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SAIRR Security Trials

Bethal Trial

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to talk to.

And accused No. 8? -- Where was accused No. 8 then?

Was he not there in the vicinity? Couldn't you have gone to him? -- How would I then know that he had taken people away?

Didn't he render assistance to you people there in Small New York? -- I did not know that accused No. 8 was taking people away. He never put his foot on Small New York and Kaya would not tell us who the person who is helping him, is. .

What was the reason why Kaya did not want to tell you? -- I do not know. (10)

Didn't you ask Kaya? -- I did not. I did not want to ask him because I wanted to go away.

You wanted to go away but you did not want to ask Kaya. Is that your answer? -- I did not ask Kaya, yes, but if I was with Kaya then he would have taken me with him when he left.

But you said he did not want to tell you. -- Yes, I do not know why.

Did you find it a bit strange that he did not want to tell you? -- Very much.

Were you a member of SASM? -- A big no. (20)

And a member of BPC? -- A big no.

And a member of SASO? -- A big no.

Now you testified that you were a prominent person on the various meetings of the students. Is that correct? -- There is a difference between a prominent person and a speaker.

According to your evidence-in-chief you said more or less the following: that you were a prominent speaker at these various meetings. -- Yes.

Did you represent any organisation at these meetings? -- I have already said no. (30)

What did you say at these meetings? -- We were talking about/...

about Bantu Education and that we do not want it.

And why did you make so many speeches there? -- It is because this Bantu Education was too bad.

What was wrong with this Bantu Education then according to you? -- You also know well that if you are matriculated and I am also matriculated, we will both not be given the same salary. You were not supposed to ask me that question.

And what am I supposed to do then? -- You know how bad Bantu Education is because you also know that you, as a White person, will not have the same standard of education as (10) we Blacks.

Who are educating you? -- Black teachers.

Yes, your own people. -- Yes, the syllabus is from Pretoria and it is being prepared by Whites, not Blacks.

What is wrong with the syllabus? -- You know well. I have already said what the difference is. Do not ask that question.

You have not said what the difference is.

BY THE COURT: Mr Interpreter, just warn the witness he is not here in the circus, he is to behave himself and answer questions. And take your hand out of your pocket. -- You know the (20) difference.

Mr Interpreter, just tell him if he pats you like that on the hand again, I will cite him for contempt of court. He can stand properly and answer questions, he is not an actor.

MR HAASBROEK: What is the difference then in the syllabus of the White matriculation and the Black matriculation? -- The standard.

How do you know the standard of the Black education is worse than that of the White education? -- If two, a White and a Black child are both doing form 2, are equal in age, the (30) White child will be more advanced in his standard than

the/...

the Black child.

Well that is your view. Do you know anything about the Comrades? -- Comrade is a word meaning 'friend'.

Do you know about this particular word being used in the Western Province in 1976? -- Comrade and friend is the same thing. Now I do not know what to say, which of these words was used most.

Do you know about the young Black people who fled from the police calling themselves Comrades? -- It is obvious that I was also a Comrade because I was also fleeing from the (10) police.

For what reason? -- Because of my talking in meetings oftenly, talking about the Bantu Education and how bad it is.

So now you consider yourself to be a Comrade. -- Yes, and friend as well.

And you know about the Comrades then. -- Yes, and the friends as well.

BY THE COURT: Were they called Friends as well? -- I have already said comrade means friend. This is the same thing.

Counsel wants to know whether those people who were (20) running away, these were called Comrades. Had you ever heard of that? -- These people who were running away from the police were called Comrades and Friends as well. I am not going to repeat this again.

Was the word 'friend' used for them as well? -- Comrade means friend. I cannot differentiate between these words if I say Comrades .. (intervenes)

You are getting all the chance to answer the question. Were the people who ran away from the police called Friends as well as Comrades? -- Before answering that question, may (30) I say something else which is here in court?

Just answer the question please. -- Before mentioning this I am not prepared to proceed.

Very well, I have got your answer. -- May I point out something that is wrong here?

Go on, Mr Haasbroek.

MR HAASBROEK: Very well, you said that during 1977 you used to stay with your parents and eventually at Small New York. -- Yes.

And the only reason why you went to stay at Small New York was to leave the country for better education. -- Yes, as I (10) have already said.

Now why was it necessary to leave your parents and to go and stay in a certain house called Small New York for that purpose? -- I was against the system of Bantu Education. Kaya knew my position and I wanted to leave.

But why was it necessary to stay in a certain house which was not the house of your parents for a few months? -- Because we were being sought for by the police, we were hibernating there and we were also waiting there for the trip.

