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COURT RESUMES 7/10/60:

APPEARANCES AS BEFORE:

DANIEL MADYERA duly sworn,

EXAMINED BY P.P.: Are you a Bantu detective constable, S.A. Police, stationed at the Grays, Johannesburg, where you are attached to the Security Branch?-- That is correct.

How long have you been attached to the Security Police?-- Six years.

How long have you been in the S.A. Police Force?-- Eleven years.

Where did you grow up?-- Louis Trichardt, Northern Transvaal.

And what is your home language?-- Venda.

And what standard did you reach at school?-- I went as far as form 1.

And where were you stationed in the Police Force, before you were attached to the Security Police?-- I was stationed at Alexandra Township, as well as at Newlands.

On the Witwatersrand?-- Yes.

And is it correct that on the Witwatersrand you find many persons from many different tribes gathered and speaking many different languages?-- Yes.

Can you speak, read and write English?-- Yes.

What other languages do you understand?-- Sesoto Zulu & Xosa.

And how did you learn those languages?-- Because of my duties as I interview people.

What branch of Sesoto do you speak?-- Sapedi.

That is the Sesoto you know best?-- Yes.

And can you understand the Southern Sesoto?-- I do not understand it fully.

As a special branch policeman is it part of your

work of the organisation?-- Yes.

duties to attend so-called political meetings?-- Yes.

And what are your duties at these political meetings that you attend?-- At these meetings we record the speeches made by the speakers.

Don't say "we" -- just say what you do; you write down the speeches made by speakers?-- I record down the speeches.

In writing?-- Yes.

And in what time do you make your notes in relation to the time the man is talking?-- I write down the notes as the speaker speaks.

But in view of the fact that you write in longhand, are you able to take down all, everything that a man says?-- I cannot record everything in writing what is said by the speakers. I record that which I can.

Now, on the average, how much of what a man says in any particular speech at a meeting are you able to take down; what percentage of the whole are you able to record?-- I do not omit much of the important points. I do make a point to record the important points.

And what have you to go by to assess what is important of a man's speech?-- I am able to make out as a speaker speaks of makes mention of the Government.

And in what light do you regard anything to do with passes and the pass-law system in general?-- If the speaker makes the criticism of the pass laws, then I record that down as I see fit..

During your term of office of six years in the Special Branch, have you attended many or few of these so-called political meetings?-- Many meetings.

Can you remember the date on which the meeting of any particular organisation was held, if I give you the name of the organisation?-- Unless I refer to the notes I

took down in writing, then I would be able to recall that I attended such and such a meeting.

And without reference to your notes can you remember what was said at any of these meetings?-- No, I would not be able to recollect.

If you look at your notes, what effect will that have?-- I will be able to refresh my memory.

Would you like to refer to your notes. (Permission granted by Court) Now, the notes which you have there are they in your handwriting. (Exh. F. )?-- Yes, they are.

And they refer to a meeting held on the 22nd November, 1959, at Alexandra Township, Johannesburg?-- Yes. (Pages 37 of Extracts).

Whereabouts at Alexandra Township was this meeting held according to your notes?-- At No. 2 Square.

And what time did the meeting begin?-- It started at 11 a.m. and ended at 2 p.m.

And approximately how many persons did you assess were present at the meeting?-- Approximately 50.

What races were these persons predominantly?--  
Males and females.  
Mainly Bantu.

Were they white, Coloured, or Indians, Natives?--  
They were black people.

Bantu, Africans?-- Bantu.

And which sex predominated, men or women?-- I cannot say which sex predominated.

What did you assess the average age of the men who were present to be?-- I estimated their ages there were also children there, from about ten years to 60.

Was there any seating accommodation for the audience?-- With the exception of the persons who were on the floor pieces of paper they were using.

platform, the audience was standing.

And these persons who were on the platform, what did they do?-- The persons on the platform, they were the persons who were called upon by the chairman to make their speeches.

And what did the platform consist of?-- There was a table there, and a bench where the people were sitting.

Were there any banners or flags at this meeting?-- There was a flag, as well as papers which were attached to the lapels of the people attending the meeting.

Let's deal with the flag first; where was the flag in relation to the table which you say was a platform where you say the speakers made their speeches from?-- It was just hoisted next to the table.

What supported the flag?-- It was hoisted on to the front, supported by this pole.

Did you see who put the flag there?-- No.

Can you describe the flag?-- It was a green flag and it had a map of Africa as well as a star.

Was there anything else on the flag besides what you have already described?-- I do not think there was anything else. If there was anything, then I cannot remember it.

And these papers which were attached to the lapels were any of these pieces of paper attached to the lapels of the speakers?-- The speakers had them on their lapels as well as some of the audience attending.

What percentage of the audience had these pieces of paper attached to their lapels, a quarter, a half, whatever it might be?-- It can be approximately half of them.

Did you see how they came to be in possession of these pieces of paper?-- They were being sold.

And who sold them?-- The members were selling these papers, but I cannot recall who these members were.

What I want to know is, did any of the persons who made speeches sell any of these pieces of paper?-- No, they did not.

What were these persons members of who sold these pieces of paper?-- They were the members of the Pan-Africanist Congress....

BY MR. UNTERHALTER: I won't detain the Court, Sir, it is the same objection.

EXAMINATION BY P.P. CONTD.: And how much were they sold for?-- I think they were sold at 1d. or 2d. They refused to sell these papers to us.

Did you offer them 1d. or 2d.?-- Yes, I wanted to buy one, but they refused.

And did you see what was written on the paper?-- Yes

What was written on the paper?-- There was a map of Africa on this paper as well as a star, and just above that was written "Pan-Africanist Congress."

Were you able to come into possession of any of these pieces of paper without buying them?-- Eventually I just happened to come across one which was on the ground. I then picked it up, but I did not take it away with me.

What did you do with it after you had picked it up off the ground?-- I again threw it on the ground and left it there.

Who was the chairman of this meeting?-- Josias Madzunya.

And was it announced who or what was holding this meeting?-- When he opened the meeting, in his opening remarks, the chairman did make mention as to which organiza-



want to be led by Europeans because it is one who formed all these oppressive laws."

Just stop there, Now, turn to page 2 of your notes, from the words "When we fight..." ?-- "When we fight for pass laws we are not going to fight women passes of ..... separating. But we want to destroy pass laws a whole. We of Pan-Africanist have passed a resolution saying when we are arrested there is no fine to be paid. We want to be the Government of this country. We don't believe in sending deputations to Pretoria. We believe in action.

Now, who was your next speaker ?-- Jenah Nggemba.

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

Did he have an interpreter ?-- He had no interpreter.

Now, if you will turn to page 5 of your notes, "We call all of you ...." ?-- "We call all of you to come at the Pan-Africanist Congress and fight against people. During the war we were permitted that after the war we shall be given this land. "

Continue ?-- "But we only see Flying Squads and policemen carrying guns. People of Abyssinia are fighting for their independence and next year they are going to get it; But here we are <sup>(13)</sup> 30 million, we are doing nothing. We must all have a Pan-Africanist card and we shall see what to do next year. Come together you Africans and be united. We want to go free from Cape to Cairo without pass or penant."

After that speaker, there was Johannes Melete ?-- Correct.



I don't want you to read anything from his speech. How did the audience who were present react to the speeches made by these speakers?-- They were pleased and they clapped their hands.

Then you later attended another meeting (page 65 of the notes) I am going to show you some notes. (Handed to witness) Are these your notes?-- Yes.

(Exh. G.) This meeting was held on the 13th March, 1960, at Alexandra Township, Johannesburg?-- Yes.

Where was it held at Alexandra Township?-- At No. 3 Square.

And when did the meeting commence?-- The meeting commenced at 10.30 in the morning until 12 noon.

And how many persons were present?-- Approximately 100.

What race were the people who attended the meeting?-- They were Bantus.

And of which sex were there the most persons?-- It was a mixture, women and men.

Are you able to say which were in the majority, males or females?-- I cannot say.

And what was the average age of the men that you noticed who were present?-- From the age of 16 to 50.

And was there any seating accommodation for the audience?-- No.

And for the speakers -- where did they speak from?-- They spoke from the platform; most of them sat on a bench.

What did they use as a platform?-- A table.

Were there any flags or banners or posters present?-- There was a flag.

Where was the flag in relation to the table which

was used as a platform?-- The flag was next to the table.

And what supported the flag?-- The flag was hoisted on a pole in the ground.

Did you see who hoisted the flag?-- No.

Can you describe this flag?-- It was green with a star on it.

Anything else besides being green with a star on it?-- As well as a star, it had a map of Africa on it.

And was there anything else on the flag besides what you have already described?-- I cannot remember.

Were there any pieces of paper amongst the audience that you saw?-- Yes, the papers which were on their lapels.

How did these papers compare with the papers which described in evidence about the previous meeting?--

They were the same.

And did any of the speakers have these papers on their lapels?-- Yes, they had them on.

And how were they distributed?-- There were persons who distributed the papers amongst the audience.

These people who distributed the papers, were any of them speakers at the meeting?-- No.

Were they sold, or were they just distributed free?-- They were sold.

Did you obtain any of these papers?-- I just came across one on the ground because they do not sell them to us.

Did you take possession of it, or did you cast it away after you had looked at it?-- I threw it on the ground after having perused it.

Who was the chairman of this meeting?-- Josias Madzunya was the chairman.

was used as a platform?-- The flag was next to the table.

And what supported the flag?-- The flag was hoisted on a pole in the ground.

Did you see who hoisted the flag?-- No.

Can you describe this flag?-- It was green with a star on it.

Anything else besides being green with a star on it?-- As well as a star, it had a map of Africa on it.

And was there anything else on the flag besides what you have already described?-- I cannot remember.

Were there any pieces of paper amongst the audience that you saw?-- Yes, the papers which were on their lapels.

How did these papers compare with the papers which described in evidence about the previous meeting?-- They were the same.

And did any of the speakers have these papers on their lapels?-- Yes, they had them on.

And how were they distributed?-- There were persons who distributed the papers amongst the audience.

These people who distributed the papers, were any of them speakers at the meeting?-- No.

Were they sold, or were they just distributed free?-- They were sold.

Did you obtain any of these papers?-- I just came across one on the ground because they do not sell them to us.

Did you take possession of it, or did you cast it away after you had looked at it?-- I threw it on the ground after having perused it.

Who was the chairman of this meeting?-- Josias Madzunya was the chairman.

Was it announced who was holding the meeting ?--

Yes.

Who announced that ?-- The chairman.

What did he announced ?-- He said the meeting belonged to the Pan-Africanist Congress.

