietersburg the pass is known as the 'Nkola'. What is happening at the farms? Women are forced to accept passes. Africans be ready for the day when you will be called. We know what had had the passes done to us."

To whom?-- "To us".

"To us". Yes?-- "Our people are killed at Bethal and they are still killing us. Africans don't be afraid. They can come with saracens, Defence Force that day, we will say to them we don't want passes. They will demand our passes and we will say to them "this is the last day of the passes" I can better die for my nation. Let the passes be abolished. You know how many people had died in Coalbrook Mines through the passes."

"Through the passes"?-- Yes, Sir.

Yes?-- "We of the Pan-Africanist Congress, we got no time for demonstrations, protests. Don't follow those people, they are not of the Pan-Africanist Congress. We want only action. In the name of Sikhukuni, I say, let them lead us to freedom."

Now, tell me, this speaker, Abram Mogale, is he one of the accused?-- The second one in the accused's box from the left.

In the front or second row?-- Front.

BY THE COURT: (To accused)

Stand up, please.

P.P.:

Accused No. 14.

BY THE COURT:

Is that right?-- That is right, Sir.

P.P./...

P.P.:

Now, any of the other accused, or rather, those that spoke at the meeting, were they present at this meeting?

-- No, Sir.

Not.

(Court adjourns until 11.15.)

COURT RESUMES:

JEREMIAH MOLLSON: (s.u.o.):

P.P.:

Thank you, Sir, I've got no further questions of this witness.

XXD: ACCUSED NO. 1. (ROBERT SOBUKWE.)

In the meetings you attended, Constable, the audience, they knew that you were a member of the Special Branch, is that so?-- Yes.

Were you ever, at such meetings, intimidated or assaulted?-- No.

Is it common practice, in such meetings, for speakers to ask you members of the Special Branch, to report them correctly?-- Yes, they usually did.

The speakers at the meetings in Alexandra, were they all known to you?-- Not all of them.

Not all of them. Were all of them members of the Pan-Africanist Congress?-- Those who spoke?

Those who spoke?-- Yes.

How did you ascertain that they were members of the Pan-Africanist Congress?-- Well, usually the Chairman, they announce it.

What did they announce?-- Well, before he opens the/...

the meeting, he announces that it is a P.A.C. meeting and only members of the P.A.C. will speak.

What is your nationality?-- I am a Coloured.

What African languages do you know?-- Setschuana, a bit of Zulu and a little bit of Xosa, not too much.

How good is your knowledge of English?-- It is good, but not too good, medium.

BY THE COURT:

By medium, do you mean fair?-- Yes, Sir.

ACCUSED NO. 1.:

The notes that you take at these meetings, in what language do you write them?-- In English.

Do you depend on the interpreter, or do you write straight down what the man says, what the speaker says?-- It depends on the speaker.

Do you carry a pass?-- No.

BY THE COURT:

I didn't get the question?

ACCUSED NO. 1.: (To the Court):

Does he carry a pass?

BY THE COURT: (To accused No. 1.):

By saying "Do you carry a pass", do you mean, does he possess a pass?

ACCUSED NO. 1.:

What I mean to say is...

BY THE COURT: (To witness):

Do you possess a pass?-- No, Your Worship.

ACCUSED NO. 1.:

Is it true to say that the only people who carry passes are African people?-- Yes, only Africans carry passes.

It is required by Law, that we should carry passes?

--Yes./..

-- Yes.

From your experience, do the African people like the pass laws, or do they hate them?-- Well my experience at the meetings seems to me they don't like the passes.

I take it that you agree that at almost every meeting that you have attended, pass laws have been discussed?-- Yes.

And at all such meetings they have been condemned?

-- Yes.

Do you mix with the African people?-- I do.

Have you ever heard them discuss among themselves the pass laws, the evils of the pass laws?-- Well, mostly only at meetings, but outside they very seldom discuss about the passes.

My question is: "Do they ever discuss the pass laws"? I am not concerned with the number of times they do it, do they ever discuss the pass laws?-- Not at meetings?

Not at meetings. Outside meetings?-- Yes they do.

And what is their opinion of the pass laws when they do discuss them? Do they condemn them, or do they praise them?-- Most of them condemn them.

What do you call the Black people? What name do you call them?-- Well, according to Law, we use "Bantu".

So that when you write "Bantu" in your notes, it is by instructions that you do so?-- Well, it has been passed by the Law that we mustn't use the words "African" or "Native", we must use the word "Bantu."

If, as you say, your knowledge of Xosa is such a smattering knowledge, how do you, how do you manage to write the notes that you have written in English, translating from/...

from Xosa, as the man speaks?-- Well, in Xosa, I don't write a lot of the notes. The only way I can understand it is providing there is an interpreter.

BY THE COURT:

Providing it is interpreted into...?-- Into Sesutu or Zulu, then it is a little bit easier.

When they speak in Xosa, you find you can't translate?-- Your Worship, it is a little bit difficult if there is no interpreter.

ACCUSED NO. 1:

At one of the meetings at which you reported, Peter Molotsi was a speaker, is it?-- The meeting of which day?-- ^{Accused No. 1:} The 1st of November, on page 2 of that meeting, 1st November, 1959?-- Yes.

ACCUSED NO. 1:

You say yes?-- Yes.

And in your evidence you stated that he spoke in English?-- Yes.

I take it then, that you had no difficulty at all in recording his speech, because he was speaking in English? -- Well, there may have been a little bit difficulty, although he was speaking in English.

Do you know Mr. Molotsi?-- No, I can't identify him, I don't know him.

Would you say that he speaks good English?-- Well, that day he spoke very good English.

So that it would be impossible for you to utter such nonsense as "We allowed ourselves to the Whites"?

BY THE COURT:

If you can't find it, I will read to you what you said?-- Please, Sir.

"We have allowed ourselves to the Whites...you have allowed yourselves when you went to Pretoria to complain." That is what accused No. 1 is trying to put to you. The question really comes to, do you say that that is what he said, Mr. Molotsi?-- That is what he said, Your worship.

Lower down, in the same meeting, the report on me, personally, on Robert Sobukwe, do you think that you could decipher the gibberish that we find here?

P.P.:

Your worship, I object to that, it is not for the accused to decipher their gibberish, it is for the Court to decipher.

BY THE COURT:

Yes, but the accused is entitled to cross-examine.

P.P.:

Quite so, Sir, but he is referring it there, as gibberish.. we have got no evidence before the Court that it is Gibberish.

BY THE COURT:

Yes, but I must find out what he is getting at, first.

ACCUSED NO. 1.: (To Witness):

I will read you the relevant portion: "The thing is the mother began to put food away, put money away, we will call you."

BY THE COURT:

He read: "The thing is this, mothers began to put food away, put money away.(Stop there) and then: We will call you.