But weren't you afraid that it would have been easier (20) for the police to locate you there assembling all of you in a certain house, a person who had fled from the police? Wouldn't it have been easier for the police to trace you there in that particular house? -- No, it was not easier because that was the place where we were hiding.

Very well, if that is your reply. Did you tell your parents about your plans to skip the country for better education? -- I am sure that all the others who have left did not tell their parents that they were going.

What was the reason for that? -- For fear that their (30) parents would stop them or make this intention of theirs known

to the police.

Why would the parents then stop you people because you had the intention to go outside the country for a better education? -- Because of their love for us. They did not want to part with us.

Isn't it because the actual reason was that you were going out for military training? -- I become mad when you mention military training because you know very well that I said yesterday we wanted to go for better education.

That is what you may have said, but certain witnesses (10) testified here for the State in court that the idea behind it was to go out for military training. -- I do not know about that but there is the possibility that they may have been forced by the police to say that. What I knew was that all the people who wanted to go, wanted to go for education.

How long did you stay in that particular house called Small New York? -- As far as I can remember I started staying there in the beginning of April.

Up to? -- August on the 12th when I was arrested.

And where did you get money from during that time that (20) you lived there? -- From my parents and I also had my own means of getting money.

So in fact your parents knew well what your plans were. -- My parents did not know, but you can also give money to your children.

But you stayed away from them. -- I would be with them during the day but not at night.

BY THE COURT: Oh, I see. You would sleep there at night. -- Yes. They were pleased to see me knowing that I am not dead.

MR HAASBROEK: And who supplied food to you in that house? (30).

-- I had my own money. The others also had money and Kaya would/...

would sometimes bring food, but Kaya was not our sole supporter because we also had money.

And you also testified that you know accused No. 9. --
Very well.

Is he a friend of yours? -- No.

How well do you know him? -- I knew him by sight by seeing him in Guguletu, at the rugby and during shows.

Did he ever pay you visits at Small New York? -- No, he never put his foot there.

Did he ever discuss Small New York with you? -- No. (10)

And did he know what the purpose was of you people staying there at that particular house? -- I do not know.

Do you know whether Kaya knew accused No. 8 and accused No. 9? -- No, I do not know.

And you also testified then in your evidence-in-chief more or less the following: Kaya did not make arrangements and he would not tell us what would happen to us. Is that correct?
-- Yes.

Why did he not want to make any arrangements? -- I do not know. (20)

Did you not ask him? -- I did not, as I have already said.

And did you ask him what was going to happen to you? --
I would not ask him.

And you also said he had fear but I do not know why. -- Yes.

Now why did he have a fear? Is it possible to infer from anything why he had a fear? -- I should infer?

Yes. How did you know that he had fear? -- He said he does not want to tell us.

Now the whole purpose of the people staying there in that particular house was quite innocent. Isn't that so? -- (30).

Yes because we always had to be together. People were not to

know/...

know what our aims were in staying there.

But the whole purpose why you stayed there was to go out for education in foreign countries. -- Yes.

So why did this man Kaya have fear at that stage? -- I do not know.

Is it not because he knew that you were going out for military training and that it was very dangerous for you people? -- No, I do not know that because I was not in his mind. .

You knew Kaya very well. -- Yes, because we grew up together we were at school, we were together in sports but we kept (10) our secrets to ourselves.

Yes, but being friends with each other, why didn't you just ask him about his fear? -- Friends do not trust each other.

Is that your attitude? -- Yes.

And did you trust him? -- Yes, I trusted him though not too much.

When he said that he had a fear, did you trust him at that particular moment? -- I trusted him. He did not want to tell us what would happen.

And you were satisfied with that situation? -- Yes. (20)

And you just continued to stay on there in Small New York under those conditions? -- Yes.

You testified that the only purpose of staying there and going out of the country was for better education. -- Yes.

To which country did you personally intend to go for your better education? -- I would decide to which country to go after having arrived at any country outside this country.

Is it then possible that you were prepared to go just to any country and then decide where you would get your education?

-- Yes, I knew of only two countries where I would go. (30).

Yes? -- This is where I would make my decision.

And/...

And they were? -- Because these are the nearest countries outside the borders of South Africa.

And they were what countries? -- Botswana and Swaziland.

Now, which school in Swaziland did you have in mind? -- I had never been to Swaziland and therefore I did not know Swaziland. I would only know of the schools in Swaziland after my arrival there.

And then you would have been satisfied just to go and attend any school in Swaziland or Botswana? -- Yes, seeing that the education there is better than the education here in (10) South Africa.

You said that you had never been in Swaziland. Is that correct? -- Yes.

How do you know the education in Swaziland is better than here in South Africa? -- Because the standard of education in South Africa is lower than the standard of education there.

How do you know that? -- I just know it.