And was Jesias Madzunya the first speaker ?-- Yes.

Is it the same Jesias Madzunya you told us about in evidence on the other meeting, or a different person ?-- The same person.

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

And how well did you understand the Sesete that he spoke ?-- I understood it very well.

Did he have an interpreter ?-- No.

If you will turn to page 1 of your notes, commencing at the beginning of Jesias Madzunya's speech, and read out what he said ?-- "I will have one speaker only because we must go out on organising people. We are here under the Pan-Africanist Congress which is only for Africans. In this country of Africa. God has given us this country to enjoy all the rights of Africans. Our struggle is one, we want freedom."

Turn to page 2 of your notes, the words "The Government..." ?-- "The Government is doing all evil laws telling our people and killing them. This shows that they are the devils messengers. They teach our children how to kill and steal through the biscepes and after that they commit these offenses and are arrested and sold to farmers. We are fighting with the devil government of South Africa. We shall have a peaceful government and there will be no passes, no influx control. We shall allow Asians and Europeans if they become Africans. Western civilisation means murdering and stealing."

Now, turn to page 3 of your notes, the words "I have told ..." ?-- "I have told the Golden City Post that we must destroy the pass-laws completely. And that there is no stay at home. What we are fighting is passes. Everybody is demanded passes in the street irrespective of colour."

Now turn to the back of page 3 from the words "People are killed..." ?-- "People are killed in Bethal carrying passes. But these passes don't come and report that the owner is killed. We don't believe in demonstration and protest. But we believe in positive action. They have went to Pretoria to protest against passes. Helping the Government with the money they have paid in the railways. When we are arrested no bail, no fine and we don't plead to any charge because we will be already arrested."

Turn to page 4 of your notes ....?-- "We fight to free Africa. In Egypt Africans are driving out the British Imperialism. And in Algeria they are also driving out the French Imperialism. Here in South Africa the Dutch people will go. Deel Verwoerd dream of his republic. Those who want apartheid and segregation should pack and go back to Europe. They want apartheid but they love our sisters. They are arrested for Immorality Act. I tell the Africans to keep feed because the day will come, when you will be unable to go out to the shops. You of the Special branch go and tell the Government that the African people want to rule their country. We are going to abolish the pass-laws because Verwoerd gave us the way."

Who was the next speaker ?-- Abe Gare.

And what language did he speak ?-- He spoke in

Setsi.

How well did you understand the Seseto that he spoke?-- I understood him very well.

And did he have an interpreter?-- The interpreter was Charlie Ndaba.

What language did Charlie Nxaba interpret?-- In any case I did write the language he used, but it is always a Zulu speaker.

And to whom did you listen, to the interpreter or Abe Gare. ?-- I listened to the speaker.

4 Start at the beginning of his speech, page 5?-- "You have heard where Pan-Africanist are going. You heard that you must keep feed. And that pass laws must be destroyed because they cause oppression to Africans. In South Africa we have two camps. There is white camp which is forming all bad laws for the black camp."

Turn to page 5, the back of page 5. ?-- "You must keep feed, whether we go to gaol or die, we must all go. But we want our own country to be ruled by us. The Europeans of this country are afraid because we are claiming to rule our country. You have heard of many countries where people have claimed their countries and today they are (free.) Why can't South Africa be free when Ghana and Basuteland are free. At Belgian Congo the Europeans are running away to South Africa because the Africans are claiming their rights. Mothers are crying because the husbands are killed and sons because of passes and today they are coming to women. I wonder who will be looking after children when we are all arrested."

Turn to page 7. ?-- "We are waiting for new law which we shall live without a pass. But we shall go to work."

That was the last speaker?-- Yes.

How did the audience react to these two speakers?  
?-- They were pleased.

How did they show their pleasure ?-- By clapping their hands.

(No further questions)

CROSS-EXAMINED BY MR. UNTERHALTER: Did you regard the observance of the flag as something important. ?-- Yes.

Did you make a note of it in your notes ?-- No.

Why not ?-- I only write down the notes and not what I see at the meeting there.

Have you attended very many political meetings ?--  
Very many.

Is it not possible that you may be making a mistake and that there was no flag, because you didn't note it you can't really remember it ?-- No meeting is held without a flag.

Are you quite sure about that ?-- Yes.

Another witness gave evidence yesterday about meetings and when I questioned him on this aspect, he said that there were no flags at these meetings ?-- At the meetings I attend there is always a flag. I do not know about what was said at other meetings.

A.N.C. meetings as well ?-- Yes.

Do you know that there is an organisation in Alexandra Township called the Organisation for the Re-Conquest of Africa ?-- Yes, I knew.

Does that organisation also have a flag ?-- Yes.

What is that flag, can you describe that flag to us ?-- There are two flags; one is white and this one of the Conquest of Africa -- I am not sure of the colour whether it is blue or goldish.

Give us some more detail of this flag, of the Re-

Yes.

Conquest of Africa?-- No, I am unable.

Now, how is it you can describe in detail the P.A.C. flag if you can't describe in detail the flag for the Re-Conquest of Africa?-- It is because concerning the Conquest of Africa their meetings are held in say about 1 to 3 months, or after a very long time, while the P.A.C. held their meetings almost every Sunday.

How many meetings of the P.A.C. have you attended?-- Many.

And you say the flag was invariably there?-- Yes, at the meetings I have attended I have found the flag.

Because you saw that regularly at these meetings you claim that they have made a firm impression on your mind?-- Yes. It is not that they have made a firm impression on my mind but I have seen them at the meetings I have attended.

Let me put it to you another way; you can remember the detail of the P.A.C. flag far more clearly than that of the flag of the Re-Conquest of Africa because of the many P.A.C. meetings you have attended; is that a fair way of putting it?-- The Conquest of Africa organisation is a new one; it is not long in existence.

I didn't ask you how long this organisation has been in existence; I am putting a simple proposition to you and I am going to repeat it. Now listen carefully please. You claim to remember the detail of the P.A.C. flag because you have attended very many meetings of the P.A.C. organisation, is that correct?-- Yes.

Do you remember the Prosecutor asking you this, if there was anything else on the flag other than the map and the star?-- Yes, I remember.

Do you remember saying that you can't remember?--

How did the... They were pleased... How did the... their hands... (No further questions... GROSS-EXAMINED BY MR... advice of the flag... Did you see... Why not?... what I see at the... Have you... Very many... Is it not... take and that there... you can't really... a flag... Are you... Another... I saw and when I... there were no flag... I attend there is... was said to other... A.C.M.A... De you... and the Township... of Africa?-- Yes... Does the... What is... us?-- There are... the Conquest of... there is a blue... Give us



Yes.

You have attended so many meetings, and you have seen this flag so often, how is it that you can remember no other detail, other than what you gave in your evidence?-- If I am at the meeting I do not look at the flag but I am busy writing.

So you don't really pay any attention to the fact that a flag is there?-- I do see it but not look at everything which is on the flag.

You told us that you saw paper on the lapels of certain of the people?-- Yes.

Did you make a note of that in your notes?-- No.

Didn't you regard it as rather important?-- No.

You didn't think that the presence of these pieces of paper on the lapels of the audience was an important feature of the meeting?-- No.

Now, what made you regard this as unimportant, this piece of paper?-- What I regard as important is what is said by the people.

You didn't think that having picked up one of these pieces of paper you should preserve it?-- No.

The speeches, of course, were very important for you?-- Yes.

The fact that it was a P.A.C. meeting was also a very important piece of information?-- Yes.

(Notes handed to counsel) (Exh. F.) Now, Josias Madzunya was the first speaker?-- Yes.

I see that your notes commence as follows: "This work we are on it is not for one day."?-- That is correct.

Were these the commencing remarks?-- Yes.

And then he carried on as you read?-- Yes.

You told His Worship that the opening remarks of the chairman were to the effect that the P.A.C. were convening the meeting?-- Yes.

You have just told me that the opening words were "This work we are on is not for one day."?-- Yes.

Now, on that, did you really hear the chairman say that the P.A.C. were convening the meeting?-- You must read further in my notes there and you will find it further written that the chairman did announce that the meeting was to be held by the P.A.C.

Perhaps you would be kind enough to point it out?-- (Notes handed to witness)

It is the back of page 1 of Exh. F. Are you referring to this phrase: "Pan-Africanist is to show you that you as an African you must be proud of your nation."?-- Yes.

These weren't his opening remarks, you will agree?-- Yes, they are not the same but to a certain extent they give that the meeting was one convened by the Pan-Africanist.

In other words, what you are now telling His Worship is that you inferred from the use of this phrase "Pan-Africanist is to show you that you as an African, you must be proud of your nation," I say you infer from that that it was a Pan-Africanist meeting?-- Excepting that phrase I have already said that there was a flag at this meeting and members of the organisation were present, those whom I knew.

But do you now admit that you were wrong when you said that the chairman in his opening remarks said the P.A.C. was convening the meeting, as if he was making a formal, factual statement?-- I did not say so.

**BY THE COURT:** You did?-- I did not say so.

I repeat, you did?-- Didn't I say that meeting was a P.A.C. meeting because of the flag?

No. You may have said that as well, but you did say that the chairman announced the fact that it was a P.A.C. meeting, in his opening remarks, by saying the P.A.C. had convened the meeting. ?-- If I said so then I made a mistake.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.:

Now, is it correct that this is not a full record of everything that was said ?-- Yes, it is not a full record but I tried my best to record what I could, because I was writing in longhand.

And what you considered were all the important points you endeavored to get down ?-- Yes.

(Exh. G. handed to counsel) I want to refer you to a phrase that occurs on page 3 of Exh. G. It is as follows: "I have told the Golden City Post that we must destroy the pass-laws completely and that there is no stay at home." Now, is it possible for you to remember what led up to Mr. Madzunya saying this, "I have told the Golden City Post that there is no stay at home. ?-- No, I cannot remember.

Can you perhaps tell us what you meant by the phrase "There is no stay at home" ?-- Madzunya can be asked. I do not know what he meant by that.

You don't know or you don't remember ?-- I do not know.

Is it possible that he may have inferred the meeting that there had been some proposal by some people that the Africans had been told to stay at home on a certain date and that he was conveying to this meeting that as far as he was concerned, he was telling the Golden City Post that there was not to be a stay at home ?-- Yes, that is possible.

You can't be any more definite than that; I am

just trying to assist you; I am not suggesting that that is in fact what happened there?-- Not at the meeting when mention was made about the stay at home.

I don't understand that reply?-- (Interpreter puts question to witness again) (Interpreter: I also did not understand it.)