ACCUSED NO. 1.: (To the Court):

Well, I will make the correction, Your Worship/...

Your worship."The thing is this: Mothers began...

BY THE COURT:

"Mothers began to put food away, to put money away." Full stop, that is according to his punctuation in his reading. "We will call you."

ACCUSED NO. 1.: (To witness):

Could you read me that statement?-- Which portion?

That same portion?-- From, "I will lead you..."?--

BY THE COURT:

Perhaps you could help him in regard to the page, Mr. Prosecutor? Could you perhaps help the witness as regards which page he will find this address on?

P.P.:

I think there will be a little difficulty as I have not marked these pages yet, Sir. The meeting of the 1st of November, 1959.....

WITNESS: (To the Court):

Should I read it?

ACCUSED NO. 1.:

Yes, please.

BY THE COURT:

Yes, just read it slowly?-- "The thing is this: Mothers begin to put food away, put money away. We will call you.

Do you say now, it is "begin"?-- Yes, Your worship. May I see those notes, Mr. Orderly?

As I make it out that letter could be anything, it could also be, the person writing it could mean it for an 'i', but the word before that is "mother".

ACCUSED NO. 1.:

Further down, in the same speech, could you read me what you have from "Passes..."?-- "Passes, permits, there is their waterpipe;"

BY THE COURT:

"There is their water pipe"?-- "Water pipe."

Then: "It's Parliament"?-- "It's Parliament."

ACCUSED NO. 1.:

Just read on?

BY THE COURT:

Just read slowly please?-- "Close the water pipe, we want to fight, act, once for all."

ACCUSED NO 1.:

So that makes sense to you?-- Well, you spoke in Xosa, and the interpreter was interpreting into Sesutu and in this case I did have to rely on his interpretation.

(Please stop hitting that pencil.)

On Page 10 of our notes, you report one of the speakers as saying that "We want the police to be as civilised as European Police." ?-- Which speaker was that?

Josias Madzunya, at the meeting of the 6th of March, 1960.

P.P.:

I think it is page 10 of the notes, Sir.

BY THE COURT:

Page 10 of the further particulars is also page 10 of his notes?

P.P.:

Yes, Sir.

BY THE COURT:

It is about two-thirds way down the speech of

Accused/...

Accused No. 11, Josias Madzunya? Can you find it, it is just after the sentence, "That day I will ask the Non-European Police to resign and join the struggle with us." And then you get that passage. Will you just read it slowly, please?-- "But we want the police to be civilised, and the European Police.

"Like the European Police?-- "Like the European Police."

What language was Madzunya speaking?-- He spoke in Sesutu and Zulu. At that stage I don't know which of the two languages he was using. I can't remember.

You don't know what word he used for "European"?-- The actual word that he used for "European"?

Yes?-- No, but he may have said "Amelungu" or "Magole."

But you are certain he was referring to the white police in this country?-- At this place where he said, "But we want the police to be civilised..." he was referring to the Non-European police to be the same as the European police. I couldn't remember the term that was used for 'civilised.' I can't remember.

Of the two then, he may have used either of the two, either Zulu or Sesutu?-- He may have said "Khlabula" or something like that I am not sure of it.

Further up in the same speech, you say Afrika-ners call us "Bantus" and they are animals.?"

BY THE COURT: (After witness has paged through his notes)

Your notes should be nearly one page higher up. (Prosecutor evidently offers to help.)

BY THE COURT:

Yes, give him a hand.

Accuse 1/...

Accused NO. 1:

Have you got the place?-- Yes.

What term do the Africans use for Afrika-ner? --
Some say "Amaglagusha", some say "Amatete" and some
say "Amaburru".

The term "Amabulu" is used?-- Yes, they use
"Amabulu" and "Amaglagusha" and all the terms they are
using.

What languages?-- Well, "Amaglagusha", I think
is in Xosa.

So if Madzunya was speaking in either Zulu or
Sesutu, what term would he have used?-- He would have said
"Amaburru", or "Amabulu".

Belt
17.

And you understand "Amabulu" or "Amaburru" to
mean Afrika-ners?-- Yes.

What do you understand "Bantu" to mean?-- Well,
I am afraid that I can't answer.

I mean, in the African language, when they
speak of "Umntu Abantu" in Zulu, or "Bantu" in Sesutu,
what do they mean?-- "Bantu" will mean "One person".
"Bantu" and "Abantu", they are just the same thing, one
or more people.

BY THE COURT:

It means "One or more people"?-- Yes, "Bantu"
they haven't got a single, it is always used "Bantu", "Bantu."

ACCUSED NO. 1.:

What is "A single person" in Sesutu?-- Which
Sesutu?

Any of the Sesutu languages, either Sepede, or
Southern Sesutu or Tswali(?)?-- "One person"?

Yes?-- It will be "Mutu" in 'Tswana' (?)

And/...

And 'many'?-- "Batu"

In Zulu, what is "a single person"?-- "Umutu"

And "many"?-- "Abantu".

Would it be correct to say "Abantu" means "people"?
-- You see, in Zulu, "Bantu"...we do ^{just} say "Bantu", even if it
is Europeans, we say "Abantu",...."Abantu"...now you can't...
say....

Does it mean "people", "Abantu"?--- It means
"people" "Abantu" in Zulu.

So that if one does not fall into the group of
"Abantu", he is an animal, not a person?-- Well, according
to what Madzunya said, yes.

Thank you, Your worship.

BY THE COURT:

I don't quite follow whether you are trying to make
the point here, that that is the reason why the word "Animal"
is used?

ACCUSED NO. 1.:

That is right, Your worship.

BY THE COURT:

I may, perhaps point out to you that the abuse,
any possible abuse in the speeches, of this and that, it
doesn't matter who it is, whether it is the Government, or
Europeans or farmers or Afrika-ners, has got no bearing on
the case whatsoever.

ACCUSED NO. 1.:

I appreciate that, Your worship.

BY THE COURT:

This case is concerned with a conspiracy to incite
other people to contravene a law as a protest, or conspiracy
to incite other people by way of protest to contravene the

Law/...

Law. In the one case the protest is on the people who incite, and in the other case the protest against the Law is that the Law is placed objectively on the people who are incited. That is the main and the alternative charge, So that, whatever abuse may be contained in the speeches is neither here nor there as far as the Court is concerned; purely as to whether the words used will show that there was a conspiracy on the part of these people who are there on the charge, and whether there was excitement by those people. These speeches, possibly together with other evidence the Crown may bring, whether there was incitement by these people of other people. Did they contravene the Law in respect of the Sections mentioned, the Sections of the Pass Law. That is it, really, to put the question in a nutshell.

ACCUSED NO. 1:

I appreciate that, Sir.