How? -- I know it.

I cannot understand that. -- But you know how one will write - how a person writes one, I do not have to describe (20) how one is written.

Is that your reply? -- Yes.

Very well. And had you been to Botswana previously? -- No.

And the same applies to Botswana. You do not know anything about Botswana and yet you say that the standard of education in Botswana is better. -- Yes, South Africa is the only country with a low standard of education in the whole of Africa as far as I know.

Right, that is your knowledge. And being prepared to leave the country, did you have any luggage with you to (30) take with you across the border? -- No.

Why not? -- Because I would become a refugee over there.

Yes, but wouldn't you have needed your things, your personal luggage, other personal possessions? -- How?

Are you asking a question? -- What has a refugee ever needed? When a person runs away from this country, what else do you need when you are running away?

Yes, and if you go for military training you will not need any luggage either, isn't that so? -- I cannot say anything about military training and I therefore do not know whether or not one needs luggage or not, but I just become mad when (10) military training is mentioned.

And according to you then the whole purpose of leaving the country was for better education? -- Yes.

And you were also detained by the police under Section 6 in connection with this case. Is that correct? -- Yes.

And is it correct that you said to them that you knew nothing? -- Yes.

Why did you say to them that you knew nothing? -- I do not know why they had arrested me.

But it was in connection with this case. Is that (20) correct? -- I was just arrested in Cape Town and was asked about Landingwe and Ghost and people I did not know and then I was taken to Bloemfontein.

And for how long were you detained? -- For 6 months.

And then you were released? -- From the 12th August to the 10th January.

And then eventually you were released. -- Yes.

BY THE COURT: Was that 1977? -- 1977 to 1978.

MR HAASBROEK: Why did you not tell the police about you people intending to leave the country for better education? -- (30)

It is because the police who are working for the government and the/...

the government system are forcing us into this education which we did not want. It would not be wise to tell them this.

But to tell them that you had the intention to leave for a better education. It is quite a harmless thing. -- It is harmful because they could force me to say we intended going for military training, just as they did when I was in detention.

But eventually you were released without any effect. -- Yes, though I was assaulted.

You were assaulted and then eventually released. -- It is important to say that I was assaulted before my release. (10)

Yes, it is important to say that because it is a lie. -- Yes, you may say that because you were present when I was assaulted.

Do you mean to say that I was present when you were assaulted? -- Because I was there and I say I was assaulted, but you say I was not assaulted.

How did it come about that you were assaulted? -- I was forced to admit this mention of military training. This was said when Landingwe was also mentioned.

Yes, and then? -- Yes, what? (20)

Tell us how you were assaulted. -- I was being forced to say Julius Landingwe was going to take me away for military training.

By whom were you forced to do that? -- The Golden Square Police - the Caledon Square Police in Cape Town and the Security Police in Bloemfontein.

And how were you assaulted? -- I was hit with fists, with the open hand, fastened to a chair, tied with a towel, one person would pull it on one side while another one pulled it on the other side. Is this also a lie? (30)

That is for the Court to determine. -- But you said I was not/...

not assaulted when I said I was assaulted.

And you said you were assaulted and you were forced and then eventually you were just released. -- Yes.

And did you lodge any complaint about the assaults on you? -- It would be unwise to do so, lodging such a complaint is just useless here in South Africa; you know this very well. If a civil servant murders a person it is easily said he murdered the person in self defence.

Is that your reply? -- Yes, as far as I know. I have seen such things happen. (10)

And you never considered instituting civil claims against the various policemen who were responsible for that? -- You would protect them, you would be the first person to protect them.

So now you are insulting me. Is that what it is? -- Yes, this is what all the prosecutors in the whole of South Africa do in such cases.

I see.

BY THE COURT: That is enough. Mr Haasbroek, have you any further questions? (20)

MR HAASBROEK: No, M'Lord.

RE-EXAMINATION BY MR PITMAN: Would you tell His Lordship why particularly it was that you stayed away from your homes at night? -- It was wise for me to be there at all times because we would obviously leave in the night when going away.

Do I understand from you that you were staying often at your own parents's home in the day time? -- Yes.

Did you say in evidence that you slept your nights at Small New York? -- Yes.

Why was it that at night times you were away from your (30) parents' home? -- Because we would obviously leave in the night/...

night if we were to be seen leaving, getting into a Combi during the day time this would not be good.

NO FURTHER QUESTIONS.

ZOLILE NDINDWA: sworn states:

CROSS-EXAMINATION BY MR ACKERMANN: Yesterday during your evidence-in-chief reference was made to the evidence of Bathembu Lugulwana. -- Yes.

And the meeting or the gathering at Mpazamo's place that was in March, 1977. Do you remember that? -- At Mpazamo's (10) place, yes.