You see, there is a phrase here, the effect of which is that the speaker had informed the Golden City Police that there is no stay at home. Now can it be that Mr. Madzunya in using this phrase was informing the audience that as far as he was concerned, he was dissociating himself from any campaign for a stay at home by the African people?-- It could be so, because he said that.

To your knowledge did Mr. Madzunya ever express himself as differing from the leaders about ways of protesting against the pass laws?-- I do not recall, perhaps he did express himself, but I have no knowledge of it.

Did you gather from this that he was not associating himself with any stay at home campaign?-- Yes, it is so, because he said so.

I am not sure if you read this out, at the back of page 2 of Exh. G.: "We shall allow Asians and Europeans if they become Africans."?-- Yes, I read that.

Now, at the bottom of page 3 there is another phrase. Did Mr. Madzunya say this "Our African police are not allowed to arrest white people but we of the P.A.C. don't hate the police"?-- If it is recorded in that manner there then he said that.

Just have a look at it. (Notes handed to witness)

?-- Yes, it is so.

I believe you did read out -- it appears at the back of page 3 of Exh. G. "We don't believe in demonstration"

tions of protest. ?-- Yes, I did read it out.

When I read your notes originally, page 5, I thought the phrase you had written at the top of the page was "You know that you must keep good." When you read it in Court, you read it as "You must keep feed." Now, is that word "feed" or is it "good" ?-- It is "feed."  
(Notes handed to His Worship.)

(No further questions)

NO QUESTIONS BY ACCUSED No. 1:

CROSS-EXAMINED BY ACCUSED No. 3: The meetings were they allowed by the law or were they unlawful meetings, these meetings you attended ?-- Are you referring to the State law or to the municipal law.

The Government as well as the municipal laws ?--

They are not the same.

BY THE COURT: Now he says he is referring to both; are they forbidden under either the Government or the municipal laws ?-- At Alexandra Township no permit is needed to hold a meeting, at the time when I attended these meetings.

CROSS-EXAMINATION BY ACCUSED No. 3. CONTD.: Then you say as a result of that these persons held these meetings unlawfully ?-- No.

At these meetings on your arrival, did you perhaps find any programmes showing that the first speaker was so and so, and the second speaker so and so ?-- Not at the meetings I was present at.

BY THE COURT: Put it this way, no programme or agenda gave the names of the speakers at the meetings ?-- Not at the meetings I attended.

CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: You said you knew the names of Madanya and others, how did it come about that you knew their names ?-- As persons who were speakers

at the meetings, when I find new persons there, then I ask for their names and their addresses.

The names they gave you, did you believe that they were their actual names or not?-- Yes, I do believe that they gave their actual names.

That means that these persons are persons whom you have confidence in?-- Yes, if I come to you and ask you for the name and you tell me your name, then I should take it for granted that you are telling me the truth.

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

How did you know that he was a member, or did somebody tell you?-- I knew that because he came from the A.N.C.

Then as a result of that you then came to know that Madzunya was a member of the P.A.C.?-- He also speaks there in my notes which I took down in writing that he is a member of the P.A.C.

Seeing that you have confidence in Madzunya, if then he told you that he was not a member of the P.A.C., can you tell the Court that you recorded that in writing and you believe it was so?-- I would have recorded it in writing and I would have believed it.

As the meeting progressed, was it said at that meeting whether when they day came they would fight the police, throw stones at them, or what?-- That does not appear in my notes.

BY THE COURT: It was said?-- It was not said.

CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: That persons had to destroy their passes by burning them, was that not said?-- They did not say they would burn their passes, they just said they would do away with them.

The day when it came, perhaps I know that you may still have been there....?-- Which day?

They day when the Pan-Africanist Congress took action against the pass-laws ?-- You mean I was present where?

In Johannesburg here ?-- Yes, I was present in Johannesburg.

The day the people in Alexandra Township participate in large numbers in this action taken by the P.A.C. or did they not go at all ?-- I did not see them.

But did you not then hear that this action is most rumored there at Alexandra Township ?-- I did hear that but I did not see them take the action.

Which means then that in what Madzunya said people did not take much heed of it because they did not go in large number into action ?-- There in my notes Madzunya said there is no stay at home.

BY THE COURT: Put your question again.

CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: My question is, which means what Madzunya said did not incite the people because there at a later stage the people did not participate in large numbers or did not participate at all according to you, in the action when it came.

BY THE COURT: The people from Alexandra?

ACCUSED No. 3 ?-- Yes, ?-- Yes, it is so. He did not incite them because there they did not go.

BY THE COURT: Is it a fact that the people of Alexandra Township did not do anything that Madzunya had told them to do ?-- Yes, that is true.

CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: I put to my view <sup>the government</sup> about Ghana not interfering with people there when they attend these meetings, which means the government did not in fact encourage these people by attending these meetings at Alex-

The day when it came, perhaps I know that you may still have been there....?-- Which day?

They day when the Pan-Africanist Congress took action against the pass-laws ?-- You mean I was present where?

In Johannesburg here ?-- Yes, I was present in Johannesburg.

The day the people in Alexandra Township participate in large numbers in this action taken by the P.A.C. or did they not go at all ?-- I did not see them.

But did you not then hear that this action is most rumoured there at Alexandra Township ?-- I did hear that but I did not see them take the action.

Which means then that in what Madzunya said people did not take much heed of it because they did not go in large number into action ?-- There in my notes Madzunya said there is no stay at home.

BY THE COURT: Put your question again.

CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: My question is, which means what Madzunya said did not incite the people because there at a later stage the people did not participate in large numbers or did not participate at all according to you, in the action when it came.

BY THE COURT: The people from Alexandra?

ACCUSED No. 3 ?-- Yes. ?-- Yes, it is so. He did not incite them because there they did not go.

BY THE COURT: Is it a fact that the people of Alexandra Township did not do anything that Madzunya had told them to do ?-- Yes, that is true.

CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: I put to my view <sup>the government</sup> about Ghana not interfering with people there when they attend these meetings, which means the government did not in fact encourage these people by attending these meetings at Alex-



dra Township because there it did not put a stop to it; do you agree with this view or not; what is your own view?--

Yes, it can be that.

BY THE COURT: Tell the Accused I am not concerned with the witness' views and opinions; he can give me the facts. The witness can say as a fact that as far as he knew the government didn't stop any meetings at Alexandra Township. I want that quite clear.

CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: I heard you in your evidence in chief say that Madzunya/<sup>speke in Zulu</sup> in his opening remarks did say something although you did not take it down in writing?-- I did not say so.

BY THE COURT: (No further questions) in mind that the witness said somebody spoke and he is not certain, but there is usually somebody who interpreted (speaking together with interpreter).

He said Abe Gare speaks in Sesote which he understood very well and Charlie Ndaba.... he said he made no note of that but there was always somebody who interpreted in Zulu.

CROSS-EXAMINATION BY ACCUSED No. 3 CONTD.: Do you know the Accused persons now sitting in Court?-- I do not know even one of them.

You don't know any of the Accused?-- No.

I believe you did not see the Accused including myself at a meeting you attended?-- No, I did not.

If you had seen them, perhaps you would be able to recognise them?-- Yes.

(No further questions)

CROSS-EXAMINED BY ACCUSED No. 4.: In Your evidence in chief you have already said that at the meeting which was held at Alexandra Township Abe Gare was one of the speakers?-- Yes.

And he speaks in Sesote?-- Yes.

Sesete dialect he was speaking?-- I have already said that I cannot recall in what dialect of Sesete he was speaking. It may perhaps be that he spoke in Sapedi because he is a Peda.

I am surprised then to find out that you do not know in what Sesete dialect did he speak because you say you were not listening to the interpreter you were just listening to the speaker himself when he made his speech, is it not so?-- Yes, it is so.

I am then putting it to you that Abe Gare was the speaking in Southern Sesete because you understand Sapedi well as you have already said, is it not so?-- It can be

Which means then if that be the case it goes to the extent that you did not then write what the speaker said in Southern Sesete because you have already said that you do not understand Southern Sesete well; how do you then know that Abe Gare was not speaking in Sapedi because....  
BY THE COURT: He has already answered the question; it was that it could be that he spoke in Southern Sesete; now the question is if you don't understand it well, how could you write down what he said when he spoke Southern Sesete, if he did?-- It is not to the extent that I do not understand Southern Sesete.

Then let me ask, how well do you understand Southern Sesete?-- I understand it in the ordinary conversation, not when the difficult expressions or phrases are being used.

CROSS-EXAMINATION BY ACCUSED No. 4 CONTD.: Is it then -- I am putting it to you further -- Abe Gare then spoke or may have said something in his speech which you did not understand, perhaps which you did not record in writing?--

What I recorded in writing, is what I heard him say.

But you did not record in writing everything he said because you did not understand that language he spoke well?-- I recorded in writing what he said because there was nothing that I did not understand.

Which means then that you know this Southern Sesoto very well?-- I do not know it very well.

You also gave the Court an explanation of a meeting which was held in Alexandra Township where Jesias Madzunya was the speaker?-- Yes, that is so.

You also stated in your evidence in chief that you do not recall whether he spoke in Southern Sesoto or whether he spoke in Sapedi?-- Yes, that is so.

And in reality the two meetings you have attended Jesias Madzunya appeared as the speaker, is that not so?-- Yes, it is so.

Well, is it not surprising then that when you attended the second meeting where Madzunya also spoke that you cannot be able to distinguish or make out whether he spoke in Southern Sesoto or Sapedi?-- I have already said that I cannot remember whether he spoke in Southern Sesoto or Sapedi.

But if he had spoken in Sapedi you would easily have remembered because you know Sapedi very well?-- UYou see, what we do at these meetings, when a speaker makes his speech, we just write that he was speaking in Sesoto, we do not distinguish whether he spoke in Southern Sesoto or Sapedi.

Which means then the evidence you are now giving here concerning these meetings, is not full evidence?-- It is full evidence because I heard what he was saying in Sesoto.

You also mentioned in your evidence in chief that at the meeting which was held at Alexandra Township the audience or some part of the audience attending the meeting had these pieces of paper attached to their lapels, and you were then refused permission to buy one. Can you then perhaps say what these tickets which they were on their lapels here indicate or meant?-- It was written on the pieces of paper "Pan-Africanist Congress."

My question is, I will try and put it clearly to you, if you had it on your lapel there at the meeting, would you say, -- can you explain what it meant as it is there on your lapel?-- No.

But you have already told the Court that you wanted to buy one. It means that you knew what was its purpose the after you had attached it to your lapel?-- I did not want it to pin it on to my lapel, but wanted to have it near me so that I could see what was written on it ~~and that after you had then seen it then you could throw it away.~~

And then after you had seen it you could then throw it away?-- Yes.