BY THE COURT:

The questions, naturally, with regard to the witness' knowledge of the language he was translating, are very pertinent questions to this case. But, as to whether the speaker abused the Afrika ner, or called him an animal, that makes no difference, that has no bearing, whether he did say that, or may have intended something else, it has no bearing on the case.

ACCUSED NO. 2: No questions.

XXD: ACCUSED NO.3: (Jacob Nyaoose.)

At all the meetings you attended, can you inform this Court that the people who were present at those meetings were members of the Pan-Africanist Congress? That no other people were present, who were not members of the Pan-Africanist Congress?-- Well, most of them who attended the meetings/...

meetings were members of the Congress, of the Pan-Africanist Congress, who are known by...to me.

You are not answering my question. My question is, people who were not members of the Pan-Africanist Congress amongst the audience, were they there, or not, as well? -- I cannot say.

But is it possible?-- It is possible

Now, at those meetings, did you hear any people from the audience speaking against passes?-- No, I don't think so.

What was the reaction of the people, of the members of the audience, listening to speakers speak against pass laws?-- Well, they were interested to listen to speakers when they were condemning the passes.

But did the members of the audience condemn the passes as well?-- Well, I cannot say if the audience were also condemning the passes, only the speakers.

But look, these were meetings...?-- Yes?

Where people had expressed their own views. What were the views expressed by the members of the audience?--

BY THE COURT:

Did the members of the audience, apart from the actual speakers called upon by the Chairman to speak, also make any speeches or remarks, with regard to passes? Or only the persons who were called upon by the Chairman to speak?-- Your worship, I can't remember.

Did you take any notice of what was said by the audience, by people in the audience?-- Your worship, I was only concentrating on the speakers, not on the audience.

Yes.

ACCUSED NO. 3:

I want to remind you that in your notes you/...

you have always remarked (The audience said 'Yes')?--
When the speaker asked them if they agree, when he condemns
the passes, then they agree and said yes, they condemn the
passes; if the speaker asks them.

So now you agree that the members of the audience
condemn passes?-- Well, in that case I agree.

Thank you, His Worship.

XXD: ACCUSED NO. 4.: (Zephania Mthopeng.):

On the meeting held on the 14th February...on the
meeting held on the 14th February, 1960, you say one, I think
it should be Jhonasa Mokwena...?-- Jonathan Nkwebi...

That is him, yes Jonathan Nkwebi, he was one of
the speakers?-- He was the Chairman.

He was the Chairman?-- Yes.

BY THE COURT: (To witness):

Which page of the...?-- Page 6, Sir.

ACCUSED NO. 4.:

Is he one of the accused?-- No, he is not one of
the accused.

Is he a member of the Pan-Africanist Congress?--
Yes.

How do you know?-- He told me that he is a mem-
ber of the Pan-Africanist Congress.

How did he tell you? Did he just...how did he
tell you?--... What happened that he told you?-- Well
I think at this stage I can't tell you how did it come that
he must tell me he is a member of the P.A.C., but he told
me that he is a member of the P.A.C. some time back, when
I have interviewed him.

Did he tell you before or after this certain
meeting?-- You mean before the 14th of February?

Yes?/...

Yes?-- I can't remember if it was before the 14th of February, but he told me personally he was a member of the P.A.C.

So that it is possible...could he have told you after this meeting that he was a member of the Pan-Africanist Congress?-- Well, I cannot say. Maybe after or before.

In what language was he speaking?-- Well, I didn't note it down, in what language was he speaking.

Then, on page 7....I think it was the same meeting... yes, it was of the same meeting, of the 14th, you allege that there was someone by the name of Simon Potswane, or Pitswane, I think?-- Yes?

Is he among the accused?-- No.

Is he a member of the Pan-Africanist Congress?--
Yes.

How do you know?-- He told me that he is a member of the P.A.C.

When did he tell you?-- I don't remember the day, but it is some time back, when there was a demonstration at the City Hall steps.

Which day? There have been so many demonstrations at the City Hall steps, which one?-- Well, I can't remember which one, but that day there was a demonstration.

Demonstration of "Coffin", or was it?-- I think the Coffin was also there that day, but I am not sure.

So you don't know even when he told you?-- I know....I don't remember the day, but I know that he told me at the City Hall steps.

Which might have been after this meeting?-- I beg yours?

Which might have been after this meeting?-- Well,
it is possible. In/...

In what language was he speaking?-- He spoke in Sesutu.

Which Sesutu?-- Well, I don't remember which Sesutu it was, but he spoke in Sesutu.

Do you know Sesutu?-- There are many Sesutus, I can't say which Sesutu.

Well, any Sesutu, then, because you don't know which Sesutu he spoke. Sesutu, do you know Sesutu?-- But I don't know which Sesutu do you refer to, because there are many Sesutus.

Well, I mean Sesutu, because you are saying that he spoke Sesutu?-- Yes?

Yes, well, if we will render a passage in Sesutu, will you understand it?-- I will, I may.

You may?-- Yes.

So that now, probably, even this one, you might not have understood it?-- Well, I think I have understood it.

Well, I put it to you that he was speaking Southern Sesutu?-- Well, I can't make it out which Sesutu he was speaking. He may have been speaking Southern Sesutu.

Then we are going to read to you a passage now, in Sesutu. Will you manage that?-- I may. I don't know, may be.

Now, before I do that, how are you doing...how are you taking down your notes? Was it long-hand or was it short-hand?-- Long-hand.

Now, did you write the words in Sesutu, and then translate it afterwards, or did you translate it right away as you ...the person was speaking?-- I translated right away when the speaker was speaking.

Now/...

Now, then I will ask the Court, if this Court may permit me, that we read to you a passage in Sesuti, and then you translate it straight away, to demonstrate to this Court if you can do it.

ACCUSED NO. 4.: (To the Court):

If the Court will permit me?--

BY THE COURT:

Yes.

ACCUSED NO 4.: (To the Court): (Speaking away from the microphone).

May he be given some paper?

BY THE COURT:

Pardon?

ACCUSED NO. 4:

May he be given a piece of paper so that he can write the things I am saying?

BY THE COURT: (To the Orderly):

Can the witness be provided with some paper there?

BY THE COURT: (To witness):

Have you got a pencil there, or pen? Right.

ACCUSED NO. 4. : (To the Court):

Now, he will render it as the person speaking, Your Worship.

BY THE COURT:

Well, you are examining now. You are cross-examining. Just talk into the microphone.

WITNESS: (To the Court):

Your Worship, as the speaker was speaking, Simon Pitwane, there was interpreting, and I did have enough time to write.

BY THE COURT:

Yes, I will see that you have enough time.

ACCUSED/...

ACCUSED NO. 4.