Yes, well, the reference that was made to that gathering or meeting during your evidence-in-chief yesterday. -- Yes.

Now, the question was asked by your Counsel, and my note reads:

"Did you and No. 8 say that you would help in organising transport for people to go abroad? -- Yes, when they asked us to get a Combi for them, we agreed."

-- Yes, we were to get transport for them. (20)

Do you want to change this evidence? -- From?

Do you want to change this evidence, the evidence that you gave yesterday that I read to you just now? -- About getting a Combi?

I have read this passage to you, the passage coming from your evidence-in-chief. Now I ask you whether you want to change it or not. -- No, I do not want to change anything because we were going to get a Combi.

You see, the question here is whether you would assist these people in organising transport for people to go (30) abroad, and your answer was:

"Yes/...

"Yes, when they asked us to get a Combi for them we agreed."

-- Yes, and what is the question?

Now what I want to put to you is you and accused No. 8 on this particular occasion in March, 1977 at Mpazamo's place agreed to assist these people in getting transport for them to get abroad. -- We agreed to get transport for them.

But you agreed to this question put to you by your Counsel that this transport was to be used by these people to go abroad. (10)

MR PITMAN: No, with respect. This transport will be used to go abroad, but to help people to go abroad, that is what he read a few moments ago. It is not that this transport would go abroad.

BY THE COURT: I haven't got my notes, I will have to look at my notes.

MR PITMAN: I am agreeing to the way he read it the first time but not the second time.

BY THE COURT: Was this .. (inaudible)

MR ACKERMANN: Yes, M'Lord, and the evidence was tendered (20) about at the end of the evidence-in-chief yesterday afternoon.

BY THE COURT: I am afraid I cannot find it. So you will have to play the particular passage back on the record and then let me know please, both of you.

THE COURT ADJOURNS. THE COURT RESUMES.

SOLILE NDINDWA: still under oath:

MR PITMAN: M'Lord, we listened to the evidence yesterday and we are agreed that this is what the evidence says. The question that was posed was:

"Did you and No. 8 say that you would (30).

help in organising transport for people

who/...

who wanted to go abroad?"

BY THE COURT: And the answer was?

MR ACKERMANN: The full answer is:

"When they asked us to get a Combi for them, we agreed."

BY THE COURT: And this was at?

MR ACKERMANN: At Mpazamo's place in March, 1977 before the first trip.

FURTHER CROSS-EXAMINATION BY MR ACKERMANN: Now I put it to you that this particular passage from your evidence can mean (10) nothing else but that you and accused No. 8 were aware at that stage that the people leaving on the first trip would go abroad, would leave South Africa. -- No, it is not so.

And that that evidence of yours is a contradiction of the evidence of accused No. 8 and in accordance with the State evidence on this point. -- No, that is not so. We were going to get a Combi for these people to leave Cape Town for Johannesburg.

I know that you were to get a Combi for these people to leave Cape Town for Johannesburg. The fact of the matter (20) is that you were aware of their actual destination. -- Their destination as mentioned by them to us was Johannesburg.

To conclude this point, there was no misunderstanding between you and Counsel yesterday when this evidence was given? -- In what way?

I ask you whether there was any misunderstanding. -- No, because I was answering the questions about the Combi. They had asked us to get a Combi for them. This is all they wanted us to do.

Now, were you satisfied with the way in which your (30) Counsel cross-examined the State witnesses Mazamanzi, Bathembu

Lugulwana and Victoria Makheta? -- Yes, he knows better how to do that.

BY THE COURT: Lugulwana. -- Lugulwana.

Is that Bathembu? -- Yes, it is. Bathembu is his first name.

Mazamanzi, Bathembu? -- And Victoria Makheta.

You say that you are satisfied that he cross-examined in terms of your instructions to him? -- Yes, because he knows best how to do this.

MR ACKERMANN: Now I want to read a particular part of (10) this cross-examination of the State witness Lugulwana to you and I want to know if you have any comment to make in this regard.

BY THE COURT: Lugulwana is Bathembu.

MR ACKERMANN: Bathembu.

BY THE COURT: Was there someone called Vicks?

MR ACKERMANN: Yes, that is Vicks Vanyaza. Now this appears in Volume 42 on page 1 800, lines 25 to 29:

"In conclusion about these trips (and I can mention in all fairness that these trips refer to the two trips in March, 1977 as well as July, 1977) I want to put to you crisply that all the people who went on the trips were fleeing the country and that accused No. 8 and No. 9 were aware that the students were fleeing but had never heard anything about military training."

(20)

-- It is correct that we had knowledge of the fact that they were fleeing.