Then it means that if you, after having received it and read it and thrown it away, you would not be doing your duty as such?-- My duty is not to take such tickets.

You see then by neglecting to bring that piece of paper you are then unable to show to this Court that you are faithful in doing your duty by producing it; you would be able to produce it now to His Worship?-- The Court will decide whether I am doing my duty well or not.

I am then putting it to you that you did not perform your duties as you were supposed to do?-- I did.

I am also putting it to you that the notes you recorded down in writing there, that they are incomplete; you did not record them as you should have done?-- They are quite in order.

(No further questions)

NO QUESTIONS BY ACCUSED Nos. 8, 38 & 39:

RE-EXAMINED BY P.P.: Who did you -- would you be able to identify or name the person you approached to buy one of these pieces of paper from? -- Yes, I would be able to point him out.

Do you know his name? -- Yes.

Who was it? -- Johannes Ramonise.

And why were you refused -- did you find out why you were unable to buy one? -- They said they do not sell to the Special Branch Detectives.

Now, when was the day that the P.A.C. took action against the pass laws? -- I do not recollect very well because it does not appear on my notes.

BY THE COURT: You were asked when did the P.A.C. take action against the passes; did anything like that happen? -- Yes, it did happen.

Do you not recollect ..... what do you mean, the date or not? -- It was during the month of March, but I cannot remember the date.

How did they take action? -- I did not see them but I heard ....

RE-EXAMINATION BY P.P. CONTD.: I don't want to know what you heard. You weren't in Alexandra Township at all on the day when this action took place, or is supposed to have taken place, in March? -- I was at Alexandra Township.

You were in Alexandra Township on that day? --

Yes.

Did you see what happened that day; was there any trouble in Alexandra Township on that day? -- The following day schools as well as church buildings were burnt.

BY THE COURT: Just let's get it clear what happened on that day; did anything happen in Alexandra Township, on that particular day?-- Nothing happened on that day.

BY THE P.P.: I will leave it at that.

BY THE COURT: What happened the next day?-- When we woke up the next day we discovered that schools as well as church buildings had been burnt.

In Alexandra?-- Yes.

RE-EXAMINATION BY P.P. CONTD.: You mentioned that the P.A.C. came from the A.N.C. Now, when did you first notice the organisation which you style the Pan-Africanist Congress. When did that organisation first come to your notice?-- During last year.

Could you try and give me the month?-- I cannot remember.

You also said that there were members of the organisation present at the meeting whom you knew. Now, which members of the organisation were present that you knew, at these meetings?-- It was the members of the P.A.C.

Now, when did the movement known as the Re-Congress of Africa come into existence?-- During last year.

Can you say when, what month?-- I do not know.

BY THE COURT: Before or after you heard about the P.A.C.?  
?-- After I had heard about the P.A.C.

RE-EXAMINATION BY P.P. CONTD.: Now, at any meetings that you have attended, which haven't been meetings of the Pan-Africanist Congress, have you seen a green flag with a map of Africa on and the golden star?-- No.

(No further questions)

BY MR. UNTERHALTER (THROUGH THE COURT) You said that the day following the action of the P.A.C. you discovered schools as well as churches had been burnt in Alexandra Township.

?-- Yes.

You are perfectly certain as to the truth of the statement that you have just made ?-- Yes.

Did you see these schools personally ?-- I saw, it was one school building, and two church buildings.

That you personally saw ?-- Yes, I personally saw them.

BY THE COURT: Did you see these schools in flames?-- I only arrived after the fire had been extinguished and the benches inside were burnt.

Did you see the smoke ?-- I have already said that on my arrival there the fire was extinguished.

No smoke, even after the water had been put on the flames ?-- I did not see any smoke.

The address of this school, please ?-- I do not know the address but I know where the school was.

Give us the name of the street then ?-- The Dutch Reformed School in 3rd Avenue, as well as a church building belonging to the Dutch Reformed Church which is situate at 4th Avenue, and another Dutch Reformed Church building which is situate at 18th Avenue.

And you attended personally at all these places and observed the fact that they had been burnt with your own eyes ?-- Yes, I went there.

Did you do this in the course of your duties as a policeman ?-- Yes, I went there doing my duty.

What duty were you to perform in going to these places ?-- In that particular case, as a policeman.

In a case of arson ?-- It may be an arson case and it may be the case of demolition of property, because the buildings were burnt.

But it was in respect of certain suspected un-

lawful acts in respect of all these buildings?-- Yes, that was something unlawful.

And did you make a note of what you had done in your usual policeman's notebook?-- Very well.

And is that notebook available for the inspection of this Court?-- It is not here, but we can find it.

And will the notebook have a record that these places were seen by you to have been burnt?-- Yes, very well.

I would ask for an order that the book be produced in due course.

BY THE COURT: I don't know why all these notebooks are being called for; this is something which you have raised in your own cross-examination. I am going to allow it but where are we going to stop? What do you want to see? Ultimately all the police will have notebooks here, all the old used ones.

BY MR. UNTERHALTER: Your Worship, with respect, if they are necessary for the proper examination of the facts in this case.....

BY THE COURT: Aren't some of these questions of yours just a little in the nature of fishing?

BY MR. UNTERHALTER: No, Your Worship, with respect, they are not, and may I explain to the Court why?

BY THE COURT: Yes.

BY MR. UNTERHALTER: The Court, of its own motion, asked the question of what happened the next day. I don't know how it struck the Court. I suppose really the Court can have no attitude in this matter. But I must say that, certainly as far as I am concerned, and I heard of this information with the greatest of surprise, the greatest of surprise indeed, and in my own opinion it affects very



significantly the credibility of this witness.

BY THE COURT: Yes, I am going to allow you to test it.

BY MR. UNTERHALTER: And I am in no position to rebut it; I can only test it by cross-examination. And it is for that reason I am asking for the production of these books.

BY THE COURT: It is only to test his credibility, otherwise it is not to be used.

BY MR. UNTERHALTER: That is quite so. Only on credibility.

BY THE COURT: I must then ask the Prosecutor to go into that with the police officers concerned.

BY THE P.P.: I will do that, Sir.

(No further questions by Mr. Unterhalter)

GABRIEL RAMABOEA, duly sworn, (Northern Sesoto)

EXAMINED BY P.P.: Are you a Bantu detective constable in the S.A. Police, attached to the Security Branch stationed at the Grays, Johannesburg?-- That is correct.

How long have you been attached to the Security Police?-- Four years.

And how many years have you been in the Police Force?-- I am now in my seventh year in the police force.

And where did you grow up?-- I grew up in Alexandra Township.

And what standard did you reach at school?--

J.C.

What is your home language?-- Northern Sesoto.

Is that called Sapedi?-- Yes.

And during your career in the police force, before you were attached to the Special Branch, where were you stationed?-- I was stationed at Wynberg and Alexandra Township.

Isn't Wynberg the police station for Alexandra Township?-- Yes.

Is that the only other station you have been at?--

Now it has been changed to Bramley.

Is that the only police station that you have been at before you were transferred to the Grays?-- Yes, when I left school I then became a constable.

What other languages do you understand besides Sapedi?-- Zulu.

Do you speak Zulu?-- I speak it. As well as Shangaan.

And you can speak, read and write English?-- Yes.

Is it correct that in Johannesburg you come across many native dialects?-- Yes.

Now, how did you learn Zulu and Shangaan?-- As a result of living here and meeting the persons concerned.

As a detective in the Special Branch is it part of your duties what are called political meetings?-- Yes.

What are your duties amongst other when attending these political meetings?-- It is to write down in writing the notes.

Of what?-- Of the speakers at the meeting.

And when do you make your notes in relation to the time when the man is talking?-- I write down my notes as the speaker makes his speech.

Is that a practice that you always follow?-- Yes.

And during the course of your career, attached to the Special Branch, have you attended many or a few political meetings?-- Many.

If I give you the name of any so-called organisation, will you be able to tell me the dates on which you attended any of these meetings?-- I will not be able unless I see the notes I made at these meetings.

Will you be able to give me what any of the speakers have said without reference to your notes?-- No, I will not be able to say anything unless I see my

notes.

What effect will seeing your notes have ?--  
So that I can have true and correct evidence in Court.

May the witness refresh his memory, Sir.

BY THE COURT: Yes.

EXAMINATION BY P.P. CONTD.: Are the notes I show you now  
in your handwriting ?-- Yes.

(Exh. H.) (Page 33 of the extract) Do those notes  
refer to a meeting held on the 6th September 1959, at No.  
3 Square, Alexandra Township ?-- No, that is not so.  
They refer to the meeting held on the 1st November, 1959.

I hand you the notes of the 6th September, 1959.

(Exh. H.) Those are the right notes ?-- Yes.

Are those notes in your handwriting ?-- Yes.

And they refer to meetings held at No. 3 Square  
Alexandra Township on the 6th September, 1959 ?-- Yes.

At these meetings you write in longhand, don't  
you ?-- Yes.

Are you able to write down everything that a  
speaker says ?-- I try to write it all.

Are you able to write down in fact everything that  
he has said at those meetings when he makes a speech ?--  
There are instances where I fail to write it all down.  
That is when the speaker speaks fast.

At this particular meeting how many persons did  
you estimate were present ?-- I estimated the number to  
be 100.

And what was the race of persons who attended  
the meeting ?-- Women and men, and they were black people

Which sex predominated, male or female ?--

Men.

And what was the average age group of the men  
whom you noticed were present ?-- Most of them were

above the age of 17, or 16.

Now, this was held on an open piece of ground, this meeting?-- Yes.

And from what point did the speakers address the audience?-- They were on a stage, and there was a table, chairs, bench and the flag.

Is that what you call the stage, that equipment that you have mentioned?-- Yes, all the equipment I have made mention of is what I call a stage; it forms a stage.

To what was the flag attached?-- It was hoisted not very far from the platform.

To what was the flag affixed?-- It was tied to an iron pole.

Can you describe the flag?-- In general it was green and it had a black map of Africa on it and it had a yellowish star on it, and on the flag was written the words "P.A.C." That is all.

Whose flag is that?-- It is the flag of the organisation known as the Pan-Africanist Congress.

Who was the chairman at this meeting?-- Josias Madzunya was the chairman.

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

Did he have an interpreter?-- He did not have an interpreter.

And to what extent did you understand the Zulu he spoke?-- I understood the Zulu dialect well because I know the language, as I said in my evidence before.