Well, I suppose I should speak....

BY THE COURT:

Now, I want you to read the passage like a person speaking with an interpreter would make a speech. Read a portion, then wait for the interpreter to interpret into the other language, then carry on again.

ACCUSED NO. 4.: (proceeds to read the passage.)

WITNESS:

Your worship, that is too fast.

ACCUSED NO. 4.:

I am putting it by phrases, Sir. When a speaker speaks, he speaks according to phrases, not according to whether the...

BY THE COURT:

Will you stop making a speech?

ACCUSED NO. 4.: I'm sorry, Sir.

BY THE COURT:

Read out the portion you read, again? Just read it like you would make a speech.

BY THE COURT: (To witness):

Just listen to what he has got to say, as you would listen at a meeting and write down after he talks, or when he stops.

ACCUSED NO. 4.:

Commences to read, rapidly.

BY THE COURT:

Just a minute, just a minute....

ACCUSED NO. 4.

Well, excuse me, Your worship....

BY THE COURT:

I'll tell you when to continue, I am timing it
more/...

more or less like a person would interpret to a meeting.

ACCUSED NO. 4.:

Oh, I see.

WITNESS:

Your Worship, it will be a little bit difficult for me, because at a meeting you are more freder than in Court, Sir. I don't think I will be able, at this stage to write what he says.

BY THE COURT:

At a meeting, what happens?-- You are more free-er than in Court, Sir.

How do you mean, freder?-- I mean it differs like a Court, Your Worship. You can concentrate. Now, in this case, Your worship it is a little bit difficult for me.

Yes. It doesn't matter. You can explain that. The Court will take that evidence. You say you find it more difficult in Court,..?-- Yes, Your Worship.

Than you would there, where you were doing your duty?-- Yes, Sir.

Yes. In any case, you just write down as far as you can, what you can, when the accused is reading to you?-- Yes, Sir.

BY THE COURT: (To Accused No. 4.):

Just start again now, that first paragraph?. Now don't stop again. I'll tell accused No. 4 when to carry on. You finish the lot...you must listen to what he says and just get down what you can.

ACCUSED NO. 4: Proceeds to read, with long pauses between phrases.

WITNESS:/...

WITNESS:

Your worship....

BY THE COURT:

Well, will you just read out now, what you have written down, in English?-- Your worship, at the meetings, when the speaker spoke....

Well you can explain that later. Will you just read out what you have got in English. I want you to reply to the accused first?-- "We, the African people are going forward with the struggle," that is all that I have got, Your worship.

What were you going to say about the meetings? -- Your worship, at the meetings, the speaker, when they are speaking English or any African language, they don't use terms, as accused No. 4 said... (Witness quotes a few Sesutu words)... they don't use terms like that. They just try to use the simplest language, Your worship, so that the audience can be able to understand them.

Do they speak slower, or faster than the accused No. 4 read that passage to you?-- Some of them are slower, Your worship, and others are a little bit faster.

The time I allowed for the interpretation, would that be about normal?-- I should think so, Your worship.

Yes?

ACCUSED NO.4.:

At this meeting in Alexandra, was there any platform?-- At the same meetings?

Yes?-- Well they usually... they have a small table.

Well/...

Well, what happens, who is at the small table, generally?-- Well, they usually put the table in front of the Chairman, and when they keep on calling the speakers, they stand close to the table, they don't use it as a platform, they just put it in front of the...

BY THE COURT:

Do you mean, then the speakers go to the table?

-- Yes, Your Worship.

When they have to speak?-- Yes, Sir.

ACCUSED NO. 4.:

What happens to the member of the audience, if that member of the audience wants to speak? Where does he speak?-- They just speak where they are standing.

ACCUSED NO.4.: (To the Court):

Let us turn to page 9, Your worship. The meeting of the 6th March, 1960.

ACCUSED NO. 4.: (To witness):

You allege there that a certain Calvin Boloyi spoke at that meeting?-- Yes.

Do you know him?-- I know him by sight.

Is he among the accused?-- No.

Is he a member of the Pan-Africanist Congress?

-- Yes.

How do you know?-- You see, he was a speaker sometimes at the P.A.C. meetings. We didn't know who he was, then later on, after the meeting I did help to interview him in order to know if he is a member of the P.A.C. and to get his name. And then he told me that, at that meeting, that he was a member of the P.A.C.

What meeting was that?-- It was a meeting of the Pan-Africanist Congress.

Which/...

which one?-- I can't remember which one, but it was early this year.

In what language was he speaking?-- He spoke in Zulu.

BY THE COURT:

Do you mean when he spoke at the meeting, now?

ACCUSED NO. 4.:

Yes, I mean when he spoke in the meeting.

ACCUSED NO. 4.: (To witness):

Do you know Zulu?-- Not too well.

Thank you, Your Worship.

XXD: ACCUSED NO. 5.: SELBY NGENDANE.)

In the notes that you have made, you have referred to speeches made by one, Abel Mogale?-- Which meeting?

The meeting at Alexandra.....the meeting of the 24th....

BY THE COURT:

I think you have referred to him three times, once as an interpreter, and twice as a speaker.

ACCUSED NO. 5.

The meeting of the 14th of February.... the meeting of the 6th of March, 1960.

BY THE COURT: (To Accused No. 5.):

Instead of looking up, will you ask the question, then we know whether it is necessary to look up the speeches.

ACCUSED NO. 5.

Are you satisfied that this person was Abel Mogale?-- Yes, there is a person by the name of Abel,

But/...

But the address did go as you said in your evidence?--

ACCUSED NO. 1.: (Speaking without a microphone, and only faintly audible.):

I object, Your worship. The Special Branch Detective (Inaudible)

BY THE COURT:

I didn't see that. If that is the case ...

SPEURDER : Spreek die Hof in Afrikaans toe: Hy ontken bewering.

DEUR DIE HOF:

Ek sal u woord daarvoor neem, maar die beste is dat u in die vervolg gladnie na die getuie kyk nie, sodat daar/ enige gevoel kan wees, of enige suspisie kan wees dat jy jou met die getuie bemoei nie.

BY THE COURT: (To witness):

Now you say there is a person by the name of Abel Mogale?-- Abel Mogale, Your worship.

ACCUSED NO. 5.

And that address is as you have taken it down in your notes?-- According to my notes, he was the speaker at this meeting.

Is he a P.A.C. member?-- That is what I understood, that he is a member of the P.A.C.

How?-- From my fellow-workers, they told me that he is a member of the P.A.C.

BY THE COURT:

Who told you, one of your fellow-workers, you say?-- Yes, Your worship.

I may say that is not...that is hearsay evidence. I think the Crown will agree with me? Mr. Prosecutor, does the Crown agree that that is hearsay evidence?