Now does this particular statement reflect your instruction at the time? -- Yes, the students were fleeing. (30)

All of them? -- Yes, the first students who left in March were also fleeing. They would go and hide in Johannesburg. The second group of students were also fleeing. Their intention was to go to Swaziland for education. We knew them all to be fleeing.

Accused No. 8 testified that on the first trip a group of four Cape Town students were leaving the Cape and he said that these people were running away from the police. -- Yes.

But on that very same trip there were also three students from Soweto from the Soweto SRC. Were they also running (10) away from the police? -- I do not know.

Now that makes this instruction to your Counsel even more difficult to understand. -- There is nothing difficult in that because the students who were known to me in Cape Town were fleeing.

I do not want to quarrel with you but I am merely stating it that I will argue to His Lordship that the word 'all' here, 'all' the people who went on the trip, can mean nothing else but all the students who went on these two trips. -- Were running away? (20)

Yes. -- Yes, they were all running away.

But the obvious inference to be drawn is that you have changed your story since you instructed your Counsel to cross-examine Mr Lugulwana. -- No, nothing has changed.

Now Zolile Mazamanzi was he a good friend of you and accused No. 8 or was he merely an acquaintance? -- He was only an acquaintance of mine because I knew him as we were growing and I came to know him through his elder brother.

That is the motor mechanic? -- Yes, they are both motor mechanics. (30).

And was he a very good friend of accused No. 8 perhaps? --

No, I do not know.

You would have known if that was the position. -- No, I cannot say.

Nevertheless did you or accused No. 8 inform Mazamanzi about the true nature of this first trip? In other words, if I may explain: that the people leaving on this first trip, were people running away from the police. -- What we told Mazamanzi was just that he would be the driver.

So nothing was said to him that the people you were to take to Johannesburg were people running away from the police? -- I am not sure, but I do not remember telling him that. (10)

But wouldn't it be wise to tell him this? -- He was supposed to be told by the person who first approached him for the driving.

Who was that? -- I do not know but he mentioned the person. I suppose it must have been a student.

Did you assist accused No. 8 in getting transport for these people, that is the first trip? -- Yes, we went together for the transport.

What were your thoughts at the time? Did you think about the assistance that you rendered, that you were assisting people who were running away from the police to escape from police detention? -- Yes. (20)

So you were acting in an illegal way. -- By taking people to Johannesburg?

People trying to escape police detention. -- Yes, because people were running away from being detained because those who were being detained were being assaulted, some were being killed and if anybody had any sense to get away, I would not stop.

But nevertheless the police would not be happy to know that you and accused No. 8 were assisting these people to escape/... (30)

escape. -- Yes, they would not be happy, but they were also not happy when one does not have his reference book on him. They arrest him.

So you were running a risk of being arrested or even prosecuted by rendering this assistance with regard to the first trip. -- I did not regard this as running a risk of being detained.

Did you inform Zolile Mazamanzi on the second occasion, that is in July, 1977, did you then inform him that the people he was to carry, passengers, were running away from the (10) police? -- No, I do not remember telling him.

Even in this case you were running a risk of possible arrest and prosecution. -- I did not regard it as such.

No. 8 says in his evidence that he had regarded it to be a risk. -- I did not regard it as such because I was several times arrested for trespass, having walked in a place which I did not regard or know to be a White area and then just be arrested and prosecuted for that.

Let us leave the propaganda aside for a moment and turn to the facts of this matter, this second trip in July, 1977. (20) Did you know, as accused No. 8 did, that these students were to leave South Africa illegally, in other words without travel documents? -- Yes, I knew that they had no travel documents and that they were eventually going to leave for Swaziland.

In an illegal way. -- They had no passports.

Yes, and apart from that they were also .. (inaudible) they were running away from the police. -- Yes.

Now you were actively assisting them to get to Johannesburg. Is that not so? -- Yes, I got a Combi for them.

And you still want to maintain that you did not regard (30) this to be a very, very risky operation? -- No.

But/...

But you say that you cannot remember anything about Mazamanzi being informed that these passengers were fugitives?

-- No, I do not remember that.

And that you should be careful in conveying these people?

-- I do not know that.

How did you know at that stage that Mazamanzi could be trusted? -- In what manner?

First of all, by that stage I am referring to July, 1977 when the second trip was undertaken. How did you know that he would not go to the police and tell them that Zolile (10) Ndindwa and Vondela Landingwe were assisting people running away from the police, to get to Johannesburg and eventually to Swaziland? -- He would not go to the police with information he did not have. He knew nothing about this.

So now all of a sudden you are sure that he did not have such information? -- Because I did not hear anybody telling him about this.

In June/July you assisted accused No. 8 in the distribution of some pamphlets. -- Yes.