Commencing at page 1 of your notes, Exh. H., will you read out what Josias Madzunya said?-- "We have opened our meeting which calls for all the people to join our movement. Some are still not. Jesus also called the

Jewish people to get united to defend their children of Israel. White people are from Europe. They practise apartheid in the Continent of Africa. Whoever uses apartheid should go back to Europe. We want Africans to join the Pan-Africanist Congress. We are oppressed and threatened in our country. We are being chased in the streets of Alexandra day by day."

Now, if you will turn to page 3 of your notes?--  
 "Western civilisation means shooting everybody. Be stingy arrest and send to gaol. On the 14th of this month a Bantu-  
 stan office will be opened out at Sibaza and I am going to tell them that no white man should be with us. We want African magistrates. Dr. Verwoerd and that man are not hired by me but I pay them. White men are going to fight amongst themselves. Tanganyika, Nyasaland, Southern Rhodesia and South Africa will soon have black states."

The next meeting I wish to refer to is noted on page 34 of the extracts. I want you to have a look at these notes. Are those notes in your handwriting (Exh. J.)  
 ?-- Yes.

And that refers to notes taken at a meeting which was held on the 20th September, 1959, at Alexandra Township No. 3 Square. ?-- Yes.

Approximately how many persons were present ?--  
 Approximately 30.

What race were they; Indians, Coloureds, Europeans ?-- They were black people.

And which sex was in the majority at this meeting ?-- Men.

What was the average age group of men present ?-- From 16 upwards.

And did the speakers have anything like what you have already described as a stage ?-- Yes, they had one.

What did the stage at this meeting consist of?  
--- A table and bench and chairs.

And was there a flag at this meeting?--- Yes,  
there was a flag.

Was the flag in any way different from the flag  
you have already described?--- It was the same.

And where was the flag hoisted in relation to  
the stage?--- Just nearby there.

Nearby the stage?--- Yes, nearby the stage as  
well as the crowd which was present.

There is just one point which I omitted in re-  
gard to the previous meeting -- can you just cast your  
mind back? You have already stated that sometimes you  
took down everything that the speaker said, and some-  
times not. Now, in regard to that first meeting to which  
you have already referred, how much of what the speaker  
said were you able to note down,?--- I did my best to  
write what the speaker said, in general.

Was your best good enough to take down everything  
that he said in his speech?--- Yes, I did try.

Did you in fact take down everything the speakers  
said at the previous meeting, or was it only a certain  
amount of all that was said that you were able to take  
down?--- I tried to write much of what the speaker said.

Did you in fact write down all that the speaker  
said, or were you not able to do so?--- That is to say  
I wrote what the speaker said.

All of it?--- I wrote as far as I could, to the  
extent I could.

Can you give the Court any idea of what quan-  
tity of the total speech you wrote down; did you write  
down a quarter of what he said, a half of what was said,

er whatever figure you can give us?-- In other words, I can say I wrote all what the speaker said.

Does that apply to all the speakers at this meeting to which you have just testified?-- Yes, that is so.

Now, in respect of this meeting of the 20th September at No. 2 Square, what were you able to take down there of what the speaker said?-- I was able to write the quantity of what I now have here in Court.

What you have written down in your notebook is that everything that the speaker said at that meeting or portions of what he said?-- All that the speaker said.

Whose flag is this that you saw hoisted at this meeting?-- It was the flag of the meeting I have already described in my earlier evidence where I spoke about the Pan-Africanist Congress.

Now, who was the chairman at this meeting?-- Abel Mogali.

And who was the first speaker?-- He was the first speaker.

Will you turn to page 2 of your notes on the second last line, the words "Natism....", and read from there ....?-- "Nationalism is today is from Cape to Cairo, Madagascar to Morocco in four cardinal points of the Continent."

Your next speaker was Johannes Moloto, and then the following speaker was who?-- (Page 7) Peter Bopape.

In what language did he speak?-- Northern Sesoto.

4 Is that what you call Sapedi?-- Northern Sesoto is called Sapedi.

Did he have an interpreter? — He did not have an interpreter.  
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Commencing at the beginning of Peter Bopapi's speech will you please read out what he said (page 6) ?--

"Iseleta, Iseleta, I am here under the Pan-Africanist Congress. In 1963 we will come into action and I believe I will be still alive. Early this year I was arrested for failing to send my exemption pass. I found prisoners kicking fighting/their fellow Africans and that is a sad story. Now the bad thing is that some of the police are taking the law into their hands. They don't work on their instructions. These African police are our brothers and they should know that. The Pan-Africanist Congress allow Africans only to join their organisation. I got a belief that in 1963 I will witness what I said today. You get freedom in your hands with the key but you don't know where your home is. Try to work this home before you die."

Who was the next speaker ?-- Josuah Masaba.

Turn to page 8 of your notes, "Fellow Africans ...."

?-- "Fellow Africans the country is ours but the laws are oppressing. The police pull us every morning and daily, / people are being arrested daily /fer passes which have been introduced by the Europeans but come to the Pan-Africanist Congress to get a medicine to queue and to show you that a European is an enemy. I will pass a resolution in December 1959. What you should do away with is criminality. Don't kill your people. We are to throw the pass away because we are prisoners wherever we are our houses our sleep... (in our houses asleep). It is still the same. Iseleta."

What does Iseleta mean ?-- Our country.

What language did the chairman, Abel, speak ?-- He spoke Northern Sesoto.



And at how many meetings do you find this slogan, or phrase, "Cape to Cairo, Madagascar to Morocco" being used?  
?-- I usually find it at Pan-Africanist Congress meetings.

I take it you have attended numerous meetings other than those which purport to be Pan-Africanist Congress meetings?-- That is true.

Now, at these meetings have you ever heard that phrase being used, "Cape to Cairo, Madagascar to Morocco"?  
?-- Yes, I found it being used at the meetings of the A.N.C.

Now, I will show you another exhibit, will you have a look at it (Exh. K.) (Page 36 of the extracts) Does that refer to a meeting held on the 18th October, 1959 at Alexandra Township, Johannesburg?-- That is so.

Held in one of the Squares there?-- Yes, No. 3 Square, Alexandra Township.

And how many persons were present?-- There were approximately 60 persons present.

What race were these persons?-- Black persons were present there.

Which sex was in the majority?-- The men were in the majority.

What was the average age?-- From 16 upwards.

Was there any stage at this meeting?-- Yes.

What did it consist of?-- Table, a bench and chairs.

And is that from where the speakers addressed the audience?-- ?-- Yes.

Was there any flag?-- Yes.

How did the flag compare with the description of the flag you have given at previous meetings?-- It was the same flag.

And where was the flag hoisted in relation to the

table ?-- It was hoisted a distance away from the table.

How far ?-- About 6 paces away from the audience.

Have you ever seen at meetings not purporting to be those of the Pan-Africanist Congress, this flag which you have described now ?-- No, I have never seen it.

And who was the first speaker ?-- Josias Madzunya.

And the next speaker ?-- Abraham Mogali was the next speaker.

And what language did he speak in ?-- He spoke in Northern Sesoto.

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

Who was that ?-- Alfred Mtembu.

What language did he interpret to ?-- He interpreted in Zulu.

And to whom did you listen, to the speaker, Abraham Mogali, or the interpreter ?-- I listened to the speaker.

And how much of this speaker's speech were you able to note down ?-- I wrote it all.

If you will refer to page 7 of your notes, at the commencement of Mogali's speech ?-- "Dear Africans, we are being oppressed in our own country by foreigners who escaped from their country being spivs and murderers their leader was Jan Van Riebeck. This spirit should be preached to our children in schools, even if they have introduced the Bantu education Act. We will organise our people to fight with courage for freedom until we get it. Wives are frightened today because we are away. In 1891 when the Dutch and the English people were fighting my father assisted the English people and my uncle helped the Dutch people but when the war was over they got united in peace. My father and uncle were forgotten. They were not allowed

to enter in a European house. In 1914 the Dutch people were rebelled when the war broke and were all arrested and locked in gaol for they even refused to help the English people. When fighting against Germany in 1939 the war broke again General Smuts. He agreed to help the English people and then after the war they were given high seats. Fellow Africans we will not all die when fighting for freedom and we are not gettdageated. You should all join the Pan-Africanist Congress."

Were there any more speakers after Abraham Mogale ?-- Johannes Moloto.

How did the audience react to Arthur Mogali's speech ?-- All the people in the audience said "Our Country."

What emotion were they displaying by shouting this "Our Country." ?-- They were showing they were being pleased when the speaker spoke.

The next meeting appears on page 36 of the extracts. Are the notes which you have now before you, Exh. L., in your handwriting ?--Yes.

And do they refer to notes of a meeting held on the 1st November, 1959, at Nol 3 Square, Alexandra, Johannesburg ?-- That is so.

How many persons were present at this meeting ?-- Approximately 250 people were present.

And what was the race of the people who were present ?-- They were all black people.

Do you class a Coloured person as black ?-- No.

When you refer to black people, you are referring to Africans ?-- Yes.

And which sex was in the majority at this meeting ?-- The men were in the majority.

What was the average age group of the men?--

From 16 upwards.

And was there a flag at the meeting?-- Yes, there was a flag.

Whose flag was it?-- It was the flag of the organisation, Pan-Africanist Congress.

Was there any difference between the flag which you saw at this meeting and the flag which you had seen at the other meetings to which you have already testified?-- It was the same flag.

Now, was there a stage or a platform at this meeting?-- Yes.

A table and benches?-- Yes, they were there.

And where was the flag hoisted in relation to the table and benches?-- It was a distance away from the audience but not very far from the table and the people.

And what was it hoisted on?-- It was hoisted on iron.

And who was the chairman?-- Josias Madzunya was the chairman.

And what language did he speak?-- He spoke Northern Sesoto.

And did he have an interpreter?-- Yes, he had an interpreter.

And who was the interpreter?-- Josias Mashaba.

In what language did Josias interpret?-- He spoke in Zulu.

And to whom did you listen when you made your notes?-- I listened to the speaker.

Of the speakers at this meeting, how much of their speeches were you able to note down?-- I wrote all.

Now, who was the first speaker?-- Josias Madzunya was the first speaker.

Now, if you turn to page 1 of your notes and commence reading at the beginning of Jesias Madzunya's speech ?-- "We have opened our meeting which fights for the liberation of the Africans. The whites want to oppress us to the last pressure but the giant of Africa has awakened. We greatly request the youth to join our organisation in order to get independence in Africa because we are not represented in Parliament. In Central Africa Africans are allowed to enter in Parliament. The Pan-Africanist Congress has no compromise with the Europeans, Indians and Coloureds. The laws have been made on the farms in order that they should take our country and lands. Lands have been cut and oppressive laws are exercised. We came to town now they had amended certain laws to check us back to the farms. When we are to fight the pass laws we want only fight against the pass laws the women pass laws. We will have to fight totally against the passes. If anybody buys beer from the beerhall...."