P.P.:

I agree, Sir, but I don't know for what purpose they are ascertaining it. It might be...

BY THE COURT:

I don't know...

P.P.:

It might be admissible. I don't know why they are giving it out. It is admissible if the Defence brings it out, I don't say of that fact...

BY THE COURT:

Yes, in a conspiracy charge, of course the evidence that a person who is a member of the P.A.C. told the witness that he is a member of the P.A.C., that is admissible evidence. The fact that he... I am talking about admissible evidence, admissible to show that that person is a member of the P.A.C. that is the truth of the matter stated. Now, where the colleague of the witness tells him that the person is a member of the P.A.C., it is not evidence of the truth of that fact. It may be evidence of some other fact. It is evidence of the fact that he was told by a member of the ...by a colleague of his, but it is not evidence of the contents of the statement, not necessarily evidence of the contents of the statement of his colleague. I have tried to explain this to you. I don't know what the purpose of the question ...of your question to the witness is.

ACCUSED NO. 4.:

I've no further questions, Your Worship.

XXD: /...

XXD: ACCUSED NO. 6: (Lennox Nlonzi.):

Which school did you attend? The African school or the Coloured school?-- Well, at the time when I was attending school there was no African school, we were just attending all school.

Where was this? -- Pretoria.

The Africans and the Coloureds were mixed?--
Yes.

Who was your class teacher, was he an African or a Coloured?-- It was a Nun, an European Nun.

Where did you pick up Sesutu, did you pick it up from school, or from friends?-- From school and from friends.

Did you take Sesutu as a subject?-- At school, yes.

At school. Why did you do that when you are a coloured? -- Well, it was because....

BY THE COURT:

What was that question?

ACCUSED NO. 6:

Why did you do that, when you were, are, a coloured, what interest did you have?-- Well, that was the instruction of the school that to-day we are taking Sesutu and to-morrow that...and that... We've got to do what they tell us at school.

You have told this Court that about three Africans who spoke at these meetings, you saw them, and they told you that they are members of the African...African mission... of the.....Africanist Congress?

BY THE COURT: Pan-Africanist Congress.

ACCUSED 6.: Pan-Africanist Congress? Did they know that you are a member of the Special Branch?-- Yes.

All/...

All of them?-- They knew that I was a member of the Security Police.

Did you tell them that you have got the right to ask them whether they are members? Because of your position?-- Yes, I told them that I've got to get their names and their addresses.

And you pointed out, outside that meeting where they spoke, you still have got the right of going about asking...did you tell them that you have got a right?-- That's right.

Do you know that you have got that right?-- Yes.
Thank you, Sir.

XXD: ACCUSED NO. 7: (Rosette Ndziba.)

On the particulars, page 9, the speech made on the meeting on the 6th, the 6th of March, 1960?-- (Yes?)

I refer you to the 'circumstances'...

BY THE COURT:

You refer him to...?

ACCUSED NO. 7.:

...to a certain sentence in the speech rendered by Calvin Boloyi. "We are oppressed by the pass laws, known as the (dragon) in brackets. I want to know from the witness, what is the meaning of the word dragon in Zulu? Dragon, in Zulu?-- Your worship the speaker used the word 'dragon' in English.

Thank you, Sir.

ACCUSED NOS: 8 to 23, asked individually, have no questions.

RE-XXD: P.P.:

Constable, tell me, what nationality is your mother?/...

mother, or was your mother?-- My mother was a Msutu, Your
Worship.

And what nationality is your wife?-- Pardon?
What nationality is your wife, I take it you
are married?-- I am.

What nationality is your wife?-- She is an African.
She is also an African. What language does she
normally speak?-- Well, she speaks Sesutu, English and
Afrikaans.

And your mother, what languages did she speak?--
My mother used to speak the English, Afrikaans and Sesutu.

Thank you. Now, regarding this interview...
you mentioned earlier on that you spoke to these three
persons, and they told you that they were members of the
Pan-Africanist Congress. Now, what is the normal procedure
at a meeting where a speaker is unknown to you? If you
don't know a speaker, what is the procedure adopted by
you, as a policeman, if you have to attend that meeting?
-- Well, we interview...after the meeting we have got to
try and get his name, and ask him whether he is a member
of that organisation where he was a speaker.

Now, you also indicated when you were cross-
examined, that you very seldom heard discussions between
the African people, outside of the meetings?

Belt
18.

BY THE COURT:

Was that with regard to the passes?

P.P.:

With regard to the passes, Sir.

P.P.: (To witness):

With regard to the passes. Then it was put to
you that that wasn't the answer to the question: "Is it ever
discussed/..

discussed, did you ever hear it discussed?" and you said yes, you did hear it discussed outside the meetings. Now, about how many times did you hear it discussed outside of the meetings?-- Very seldom, Your Worship.

When you say 'very seldom', would you be prepared to say once, or ten times, or less, or more?-- If I am not mistaken, I think about thrice, Sir.

About three times?-- Yes.

And these persons that you heard discussing it, do you know them?-- No, Your Worship.

No more questions.

BY THE COURT:

What are the functions of a Chairman at these meetings? What does the Chairman do?-- He opens the meeting and announces what meeting it is, then he makes a speech and in his speech he calls the speakers.

So I understand that he first states who has called the meeting and what the meeting is for?-- Yes, Your Worship.

Then he makes a speech?-- A speech, yes, Sir.

Or he calls upon the speakers?-- He first makes a speech, then he calls on the speakers.

Now, when he calls upon the speakers, how does he proceed to call upon them?-- While he stands up on the platform he just announces that he is going to call upon his next speaker, and he mentions his name, and then the next speaker will go to him and start to give his speech.

And he calls him by name?-- Yes, Your Worship.

And again you say that in all these cases where

you/...

you have got the names here, that these names were called by the Chairman of the meeting?-- Yes, Your worship.

In the case of Abel Mogale, was that name called or did you get it from Abel Mogale?-- Your worship, they just called them with their surnames, not with their first names, but the first name of Abel I got it from one of my fellow-workers, Your worship.

So do I understand correctly, then, that^{at} all these meetings, unless a person is called by a Chairman to come and speak, he doesn't speak?-- No, Your worship.

The audience doesn't speak?-- No, the audience just answer when the speaker or the Chairman ask if they agree with certain questions when he asks them.

But you said in your evidence that when a member of the audience speaks, then he just speaks from the audience?-- From the audience, not from the platform, Your Worship.

Is that making a speech, or how did you mean it? -- He doesn't make a speech, because he is not on the platform, Your worship.

What does he do, then, when he speaks?-- Well, we take those as apart from the speakers. Those amongst the audience, we don't take them as speakers, Your worship.

You don't take notice of them either?-- No, Your Worship.