Did you consider it a possibility that this distribu- (20) tion would land you in trouble? -- No.

Wasn't it a very, if I may term it that way, a sensitive time of the year, a commemoration of the riots, the outbreak of the riots? -- These pamphlets only had what had been happening for all these years up to that moment. I did not see anything sensitive about that. They were only in connection with the struggle.

But didn't these pamphlets tell the people to mourn the deaths of the people who died during the riots? -- These pamphlets did not only make mention of those who had died (30) during these uprisings, they made mention of what had been happening/...

happening and of the people who had died from the 1800's.

BY THE COURT: .. (inaudible) .. Sekhukhuniland? -- Yes, like people who had also died in the mines.

MR ACKERMANN: But is it correct to say that these pamphlets urged the people to mourn the deaths that had occurred during the riots? -- They were only saying those people are not to be forgotten.

But wouldn't you regard that as an interpretation of those pamphlets, that these deaths were to be mourned? -- Of course they should be remembered at all times. These are Africans. (10)

Now the second reason why you should have been aware of the risk that you were taking during the distribution of the pamphlets was that Vondela had been arrested many times before that stage. -- He had been arrested so many times.

Wasn't it possible that at this stage when these pamphlets were distributed, that the police would pounce on him once more? -- During the distribution of the pamphlets?

Yes. -- I do not know because I could not see anything wrong in those pamphlets, they were issued by the BPC which was a legal organisation then. (20)

Well I merely want to suggest to you that Mazamanzi was drawn into this distribution of the pamphlets and asked to assist you during the second trip because you were already sharing certain secrets with him because of his participation in the first trip. -- No, he knew nothing.

Now, do you know Vuyisile Dlova? -- Yes.

Can you give us the details of where you first met him, if you met him, and what you know about this gentleman? -- The people had come to Cape Town to hang posters for a summer festival which was to be held in December. These people (30) had come, I think in early December or late November. They

had/...

had come in a Combi owned by Tshabalala. This guy came to Mpazamo's place. I am not sure as to whether he stayed at Mpazamo's place then or not, but there is a time when he came to Mpazamo's place. Mpazamo then said this person is Vuyisile who was a friend of his at school.

I am sorry to interrupt. We must not have any uncertainty here. Did he make use of the word 'school'? -- Yes.

Not university? -- To us whether it is a university or school we just say school. Mpazamo said in Xhoza 'school'. I had also seen the posters that had been hanged. It was (10) also mentioned in those posters which groups would be featuring in the festival. The people who had hung those posters, also broadcast over the radio the festival.

BY THE COURT: Do you mean they advertised it? -- During the advertisements over the radio mention was made of Bingo who was a well known person, that this Bingo would accompany the people who would later come to hang the posters for the festival which was being advertised over the air. These people's names were also then mentioned.

MR ACKERMANN: Is there anything else you know about (20) Vuyisile Dlova? -- The person, when introduced to me by Mpazamo as Vuyisile, I came to know as the one who had advertised the shows over the air and his only surname which I had heard was Dlova.

Did you meet him only on this particular occasion when he was introduced to you by Mpazamo? -- Yes, I do not remember meeting him at any other time.

Did you hear anything about Vuyisile Dlova at any other stage up to the stage of your arrest? -- No, this was the only time. (30)

What was your understanding of the word 'school' used

by Mpazamo? In other words, primary school, secondary school, high school, university? -- I was with Mpazamo in the primary school and also at high school. He later went to the university. I thought of the university. Primary and high schools in Cape Town.

BY THE COURT: He later went to the university? -- He later went to the university and I thought of the university.

MR ACKERMANN: Where was this university? -- Fort Hare.

In the Cape. -- In Alice.

Vuyisile Selando did you know him? -- Not very well. (10)

But you were aware of his existence. -- Yes.

What did you know about him? -- When I first came to know him, I knew him as a BPC man. He had come to Cape Town in about February or the beginning of March, 1977.

When he came to Cape Town in February or March, had you already met him at that stage or was this the stage when you came to know him? -- I came to know him in person then.

Yes? -- He was there during the presence of the SRC members of Cape Town.

When, according to your version, he went along on this (20) first trip in March, 1977? -- Yes, he left in March.

Did you see him after that? -- No, I did not see him. All I heard about him was that he had been arrested.

That was in the beginning of June, 1977. -- Yes, it was.

Did you regard him to be a person from Soweto? -- Yes.

Were you aware whether he was or had been in Swaziland at some or other stage? -- Yes.

When was that? -- I think in about 1976.

When about in 1976? -- No, I cannot remember.

The first half or the second half? Before or after the (30) outbreak of the riots in Soweto? -- No, I cannot clearly

remember/...

remember.