The next speaker, who was he ?-- Michael Motsela.

In what language did he speak ?-- Xosa.

Did he have an interpreter ?-- Josuah Mashaba.

In what language did he interpret ?-- Northern Sesoto.

And to whom did you listen ?-- I listened to both speakers.

Why did you listen to both instead of concentrating on one ?-- Because in some instances the interpreter did not know Xosa very well.

Purely because there was something wrong with the interpreter ?-- Yes, I discovered he was not interpreting in Xosa very well.

Refer to your notes of Michael Motsela's speech.

Did he speak Northern Sesoto?— Yes.

How much do you understand?— I understand it very well.

How much did you write down?— I wrote all.

Turn to page 1 of your notes from the beginning of Michael Metsela's speech?— "Fellow Africans I would like to introduce who the leaders of the Pan-Africanist Congress are. As we sit in Africa there will be only one race of Africans and if not so let that person go back to Europe. Our leaders are Africans not Europeans in Parktown. Mr. Robert Sobukwe the President of our organisation. The secretary of the Pan-Africanist Congress K.T. Labale. I will call upon the Secretary of the world, Mr. S. Themba Madani. Mr. Peter Molotsi who writes for anything that goes on, and Peter Raberoka also his assistant. Mr. Nkosi the acting secretary of the Reef, the regional secretary Mr. Metsi. When the Pan-Africanist Congress was born, and people asked who the Africanists were, whoever wants to join the Pan-Africanist Congress is welcomed because Mr. Sobukwe said "Follow me," as your leader I will lead you until I die."

The next speaker was Abe Gari, and who was the next speaker?— Peter Molotsi, page 7.

What language did he speak?— He spoke English.

Did he have an interpreter?— He had no interpreter.

And how much of what he said were you able to take down?— I wrote all.

Turn to page 10 of your notes, from the words "The African people..."?— The African people have persevered for a long time called boys. Africans made progress...

ions to the Union, ~~nothing~~ on a pass demonstration but nothing happened. We are to lead ourselves and have a self-respect so that other countries should respect us. In Southern Africa our organisation is the only one fighting for freedom. In 1963 we decided to have a world conference. Our leaders request everybody to organise wherever you are and so as the Pan-Africanist Congress is concerned there is nothing to stop us fighting for freedom. Forward with independence tomorrow, with the United States of Africa. Isaleta."

Who was the next speaker? -- Robert Sobukwe.

Wasn't it Kitchener Lebale? -- Yes.

What language did he speak? -- English.

Did he have an interpreter? -- No.

Page 12 of your notes? -- "Fellow Africans we are to go on with our struggle and we will lead you claim for freedom from Cape to Cairo can't be confused by a foreigner even if our organisation has only five months we must fight for our freedom by means of praying our forefather, Hinza, Mesheshe, Shokune and Tehaka."

Who was the next speaker? -- Robert Sobukwe.

And what language did he speak? -- Xosa.

Was there an interpreter? -- Peter Lobatsi.

What language did he interpret into? -- Sesoto.

And to whom did you listen? -- To the interpreter.

Page 14 of your notes, "In 1963..."? -- "In 1963

we will be free but don't be afraid (to decide) to die let us die for our fathers country, die for our wives and die for the world of our country. There is no nation that God said they should rule the whole world. India for Indians China for Chinese Europe for Europeans and Africa for Africans. We are not recognised by the people of Africa

but we will lead them to freedom through our movement. We told you to give us 100,000 members. Fellow Africans Europeans should have been long in possession of passes because they are foreigners. We will call you in thousands one day but there will be no violence. Passes permits are under the hands of Parliament and we are to close the oppression in Parliament. On the 15th December I want ten thousand members."

BY MR. UNTERHALTER: Your Worship, I have listened patiently to this speech, but I do feel at this stage I should make the submission that without some assurance from the Crown that an interpreter is going to say that Sobukwe said thiser this is to be tendered as evidence of what Sobukwe said as coming from this witness is just not evidence at all.

BY THE COURT: The witness has been telling me what Peter said., does that make any difference....

BY MR. UNTERHALTER: It purports to be the speech of Sobukwe and I had understood that my learned friend so tendered it. He lists Sobukwe in the further particulars as a member of the P.A.C. He must tell us if Sobukwe said it -- Peter must tell us -- otherwise it stands for nothing, in my submission, apropos of Sobukwe.

EXAMINATION BY P.P. CONTD.: You say you listened to Peter Melotsi when he interpreted? -- Yes, but still I listened to Sobukwe.

BY THE COURT: Now, what is the position? Did you listen to Peter, or did you listen to Sobukwe? -- I listened to both of them.

EXAMINATION BY P.P. CONTD.: How did Peter Melotsi's interpretation compare with what Robert Sobukwe was saying?

BY THE COURT: I am much more concerned with whether he



understood what Sobukwe was saying?— Yes, I understood what Sobukwe said very well.

And what are you giving me — what Sobukwe said or what Peter said?— That is what Sobukwe said and was interpreted by Peter, but I heard what both of them said.

You wrote down what the two of them said?— Yes.

EXAMINATION BY P.P. CONTD.: Was there any discrepancy between the two persons, the one interpreting and the other one talking?— No, Peter knows Xosa very well.

There was no incorrect interpretation by Peter?— No.

Who was the next speaker?— Miriam Lothelo.

What language did she speak?— Sesoto.

Did she have an interpreter?— There was no interpreter.

And what did she say, on page 17 of your notes — read her whole speech, it is very short?— "Dear Africans, I am greatly thankful of speeches from various speakers and I also thank for the visitors who worried themselves to come to this meeting. I let you know that I was the leader during the Defiance Campaign. I asked from Europeans and Indians who the owner of this country because our organisation was mixed with all other races. Mr. Sobukwe says Africa is for Africans not for any nation, we will follow you. "

That was the end of her speech?— Yes.

That concludes Exh. L. The next meeting is to be found on page 39. I hand you the notes, Exh. M., that meeting — are these your notes?— Yes.

And does that refer to a meeting held on the 6th December, 1959, at No. 2 Square, Alexandra Township?— Yes.

How many persons were at the meeting,?— About 40.

And what race were these persons?-- They were Africans.

And what sex was in the majority?-- Men were in the majority.

What was the average age group of the men?-- From 16 years upwards.

And was there a stage from which speakers made their speeches?-- Yes, there was.

Give us a description of the stage?-- They are the same stages as those I have described before.

Was there any flag there?-- Yes, there was a flag there.

Whose flag was that?-- Of this organisation, similar to the one I have given a description of.

You mean the Pan-Africanist Congress?-- Yes.

And is there any difference in the description of the flag from that you have already given?-- It was the same.

Was the flag hoisted on a pole?-- It was hoisted on an iron bar.

Where was this bar in relation to the platform?-- It was a distance away from the stage but not far from the audience.

Who was the chairman?-- Solomon Matuba.

And who was the first speaker?-- Solomon Matuba was the first speaker.

What language did he speak?-- He spoke in Northern Sesoto.

And how much of his speech were you able to take down?-- All of his speech.

If you turn to page 1 of your notes, commencing with the words, "We only ...." ?-- "We only want independence"

pendence to have our own government and rule ourselves. The Pan-Africanist Congress says let us get our country back from whites, who captured us 300 years ago."

Turn to page 3: ?-- "All my speakers should know that we are speaking about what we want. The Saracens were ordered for Pan-Africanist Congress members. We have churches but the special branch police never attend, and obtain notes because they don't know what they are in the churches."

Who was the next speaker ?-- Abe Gari;

Will you turn to page 7 of your notes, the words "Now, what happens..." ?-- "What happens is this. Every African baby when he is born is to be issued a pass and there and they are being refused to work in town then they start killing and committing unlawful acts. Pan-Africanist Congress is calling for unity to perform a strong organisation that fights for the freedom of the ....?"

Who was the next speaker ?-- Jenathan Nqeba.

What language did he speak ?-- Xosa.

Did he have an interpreter ?-- No interpreter.

Turn back to Abe Gari, and tell me what language he spoke and whether he had an interpreter ?-- He spoke Northern Sesoto and had no interpreter.

Then Jenathan Nqeba was the next speaker and he spoke Xosa without an interpreter. Turn to page 8 of your notes, "The baasskap..." ?-- "The baasskap is going to an end for Communism will rule in this country. The Dutch people wont be able to shoot and it cannot be denied that nationalism should work according to Communism."

Turn to page 9, "the majority ....?"-- "The majority of the people in this country are non-whites. The whole world non-whites demand their country back now that is why armoured cars are being ordered. We don't want to be ruled

by whites like in Russia. By next week we will be having a party at our office preparing for our conference. "

That was the end of the meeting. The next meeting is on page 44 of the extracts.....

COURT ADJOURNS:

COURT RESUMES 11/19/60

GABRIEL RAMEBOE, still under oath:

EXAMINATION BY P.P. CONTD.: I hand you notes, referring to a meeting referred to on page 44 of the extracts, Exh. N. They refer to a meeting held on the 24th January 1960, at No. 3 Square Alexandra Township, Johannesburg. ?-- That is correct.

Was this meeting held on an open piece of ground ?-- That is correct.

How many persons did you estimate were present at the meeting ?-- I estimated the audience to be about 80.

And what race were these persons ?-- They were the African people.

And which sex was in the majority ?-- Men were in the majority.

4 And what was the average age group of the men ?-- From 16 upwards.

And was there any stage or platform at this meeting ?-- Yes.

What did it consist of ?-- A table, a bench and chairs.

And is it from that point that the speakers addressed the meeting?-- Yes.

Was there any flag present at this meeting ?-- Yes, there was a flag.

Can you describe the flag ?-- It had a green colour in general; it had a black map of Africa and in the map there was a star which had a yellowish colour.

--- Just on the flag it was written the words "P.A.C."  
Whose flag is that?-- That flag belongs to the  
Pan-Africanist Congress.

And where was the flag -- was it hoisted?-- It was  
hoisted on an iron pole.

And where was this iron pole in relation to the  
platform?-- It was about 6 paces from the audience.

But from the platform?-- It was also a few paces  
away from the platform.

Was the flag already flying on your arrival there  
-- It was already hoisted.

Who was the chairman?-- Abe Gari was the chairman.

And what language did he speak?-- He spoke in  
Northern Sesoto.

Did he have an interpreter?-- He did not have an  
interpreter.

Will you please refer to page 1 of your notes,  
commencing at the beginning of Abe Gari's speech?--

"We have started our meeting to fight against the European  
people for our country. This country belongs to us but  
we have no rights in it. The Government that rules this  
country is a foreign country that is why we say our country  
is taken by whites."