So when you have taken notes, they are all of the speakers called by the Chairman? All called upon by the Chairman?-- Yes, Your Worship.

May I have a look at your notes, the Exhibit you have just handed in? I think they are Exhibits Q,R,S.

P.P.: (To the Court):..

I think he actually starts at Exhibit O, Sir.

BY THE COURT: (To witness):

O? -- Yes, Sir.

O,P,Q,R,S. I notice that these sheets on which you made your notes appear to have been torn from a note book?-- Yes, Your Worship.

Did you do your writing while these sheets were still in the note book?-- Yes, Your Worship.

Are you provided with a table at these meetings, or do you just do the writing on your lap, or on your hand? Well, there is like a ...thing in the Landrover, Your Worship. We are not provided with tables.

Do you sit in the Landrover?-- Yes, Sir.

And have you got a place there, to rest your note book to write?-- Yes, Your Worship.

And these notes were actually made by you at the time, while the speaker was speaking?-- Yes, Your worship.

Nothing was added or filled in later?-- No, Sir.

Now, when a speaker was speaking in Zulu, which you don't quite understand, very well, could you write down everything he said?-- No, Your worship, not all he said, only what I could understand.

What did you do when you didn't understand?-- Pardon, Your Worship?

What did you do, then, when you didn't understand?-- I did just have to leave it, Sir.

Did you leave it out?-- Yes, Sir.

Did you have any difficulty in keeping up with the speaker, while making your notes?-- Your worship and the speaker is not too fast, those times it is easy/..

easy to keep up with him. When he is fast then it is difficult to keep up with him.

I see few, very few blanks in the notes, now how does one know then, when you couldn't keep up with the speaker? Do you follow what I mean?-- No, Sir.

Take any page like this: You find that the writing continues right through, there are no gaps?-- Where there are no gaps is where I could follow the speaker, Your Worship.

Like this, where he says: "The time has come, Africans..." and there is a blank line there, where you couldn't keep up?-- That is right, Sir.

Then you start with the next?-- Yes, Your Worship.

I was referring to Page 11 of the notes, Exhibit

Q.

Are you satisfied that these notes are the gist of what was said by the speakers?-- Yes, Your Worship.

What you have written down here?-- Yes.

Yes, thank you.

(continued on page 186)

5.

JAMES MBENYANI states under oath:BY P.P.:

You are a Detective Constable in the South African Police, attached to the Security Staff, stationed at 'The Greys', Johannesburg? -- That is correct.

Now amongst your duties were you supposed to attend meetings held on various occasions? -- That is correct, Your Worship.

To take notes down of who were present at the meeting and what took place at the meeting? -- That is correct.

What was said at the meeting? -- That is correct.

Now on the 29th of November, 1959, did you attend a meeting at No. 3 Square, Alexandra Township? -- That is correct.

What meeting was it? -- Pan Africanist Congress.

At what time did it start? -- Quarter to twelve.

And what time did it stop? -- Quarter to two, Your Worship.

Now did you keep notes of the speakers who were present? -- Yes, Your Worship.

Are those the notes which you have in front of you, exhibit 'T'? -- Yes, Your Worship.

About how many people attended the meeting? -- About 130.

Who were the persons? -- Your Worship, their names those that I knew/I wrote on the note book, and those I did not know I did not mention their names.

Were/....

6.

Were they Europeans, or non-Europeans? -- They were all Africans.

What sex? -- Men and women.

When you say men and women, were there children present? -- I did not pay any attention to that, whether there were any children.

Now who was the Chairman at this meeting? -- Josias Madzunya.

Who is he, point him out? -- No. 11.

Did he address the meeting? -- Yes, Your Worship.

In what language? -- In Sesutu.

Did you make notes of what he said? -- Yes, Your Worship, I wrote down what he said.

Did you write down everything that he said? -- No, Your Worship, what I managed to write down I wrote down, and what I could not manage to write down I left out.

Now I want to refer you to your notes, page 4, starting with the words 'We of the Pan Africanist Congress' ? -- "We of the Pan Africanist Congress, we say our enemy is the pass and we are waiting to tell all the people not to carry a pass and to go to work free, but we people who bought a pass that is merely our property because we bought it. We of the Pan Africanist Congress are fighting against the pass Law. We want to go without passes. What is the good of carrying an enemy on you. If you get arrested for failing to produce a pass in Court we can ask the Magistrate

BY THE COURT (to witness)

"We shall" - what did you say, I didn't quite hear that.

BY P.P. (to witness)

What is that next sentence, after 'in Court'?

-- In/.....

-- In Court just ask the Magistrate that whose pass is this, it is not mine as I bought it. In 1960 we must be free from the passes, we must make that, we must be free. From next year we of the Pan Africanist Congress we must be fighting against the Pass Laws, but you must know that by so doing we shall be arrested, some of us, they get 15 lashes and the others may go 15 years in gaol. We know that we are going near the month of the Lion. From next year Pass Law will be abolished from Africans. The Europeans are getting cheap labour because of the pass. We want freedom but we shall get freedom through our deeds. We shall get freedom while the Europeans are carrying guns always(?). We are not going to fight. Dr. Banda is on a chain but Nyassaland will remain free. From 1960 the African women will be arrested for failing to produce a pass. Now what do you say about it. We of the Pan Africanist Congress we are not fighting against the Police but we are fighting against the Law. Please tell other women to come to this meeting we want to make a plan about the pass. In 1960 we want freedom of Africans "

Alright now, Constable; tell me who was the next speaker? -- Lucas Matlou.

Is he one of the accused or not? -- Yes, he is (Witness points out accused No. 18).

What language did he speak? -- Sesutu.

Were any of the other accused present at the meeting? -- Abram Mogale.

BY THE COURT (to witness)

Is that accused No. 14? -- Yes.

(COURT ADJOURNS).

ON/.....

ON RESUMING:

JAMES MBENYANI states under oath:

BY P.P. (CONTINUING)

Constable Mbenyani, you gave evidence this morning regarding a particular meeting that you attended, now I want to - on the 13th of March, 1960, did you again attend a meeting at Alexandra Township, this district? -- That is correct.

Did you again keep notes of what meeting it was? -- Yes, Your Worship, it was a Pan Africanist Congress meeting.

Yes, and you kept notes of all relevant facts, who spoke at the meeting and what was said? -- That is correct, Your Worship.

Does it again apply that you only recorded speeches as far as you were possible, as far as you could possibly do so? -- That is correct.

Now how many people attended this particular meeting? -- There were about 100 people.

What race? -- Male and female sex, Your Worship, Africans.

Who was the Chairman of that meeting? -- Josias Madzunya.

Just point him out? -- No. 11.

Did he address the meeting? -- Yes, Your Worship.

In what language? -- Sesutu.