Who told you that Vuyisile Selando was in Swaziland at that stage? -- He used to write to Landingwe.

And Landingwe told you that Vuyisile Selando was in Swaziland at that stage? -- I knew him as Vuyisile then when he was writing to Landingwe and his surname I knew when he had come to Cape Town.

Was that the only occasion or the only stage, that is, 1976, when you were aware that this Vuyisile who later turned out to be Vuyisile Selando, was in Swaziland? -- When? (10)
In 1976?

Up to the stage of your arrest in 1977. -- Yes.

In other words, when Landingwe told you in 1976 that a Vuyisile who later turned out to be Vuyisile Selando, was in Swaziland, that was the only occasion or stage when you were aware of this fact? -- Yes, I knew then that he was in Swaziland.

Didn't you become aware of his presence in Swaziland during the visit of Victoria Makheta in the beginning of June, 1977? -- I knew him to be in Swaziland, yes. (20)

But I made sure there was no misunderstanding and I asked you whether, when you were told by Landingwe in 1976 that Vuyisile Selando was in Swaziland, whether that was the only occasion and you said yes. Now all of a sudden you tell me of a different occasion when you became aware of his presence in Swaziland. -- But it is not different because I said I knew him to be in Swaziland. This I came to know in 1976.

Did you know whether this person, Vuyisile Selando, was a student? -- I regarded him to be a student.

When did he tell you that he was a student or how (30).
did you gain that impression? -- I did not ask him whether or not/...

not he is a student.

How then did you gain this impression that Vuyisile Selando was a student? -- He was in the company of students.

Of Soweto? -- Yes, he was then in the company of the students of Soweto.

And for that reason you inferred that he was a Soweto student? -- Yes.

You never knew him to be a Cape student? -- No.

THE COURT ADJOURNS.

(10)

THE COURT RESUMES ON THE 15th FEBRUARY, 1979.

ZOLILE NDINDWA: still under oath:

FURTHER CROSS-EXAMINATION BY MR ACKERMANN: When did you first become aware of these students hibernating in Cape Town?
-- In 1976.

When in 1976? -- During the uprising.

When was that? -- The uprising started in August on the 11th.

Who told you that these people were hibernating in Cape Town? -- I knew because this is what was happening there: there would sometimes come a group of students into one's house (10) and then they would just say: We are going to sleep here. Even if it is one student, he would just come in and say: I am going to sleep here. Then those who slept in people's houses would leave on the following day.

When did you decide or let me put it this way: did you at some or other stage decide that these students should leave the country or should leave Cape Town in order to escape police attention? -- No, I did not decide that.

So as far as you were concerned, there was no particular need to get these people away from Cape Town. -- They saw (20) the need for them to leave because of their position.

And you assisted them. -- Yes, those who were leaving.

Now, why is it that you only waited until June/July, 1977 before you rendered any assistance to these people in that difficult position? -- Nobody ever came to ask me for any help before that.

There is evidence before the Court that you had something to do with Masakhane Educational Promoters. -- Yes.

You were a board member. -- Yes, I was the secretary.

And you must have been very well aware of the plight (30) of the Black students in Cape Town or the Cape Town area. --Yes.

Can/...

Can you think of any other reason why these people leaving on the second trip would approach you and accused No. 8? -- None, except that they had tried other people, but they said and as far as I knew accused No. 8 was a popular person, he was involved in BPC, he used to move about in the Combi owned by BPC.

And you and accused No. 8 were very well informed about the position of the Black students in Cape Town. -- Yes, everybody knew what the position of the student was.

Now being so concerned with the position of the Black (10) students, why didn't you use your own initiative in trying to solve the problem? -- By doing what?

That is what I am asking you. You are the Black leader in Cape Town, you are the person who has to come up with the plans and the initiative. -- Yes, I was involved in the Masakhane Educational Promotions, that was my initiative.

To provide bursaries for students, Black students. -- Yes.

Did you try and help these people who were hibernating? -- By?

By doing anything. -- Those who came to us and asked (20) us to get a Combi for them, were helped. We got a Combi for them.

But being aware of the position in Cape Town since August, 1976 why did you wait until July or June, 1977 before taking people out? Because you could not have any objections to participating in this illegal operation because you had no objections when you were approached by these people, Kaya Magodla and his comrades. -- The comrades never came to me before that time. If they had not come to me then I would not have known that they intended leaving. It was only after (30) their coming or their approach that I came to know that they intended/...

intended leaving.

When did they first approach you? -- I think in about February or March.

Now turning to the second trip, do you know Kaya Magodla? -- Yes, I know him.