Who was next?-- Turn to page 2 of your notes?-- "We have formed  
the Pan-Africanist Congress to struggle against the oppres-  
sive laws of this country. Laws are being passed for  
Africans daily for oppression."

Now, turn to page 3, "We are..."?-- "We are  
being deceived and given a bone without meat. But now  
we want the Government of our own. Africans will be free  
from white domination whether you like it or not. Basuto-  
land is free tomorrow is Bechuanaland and Swaziland but why

not South Africa."

Turn to page 4 of your notes, "We have..."?--  
"We have everything in this country but we want the Government only then everything will go well. Even if they should shoot you they got to bury you in Africa if deported you remain in Africa."

Now, how much of Abe Gari's speech were you able to take down?-- All of his speech.

Who was the next speaker?-- Abel Mogali.

In what language did he speak?-- Northern Sesoto.

Did he have an interpreter?-- No interpreter.

And how much of his speech were you able to take down?-- I took it all down.

Turn to page 6 of your notes ..?-- "We have been told to throw passes away as it has been discussed at this square for the time has come and I will call you on that day. But please prepare your provisions. Ghana is free and Swaziland will soon get a Republic then all other free countries will get it but what about South Africa."

Who was the next speaker?-- Johannes Pasha.

What language did he speak?-- Northern Sesoto.

Did he have an interpreter?-- Yes.

What language did the interpreter speak?-- Zulu;

And to who did you listen?-- To the speaker.

Turn to page 7 of your notes?-- "Telling the truth Africans, freedom is in your hands. But we should not be united and then we may abolish the pass laws. Our organisation is specially for Africans only and we are organising what is called a bomb. Africans prepare food it has been stated because we know what is going to happen, and we organise you to follow us as leaders."

Who was the next speaker?-- Jonathan Ngoba.

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Just on the flag it  
Whose flag is that?  
...-Africanist Congress  
And where was the flag  
...on an iron pole.  
And where was this  
platform?-- It was about 6  
But from the platform  
away from the platform.  
Was the flag already  
...It was already hoisted.  
Who was the chairman  
And what language  
Northern Sesoto.  
Did he have an interpreter?  
Will you please  
...at the beginning  
"We have started our  
people for our country.  
We have no rights in it.  
Country is a foreign  
...taken by whites."  
Who was next?  
...-Africanist Congress  
...ive laws of this country  
Africans daily for  
Now, turn to  
...being deceived and  
...we want the Government  
...from white domination  
...and is free tomorrow

And what language did he speak?-- Xosa.

Did he have an interpreter?-- Yes.

Who was the interpreter?-- Abel Megali.

And what language did Abel speak?-- Northern Seseto.

And to whom did you listen?-- To the speaker.

Now, if you turn to page 9 of your notes?--

Preparation of provisions has been stated by the previous speaker for the demonstration of passes by our organisation. Police will be armed with Saracens and guns. But don't get frightened."

Turn to page 10 of your notes ...?-- "We are going to fight against the pass laws and other oppressive laws." (page 10): "We want names of all women of Pan-Africanist congress members because the time has come to an end. We are to organise the people in this location. The laws are fully prepared for us and we are no more prepared to listen to them."

Is that the end of the meeting?-- Yes.

Now, how much of the last two speakers speeches were you able to take down?-- The whole speech.

And how did the audience react to the speakers?-- The audience thereafter shouted "Our country."

The next meeting is referred to on page 47 of the extracts. Are these notes I now hand you your notes?--

And do they refer to a meeting held on the 7th February, 1960, at No. 3 Square, Alexandra Township?-- (Exh. 0).

Was this meeting held on an open piece of ground?-- Yes.

And how many persons were present?-- About 80.

And what was the race of these persons?-- They were black people, Africans.

And which sex was in the majority?-- The men were in the majority.

Was there any flag at this meeting?-- Yes.

How did the flag correspond with the description of the flag that you have given in a previous meeting?-- It was the same flag.

Was there a platform?-- Yes.

How did the platform correspond with the description of the platform that you gave in respect of the last meeting?-- The same platform I have described.

And where was the flag hoisted in relation to the platform?-- It was hoisted a few paces away from the platform, but it was amongst the audience.

And did the speakers address the meeting from the platform?-- Yes.

Who was the chairman?-- Solomon Madunga was the chairman.

And who was the first speaker?-- It was the chairman.

What language did he speak?-- He spoke in Northern Sesoto.

If you turn to page 2 of your notes, from the words "If we..."?-- "If we don't get united and fight for independence whites are going to oppress us to the last pressure. We are being told that apartheid should work, no Europeans are to have any discussion with non-whites since Dr. Verwoerd was in power. We want independence and self-government. The whites left Europe through poverty then came to our country that has everything. They issued us passes knowing that they were en-



chaining us. When you are looking for employment they then demand your pass. I am speaking about the pass because it is our enemy, but I say the enemy is the producer of the pass. Now we are to fight against it and the producer. It is for you to get united and fight against this oppression. I will call my speaker to give you a speech."

Who was the next speaker?-- Abel Megali.

And what language did he speak?-- Northern Sesoto.

Did he have an interpreter?-- Yes.

Who was the interpreter?-- Roy Alfred Mtembu.

And what language did the interpreter speak?-- Zulu.

And to whom did you listen?-- To the speaker.

Now turn to page 7 of your notes, read the sentence just before the green arrow, "The United Kingdom...?"  
 "The United Kingdom Prime Minister Mr. McMillan says that time has passed that the black people ruled the world for freedom. Each nation should get united and use laws diverted by the Government. The Pan-Africanist Congress says "Get up and fight for your independence." We say Africa for Africans and it must be ruled by Africans. We are to fight against laws made during our absence because we don't know these law-makers. We are to state fully that we can't go on and live under such laws. We are to state that these laws are oppressive. We are prepared to go on fighting against the pass laws until we die."

Now, who was the next speaker?-- Jesias Madzunya.

In what language did he speak?-- Zulu.

Did he have an interpreter?-- No interpreter.

Now, on what page does his speech begin?-- Page 8

Will you commence reading from page 8 of your notes, the beginning of Madz nya's speech?-- "Iseleta. All other countries are looking at Africa and what is taking place is that the Government now we are going forward to get our independence in our Continent. The Europeans are defeated in Egypt. The Ghanaians got their own independence, Nigeria is free and Algeria. We will get freedom and Algeria will get freedom. In Kenya Kenyatta was in gaol but Tom Mboya took over and they will get freedom. Nyrere and Hastings Banda are also fighting for independence. Jesuash Ngemo in Southern Rhodesia is also fighting for independence. In South Africa we are going to struggle alone on the way to freedom. We don't want help from rich people of this country. Saracens will not work only brain work will do. In Ghana brains were used and they get their freedom like in India, Dr. Verwoerd may amend special laws but we are not going to retreat. We want our own government like in Basutoland and other countries. I say foreigners are one society so that we should fight properly without armoured cars. There is no justice in South Africa. Pan-Africanist Congress is here to abolish pass laws in South Africa. We are not going to separate the pass laws for women and men. In 1963 South Africa's black man must rule. He demands skilled workers to get £85 a month. Pan-Africanist Congress fights for freedom for all Africans."

Turn to page 12 of your notes?-- "It is time that Africans should wake up and get united but not Europeans to tell us to get united. All these who follow us in politics are sell-outs. They are parasites like butterflies. The day we struggle we are going to abolish the beerhalls and nobody will drink in them. I don't

want a drunkard nation. Are Europeans not afraid of help for they kill our people at Bethal farms. The Pan-Africanist Congress says away with pass laws, a total abolishment of pass laws because we want to get free. We are not going to call for a demonstration. We will tell the people that we don't want to see a pass and we cannot hide it. All Africans are suffering from pass laws and permits. The day we abolish pass laws we should go to work sober."

How much of each speaker's speech did you take down at this meeting?— All of the speeches.

And how did the audience react to the various speeches made by speakers at this meeting?— They applauded the speaker by shouting, saying "Our country."

Now, page 49 of the extracts, I hand you notes, are they in your handwriting?— Yes.

And they refer to a meeting held on 14/2/1960 at No. 3 Square, Alexandra Township?— That is true.

(Exh. P.) Was this meeting held on an open piece of ground?— Yes.

And how many persons did you estimate were present?— About 200 people.

And what was the race of these persons?— They were the black people, the Africans.

And which sex was in the majority?— The men were in the majority.

And what was the average age group?— From 16 upwards.

Was there a platform at this meeting?— Yes, there was one.

And how did this platform compare with the description of the platform you have given at previous meetings?— It was the same.

Was there a flag there at all ?-- Yes, there was flag.

How did the flag compare with the description of the flag you have given in relation to other meetings

-- It was the same flag.

And where was the flag hoisted in relation to the platform ?-- It was not many paces away from the platform and it was nearest to the audience.

Who was the chairman ?-- Jonathan Nqeba.

And who was the first speaker ?-- He, the chairman was the first speaker.

What language did Jonathan Nqeba speak ?-- Xosa.

Did he have an interpreter ?-- Yes.

Who ?-- Peter Bopapi was the interpreter.

What language did Peter Bopapi speak ?-- Northern esoto.

And to whom did you listen ?-- I listened to the speaker.

And how much of all the speakers speeches at this meeting were you able to take down ?-- I wrote all.

Now, turn to page 2 of your notes, the speech of Jonathan Nqeba ?-- "The Pan-Africanist Congress has greater power for fighting for independence. There are various other organisations fighting for the same but we don't believe them. We demand the Continent of Africa as a whole from Madagascar to Morocco and Cape to Cairo." The whites brought about <sup>a pass</sup> to oppress us, that is why they took our country. We were promised schools for our children and nothing has been done. That is why we are prepared to fight against the pass laws. When you are out of employment when you want another job, you are told at the pass office that you are no more wanted in Johan-

Was there a flag there at all ?-- Yes, there was flag.

How did the flag compare with the description of the flag you have given in relation to other meetings

-- It was the same flag.

And where was the flag hoisted in relation to the platform ?-- It was not many paces away from the platform and it was nearest to the audience.

Who was the chairman ?-- Jonathan Ngeba.

And who was the first speaker ?-- He, the chairman was the first speaker.

What language did Jonathan Ngeba speak ?-- Xosa.

Did he have an interpreter ?-- Yes.

Who ?-- Peter Bopapi was the interpreter.

What language did Peter Bopapi speak ?-- Northern Sesoto.

And to whom did you listen ?-- I listened to the speaker.