Your notes were taken down in English? -- Yes, Your Worship.

Did you translate direct from the speech to your notes? -- That is correct.

Your notes you hand in as exhibit 'U' --

the/...

the notes which you took at the time? -- That is correct.

Now I want you to turn to page 3 of those notes, beginning with the words 'We say we don't want to'? -- "We say we don't want to carry a pass, if we carry a pass the Europeans must also carry a pass. We of the Pan Africanist Congress we are not against the African Police..."

Just repeat that, 'We of the ..', repeat that slowly, 'We of the Pan Africanist Congress...'? -- "We of the Pan Africanist Congress we are not against the Police, the African Police."

Yes, go on? -- "We say they must not illtreat their African people. What's the use of carrying a pass yet when you are arrested and sold to the farm at Bethel and die there, that pass will not come and report that you have died..."

Just repeat those last two words again, 'that you..' - the last two words, 'the pass will not come and report that you ..' ? -- "Will not come and report that you are dead".

That's right, go on ? -- "Today our African ^{they} women have carried passes. We are fighting against the Government by so doing. I wish the Europeans can leave ..."

One second, one second, wait a second, 'Today our African women, they have carried passes' ? -- Yes.

What follows immediately after that - have you got that 'Today our African women, they have carried passes' - just find that first - have you got page 3 of your notes there, Constable? -- "Today our African women they have carried passes."

Yes alright, now turn to the next page,

what/.....

what is the next word? -- "And these passes they bought, they bought with money".

Yes, go on? -- "And that money is supporting the Government."

Yes? -- "We of the Pan Africanist Congress we don't want lawyers and we are not going to plead".

Alright, now who was the speaker after that?
I think
-- The next speaker/was Charlie Ndaba.

Pardon? -- Charlie Ndaba.

Just have a look there? -- Abe Kgare.

Yes, what did he speak? -- Abe Kgare spoke in Sesutu.

Was there any interpreter? -- Yes, the interpreter was Charlie Ndaba, he interpreted into Zulu.

Who is Abe Kgare? -- (Witness points out accused No. 15).

Alright, now begin with his address, 'Africans.'
? -- "Africans, you all hear that you must save money, save money and food .."

Read slowly, don't be in a hurry, Constable? -- "and you heard what was said about the last of the passes, and that passes oppressed you".

Alright, now turn to page 6 of your notes, the same speaker's address? -- "You are refusing with your passes and this passes will not help you."

Yes, go on? -- "We have been carrying the passes for a long time and today our African women are also carrying passes. We are oppressed through the passes."

Now, that is enough of the addresses, tell me, were any of the other accused present at this meeting? -- Abram Mogal was there.

Point/...

1.

Point him out? -- (Witness points out accused No. 14).

Anybody else? -- and Lucas Matlou. (Witness points out accused No. 18).

Yes, anybody else? -- Johannes Phashe. (Witness points out)

Johannes Phashe, accused No. 12? -- (Witness points out accused No. 17).

BY THE COURT (to witness)

What's his name, do you know? -- Johannes Phashe.

No. 17 - what's his name? -- Johannes Phashe.

You pointed out No. 12 there - what's his name?

-- I was mistaken, Your Worship.

No. 12 was not there? -- No. 12 was not there

BY P.P. (to the Court)

Thank-you, Sir, I have no further questions.

BY THE COURT:

Have any of the accused any questions - No. 1?

XXD ACCUSED NO. 1:

You say you are Sesutu speaking? -- Your Worship I speak Sesutu but I am not a Sesutu I am a Bechuana - Shangan.

Can you write Sesutu? -- I only know to read Sesutu a little bit I can't write it.

You can write Shangan? -- Yes, I know it to write

Which is easier for you to write, English or Shangan? -- Shangan.

At the meetings you attend, you said here you write what the actual speaker says, is that correct?

-- I write what I hear him say, what I do not hear properly I leave out.

Most/.....

Most of these speakers use an African language at these meetings? -- That is correct.

Would it be easier for you to take down what they are saying in Shangaan - wouldn't it be easier for you to take down what they say in Shangaan? -- Your Worship, I could but now I've got to write in an official language so that a person can read it.

Couldn't you take down the notes in Shangaan and then at home re-write that in English? -- Your Worship, it would give me a lot of work and it is still one and the same thing because I still have to write it in English.

How long do you keep your notes with you? -- Your Worship, I write in Alexandria and then I submit them at my office.

When you attend a meeting on a Sunday afternoon at Alexandria Township, do you submit your notes the same Sunday to the Police? -- Your Worship, I always send them back, - submit them the following day but if I find time I do submit them the same day.

Is there no standing regulation as to when you should submit your notes? -- No, any time I can just submit them.

When you attend these meetings, do you go alone to them? -- I go there with other members of the Police that work with me, Your Worship.

Each one writes his own notes? -- That is correct.

Do you compare notes at any stage? -- Your Worship, we don't show one another what we have written, we show as to how many you have, the figure.

BY THE COURT (to witness)

We/....

"We show" ? -- One another/^{what}the figure was, Your
Worship.

What figure? -- The figure of the people that
attended the meeting, but not to show what actually was written
on the notes.

You mean you show the others your estimate of
the number who attended the meeting? -- Yes, Your Worship.

BY ACCUSED NO. 1 (to witness)

Do you ever revise your notes? -- Yes.

When do you revise it? -- When the meeting is
closed.

At the meetings you attended, were there any
speakers from the audience who participated? -- I have not
seen them and I did not hear them either.

When did you first know of this case, that
there was a case against the accused coming up ? -- Last
month.

Did you know that you would be a witness in this
case? -- Yes, I knew, Your Worship, because I am one of the
people that went about writing the notes, of what they said
at the meetings.

BY THE COURT (to witness)

Were you told you would be a witness? -- No,
I was not told.

Have you discussed this case with any of your
colleagues? -- No.

At the meetings you attended, were Pass Laws
-- besides these you've attended other meetings I take it? --
Yes.

Were Pass Laws discussed at such meetings? --
Yes, Your Worship, they spoke about passes.

In/.....

In condemnation or in praise? -- They were condemning the passes.

Do you carry a pass? -- Yes.

Do you like it? -- Yes, I like it.

Have you ever met anybody who likes it besides you? -- They have never told me anything, Your Worship.

BY THE COURT (to witness)

They have never .. ? -- They never told me anything about their passes, as to whether they did not like their passes(?).

BY ACCUSED NO. 1 (to witness)

Do you think you know the political opinion of the African people? -- In what respect?

The political opinion - what they think of the Laws of this country? --

BY THE COURT (to No. 1)

Pass Laws or what Laws?

BY ACCUSED NO. 1 (to witness)

The Laws generally in this country? -- Your Worship, what do I know what other people think.