From where do you know him? -- He attended school at the I.D. Mkize School which is not far from my home and whenever going to school he would go past my home. He was a captain in sports for the I.D. Mkize School, a rugby captain and he used to play rugby for that school. (10)

Did he approach you in connection with this second trip? -- Yes.

When was that? -- In about June.

And what did he tell you when he approached you? -- He said he wanted me to try and find a vehicle for them to leave. They intended going to Swaziland, they were running away. They were running away from the police. It was also during that time that some of the students were being arrested, some of them were getting away.

Did you immediately agree to assist him? -- I promised (20) to see what I could do.

And what did you do? -- I spoke to No. 8.

Then both of you agreed to get this Combi ready for the students? -- Yes. Another thing again is that Kaya and his company had tried to get a Combi but they could not, because of their age, their drivers' licences and the security that was needed. This is why they approached us and asked us to get a Combi for them.

When he approached you did he then stress the urgency of the matter, that they had to leave at once, the police were (30) looking for them? -- Yes, Kaya told me what their position is and/...

and he also made it clear to me that many other students no longer go to their homes. Some of the students have been arrested.

So this was a matter of great urgency. -- No, not necessarily a matter of great urgency, but there was a need for them to get away.

But will you agree that this was an urgent need because the police were looking for these people? -- Though they still felt safe in the place where they were hiding.

Did you get that impression that they felt safe in (10) the place where they were hiding when he first approached you? -- Yes, because he showed me they all stay in one place and that they are not going to their homes.

What did you know about this place where they were all staying? What did he tell you? -- He said it is in Small New York.

Yes? -- This is where they were staying and also that they were preparing their own food there.

Yes, anything else? -- This is what I know about this Small New York. (20)

Did you then know where Small New York was? -- Yes.

How did you know? -- I first saw the place when we went to take the group that was to go away.

BY THE COURT: Is that the first time you saw it? -- Yes.

So that when Kaya came to you, you did not know where it was? -- I did not know where it was. This was a place known to them alone.

MR ACKERMANN: Sorry, I missed that. Did you say that you went there to fetch the people for the second or the first trip?

BY THE COURT: He said he first saw the place when they (30) went to get the people on the second trip, so he did not know where/...

where it was when Kaya first came to him.

MR ACKERMANN: Now, how many people were staying there in Small New York? -- I do not know because I did not enter the place.

Didn't you have any idea of how many people were staying there? -- No.

And when Kaya asked you to get a vehicle, did he say what type of vehicle? -- Yes.

What did he say? -- He said they wanted a Combi.

Now apart from telling you where the people were staying and what type of vehicle you should get, did he tell you (10) anything else? -- I do not remember.

Didn't he tell you I should say one of the most important things, namely who was going to pay for this trip? -- The person who was in charge of them was Mncedisi and the money came from him.

Now tell us about Mncedisi. When did you first come to know him? -- I knew Mncedisi as a Cape Town student who attended school outside in Soweto. According to my information the comrades in Cape Town had requested all students from Cape Town who were attending school outside Cape Town, to come back (20) to Cape Town and join the Comrades in Cape Town.

Where did you get that understanding from? -- That the students were requested to come back?

Yes. -- Telegrams were sent to all schools outside Cape Town, even Fort Hare University, that all Cape Town students should come back and they came back. They were all given a deadline and they were all back on that day.

How did you know then that these telegrams had been sent? -- This was common talk in the township and the decision had been taken in public meeting where parents of these students (30) were also present. The parents were also requested to see to it

that their children come back.

That was after the riots had broken out in Cape Town? --
During the riots.

Nevertheless after the first outbreak of the riots in Cape Town. -- The uprising continued. There was no first or second uprising. From the time the uprising started it just continued.

But what I want to know, at some or other stage the uprising started in the Cape Town area. -- On the 11th August.

Yes. Now, these requests .. (intervenes) (10)

BY THE COURT: Is that 17? -- 1976.

MR ACKERMANN: These requests, to put it mildly, that these people should come back, the Cape Town students studying elsewhere, were they put to these students after the 11th August, 1976? -- Yes.

And did the Comrades request these people to come back? -- Yes, it was not really a request but an order that they come back.

BY THE COURT: When was that made? -- In about October or November. (20)

MR ACKERMANN: Why were these students to return to this trouble spot? Do you know? -- What was said in that meeting where this decision was taken is that all the Cape Town students studying outside Cape Town, cannot continue with their studies while the students in Cape Town were in the struggle. Another reason was that the students outside Cape Town were also receiving the same blend of education and there was therefore no reason that they should continue with that education while the students in Cape Town were struggling to have this education abolished.

So these Cape Town students studying elsewhere were to (30)
return to Cape Town to take part in the struggle. Is that
correct/...

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