Do you talk to people at all? -- Yes.

Do they ever discuss the Pass Laws with you? -- No.

Have you ever heard them discuss the Pass Laws amongst themselves? -- No, I have not heard that.

XXD ACCUSED NOS. 2, 3, 4, 5:

No questions.

BY ACCUSED NO. 6 (to the Court)

(Inaudible - Accused No. 6 not speaking into the microphone).

BY THE COURT (to No. 6)

Talk into the microphone.

BY/....

BY ACCUSED NO. 6 (to the Court)

The objection is that, Your Worship, there is a tendency of the Special Branch going out and it is possible that the Special Branch that is in Court is meeting the witnesses outside. I have every believe that that thing is happening at this Court, because the up and down of the Special Branch that is here when the proceedings are going on and at the same time they have to leave the Court within that period. I have every believe that there is a consultation with the witnesses outside.

BY P.P. (to the Court)

Your Worship, may I just briefly inform the Court what the position is. I sent the Special Branch out for a specific purpose - to go and speak to a witness, not on what this witness has said, Sir, but what is being - the next witness who is going to be called there is one aspect I wanted clarification about. I sent the Special Branch out to go and speak to the witness and ascertain from him what the position is on that particular aspect - nothing to do whatever with what this witness has said.

BY THE COURT (to No. 6)

Are you satisfied in regard to that?

BY NO. 6 (to the Court)

I am not very much satisfied, Your Worship, because I feel that there should be a stop about that, no guarantee we can have in this Court that other things are not being discussed with the witnesses.

BY THE COURT (to No. 6)

I am afraid that is Court procedure that the Investigating Officer, the man in charge of the case, must be of assistance to the Public Prosecutor and he has to

send/.....

send him from time to time to get some information from a witness and I don't think the Prosecutor, I may tell you, any Prosecutor, will stoop to that to get somebody to go and tell another witness what a witness has said in Court - that is just not done. Your objection will be noted.

BY THE COURT (to No. 7)

Have you any questions No. 7?

XXD ACCUSED NO. 7:

Now the witness has told us that he counts the men - the people who are present at a meeting, I would like to know at what stage does he count the people? -- Just after the meeting is closed we always then pay attention as to note how many people were there.

BY THE COURT (to witness)

No, no, that is not the answer to the question, the question is: Did you count the people at all at the meetings - at any meeting? -- We just estimate, Your Worship, as to how many people were there.

The question is now, when - at what stage of the meeting do you make your estimate of the number of people there? -- At the closing time.

Yes?

BY ACCUSED NO. 7 (to witness)

You said, when you were asked by accused No. 1, that you revised your notes, now I want to ask when do you revise your notes? -- Just after the meeting is closed, when the people have already gone, then I check up my notes.

At the meeting place - the same place? -- Your Worship, sometimes I do revise my notes at that place where the meeting was held, sometimes I revise them

at/.....

at my home.

He doesn't know (?) just one answer to the question: Did you revise the meeting, the minutes, at home or did you revise them at the meeting place? --

BY THE COURT (to No. 7)

But he just told you sometimes he does it on the spot, at the place where the meeting was held, in other cases he revised them at home. Is that sufficient answer?

BY NO. 7 (to the Court)

Yes.

BY NO. 7 (to witness)

You said that you heard last month about the case coming on? -- Yes.

What date? -- I don't remember the date.

XXD ACCUSED NOS. 8 to 23:

NO QUESTIONS.

RE-EXAMINATION BY P.P.

When you say you revised your notes after meetings, what do you really mean by the word 'revised' ?
-- I look through my notes to see if there are any mistakes.

When you say 'mistakes', what mistakes do you mean? -- Your Worship, sometimes I had to write and will not write it in full.

I see, now the notes that you revised, what happened to those notes, are they the notes which were handed in or do you re-write them and hand in other notes?
-- I handed in the same notes.

Now Constable, did you hear about the accused being arrested last month? -- Yes.

Was it before that or after that that you realised you would be a witness? -- Before they were arrested.

Now/....

Now on what date were you notified to be a witness in this Court? -- Last Saturday.

The 2nd of April - now do you know who is the person who decides whether to call you or other persons as witnesses? -- I don't know.

BY P.P. (to the Court)

Thank-you, Sir, I've got no further questions.

BY THE COURT (to P.P.)

Mr. Prosecutor, I think the accused probably do not know, the best would be to tell them that the Prosecutor decides whether to call a witness or not.

• BY P.P. (to the Court)

Yes, Your Worship, I've got no objection to the Court informing them that ...

BY THE COURT: (to Accused)

I think it was No. 7 who wanted to know the answer, but actually the - No. 6 - actually the Prosecutor would decide in a case which witnesses to call. He gets all the papers from the Investigating Officer, he goes through them and after going through them he decides which witnesses he will call for the Crown. I just tell you so that you know the procedure. He also decides whether he considers on the papers there is a case for a contravention of the Law or not, if he thinks there is no contravention he does not institute a prosecution.

LEONARD NDWANDA states under oath:

BY P.P.

Leonard, are you a Detective Constable in the South African Police? -- Correct.

Attached to the Security Staff and stationed
at/.....

at 'The Greys', Johannesburg? -- Correct, Your Worship.

Does your duty include, inter alia, attendance at meetings? -- Correct.

Of certain organisations? -- Correct.

When instructed to go there, and also to take notes of what meeting it is - various other factors regarding the meeting and what is said at the meeting? -- Correct, Your Worship.

Now in accordance with your duty did you attend a meeting on the 28th of February, 1960, in Marks Square, Naledi Location, Johannesburg district, Regional Division of South Transvaal - refer to your notes? --

BY THE COURT (to P.P.)

Which Location?

BY P.P. (to the Court)-

Naledi, Sir.

BY THE COURT (to P.P.)

Naledi - Mark Square - is it Mark Square?

BY P.P. (to the Court)

Marks Square - M-a-r-k-s, Sir.

BY P.P. (to witness)

Did you duly keep notes of that particular meeting? -- I did, Your Worship.

Are those the notes which you now have in front of you, exhibit 'V'? -- Correct, Your Worship.

Which you hand in - now what meeting was it, Leonard? -- It was a Pan Africanist Congress meeting, Your Worship.

How many persons were present? -- There were about 200 Bantu people of both sexes present.

When you say 'Bantu people', do you mean grown-ups or grown-ups and children? -- I did not record

it/.....

Robert Sobukwe and others: Trial record 1960

PUBLISHER:

Publisher:- Historical Papers, University of the Witwatersrand

Location:- Johannesburg

©2011

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

DOCUMENT DETAILS:

Document ID:- AK3054-Vol2

Document Title:- Pages 142-241.

Document Date:- 04-04-1960