And how much of all the speakers speeches at this meeting were you able to take down ?-- I wrote all.

Now, turn to page 2 of your notes, the speech of Jonathan Ngeba ?-- "The Pan-Africanist Congress has greater power for fighting for independence. There are various other organisations fighting for the same but we don't believe them. We demand the Continent of Africa as a whole from Madagascar to Morocco and Cape to Cairo." The whites brought about <sup>a pass</sup> to oppress us, that is why they took our country. We were promised schools for our children and nothing has been done. That is why we are prepared to fight against the pass laws. When you are out of employment when you want another job, you are told at the pass office that you are no more wanted in Johan-

... pass office at Albert Street should be a forerunner this year. The wives are preparing themselves for cheap labour. Let us get united and fight for independence like in Nyasaland. There are whites who left Nyasaland for South Africa and I see no room for them. Our country is rich with all kinds of fruit. Now, the whites took those places removed Africans to dry places. The decision of the Pan-Africanists is this, prepare position and leave going to beer halls. Basutoland is free and we must also be free."

Who was the next speaker?-- Lucas Mathlou.

What language did he speak?-- Northern Sesoto.

Did he have an interpreter?-- Yes.

Who was the interpreter?-- Peter Bopapi.

And what language did Peter Bopapi speak?-- Zulu.

And to whom did you listen?-- To Lucas Mathlou.

Turn to page 5 of your notes, commencing with Lucas Mathlou's speech?-- "Africans, we want brave leaders lead us, and we want everybody to know that we are fighting against the pass laws. When our member is arrested there is no base. We want the Government to elect us until all goals for the country is ours. I want the Dutch people to call us "baas." When a youth wants to work he is told to do a kitchen job. When you go to Springs and Boksburg you are demanded a pass and it."

Who was the next speaker?-- Simon Sithuana.

And what language did he speak?-- Northern Sesoto.

Did he have an interpreter?-- Yes.

Who was the interpreter?-- Phineas for 1888.

And what language did he speak?-- Zulu.

easy

And to whom did you listen?— To the speaker.

Turn to page 6 of your notes, commencing with Simon Setuana's speech?— "Africans, you should all know that there is no other organisation but the Pan-Africanist Congress. Because we don't want Indians, Chinese, Europeans and Coloureds. The day of the struggle when I am arrested when my employer comes to pay bail or fine for me I will tell him that I get my instructions from my leaders. Because there is no fine, no bail, and no defence. We don't know if whites are going to shoot us. If they deport me to Pietersburg or Rustenburg I will still organise the struggle and I will throw the pass away. If we pay fines the Government will get rich. The whites stated that Africans should start the Bantu Education because those who did not study Bantu Education have no respect. Now, we want our children to have a Pan-Africanist Congress spirit that Europeans are enemies."

Who was the next speaker?— Abel Mogali.

In what language did he speak?— Northern Sesoto.

And did he have an interpreter?— Yes.

Who was the interpreter?— Peter Bopapi.

What language did Peter Bopapi speak?— Zulu.

To whom did you listen?— To Abel Mogali.

Will you commencing reading on page 8 of your notes?— "Our fathers country we are to fight for it. Africans where the truth is the people don't follow but where there is lies they follow. The Pan-Africanist Congress claims that Africa belongs to Africans. Dr. Nkrumah has been in gaol for his country. Dr. Hastings Banda is also struggling in Nyasaland under the banners of African nationalism. Nigeria also fights for inde-

pendence. In Kenya Tom Mboya struggles under the African Nationalism. Tanganyika also fights under the same spirit. Our ..... we abolish the pass law."

Who was the next speaker?— Josias Madzunya.

And what language did he speak?— Northern Sesoto.

Did he have an interpreter?— He had no interpreter.

Turn to page 10 of your notes?— "Pan-Africanist Congress says get moved to anywhere in Africa because we claim every inch of Africa."

Turn to page 11?— "We must rule .....

The sentence before that on page 11?— "We are demanding African Government for Africans by Africans. We must rule. Whites are running away from Nyasaland to South Africa but they have no room in this country. Kenyatta was locked up for seven years and they thought the spirit of African nationalism would vanish." (Page 12): "There is no justice and democracy in South Africa. South African Government fights against communistic government like Russia but they support Russia. The day will come for the struggle. Dr. Nkrumah was locked in for five years. Kenyatta banished after seven years from gael but Tom Mboya took over. We are marching to the door or independence. The whites claim that this country is theirs in order to re-condition the minds of the African people." (Page 13) : "I say we store food and money for the struggle. We have been suffering from pass laws." (Page 14): "The women demonstrated against passes but they failed. They only supported the Government for they get arrested and fined. I will serve pamphlets to all the police. Pan-Africanist Congress



claims for independence and freedom and I want my government in my country. If there is a white man Indian, Chinese, Coloured because they are government informers they will inform the police I am selling food for the struggle. For we are going to concern the abolishment of pass laws. I am feeling sorry for the African police who died in Durban and 29 Africans who died at Coalbrook mine. They say the families of these two Africans should only get £3 a month. Tell the people from today that they should store food for the struggle and it will be like a dream when Africans take over. Iseleta."

Was there any announcement made after this speech?  
 ?-- Yes, there was an announcement.

Who made the announcement?-- Jonathan Nqeba made the announcement.

What did he announce?-- That there will be a prayer at No. 2 Square on the second Sunday.... no, at No. 3 Square, on Sunday 21st February 1960.

For who, what prayer?-- For those who died at Coalbrook.

Did Jonathan Nqeba have anything else to say?-- Jonathan Nqeba passed a resolution.

Who proposed the resolution?-- It was proposed by him.

And what was the resolution that was proposed?-- The Pan-Africanist Congress calls upon to condemn the pass laws. It calls upon the people to restore food and money for the struggle. And the ..... of African people to struggle without arms. It calls upon members of the Pan-Africanist Congress to suppress £1.2.6. then the executive will be given power of action against

pass laws; No fine, no bail, no defence when arrested.

How did the audience react to this proposal?--

They were all happy. They shouted "Iseleka."

And what happened to this resolution that was proposed, was it adopted or not?-- It was adopted.

How was it signified, how was it shown that this resolution was to be adopted?-- There was a motion that all agreed.

Did the audience vote or just the speakers?-- They voted.

Everybody?-- The chairman, Jonathan Nqeba, asked the audience whether they were against it. And they all agreed that they adopted the resolution.

Now, if you have a look at the notes which I will show you. To be found on page 50, of the extracts. Are those your notes?-- Yes.

And do they refer to a meeting which was held at Alexandra Township, No. 3 Square, on 23rd February, 1960?-- Yes.

Was this meeting also held on an open piece of ground?-- Yes.

How many persons did you estimate were present?-- About 100.

And what was the race of the persons who were present?-- Africans.

And which sex was in the majority?-- Men.

What was the average age group of the men?-- From 16 years upwards.

And was there a platform at this meeting?-- Yes.

And how did the platform compare with the platforms you have described in regard to the other meetings

?— It was the same, table, chairs and a bench.

And was there a flag present at all?— Yes, there was a flag.

How did the flag compare with the description of the flag that you have already given for other meetings?  
?— It was the same flag.

And where was the flag hoisted in relation to the platform?— It was a bit far away from the platform but about six paces away from the audience.

Who was the chairman of this meeting?— Josias Madzunya was the chairman of this meeting?

And what language did he speak?— He spoke Northern Sesoto.

Did he have an interpreter?— He had an interpreter.

Who was the interpreter?— Peter Bopapi.

And what language did Peter Bopapi speak?— Zulu.

And to whom did you listen?— To the speaker.

Commencing at the beginning of Josias Madzunya's speech, page 10 of your notes?— "Pan-Africanist Congress policy is different from other organisations in the political campaign." (Page 3) "The Pan-Africanist Congress policy is to allow Africans only to join it. That is why I say the policy differs from other organisations. Other organisations say they want a multi-racial society in Africa but the funniest thing is this. When you go to England the Prime Minister is in English, and in India it is an Indian. And all other countries follow the same. In Africa we want an African Prime Minister. The white domination must be destroyed in Africa; as Africans in Africa we are demanding self-rule <sup>and government.</sup> When the Mau Mau fought for independence..... nobody thought that they

could succeed. When the political struggle was over, they asked them who the Prime Minister was. (Supposed to be the answer was, Joma Kenyatta.) But not Tom Mboya. When the whites are trying a business, the first symbol is served to Africans the beerhalls are being specially erected for Africans in order to reduce the African population. They serve symbol at bus queues so that when they are poisonous we must die."

Turn to page 6 of your notes?—"We are going to change the whole history because the whites came to this country empty handed. They stole our livestock our country and .....? We want to rule the whole of Africa we want to form a United States of Africa and show what democracy is. We are all under oppression 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 of Africa. We are 200 years under the oppression of the pass laws. I call upon my speakers to be brief in order to attend the prayer for the dead Africans at Coalbrook Mine."

Who was the next speaker?— Abraham Gare.

What language did he speak?— Northern Sesoto.

Did he have an interpreter?— Solomon ....

And what language did Solomon speak?— Zulu.

And to whom did you listen?— To Abraham Gare.

And commencing on page 82?—"We have met here

through the laws of our fathers country taken by foreigners. These foreigners oppress us for many years but we should soon show them that their time has come. We have already considered that Northern Africa is moving to get independence. But why are we waiting. Let us con-

tinue the campaign so that in 1963 Africa should be ruled by ourselves. The whites oppress us by introducing pass laws to men and today 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."

Who was the next speaker?— Phineas Qolobo.

What language did he speak?— He spoke Zulu.

Did he have an interpreter?— Yes, he had an interpreter, Kaza ....

What language did the interpreter speak?— He spoke Venda.

And to whom did you listen?— To Phineas .....

Turn to page 10 of your notes?— "I have under the Pan-Africanist Congress for we have been long under oppression now I am talking against the pass laws which worried my father and I also. I have got into the same oppression. Pan-Africanist Congress policy differs from other organisations because we want no whites and other races. We are to unite leaders to fight against the pass laws not only to wait that Madzunya should go to gaol because he is the leader. We are prepared to die for our country like what Jesus Christ did. I am prepared to go wherever Josias Madzunya leads me. And will take over when Madzunya is dead or arrested. We have been respecting the whites but since they introduced Bantu Education they should never be respected." Wh

Who was the next speaker?— Solomon Nhlevu.

And what language did he speak?— Zulu.

Did he have an interpreter?— Abet Mashala.

And what language did the interpreter speak?— Northern Sesoto.

And to whom did you listen?-- To Solomon Nhlovu  
Turn to page 12 of your notes?-- "We have  
..... that everybody has to come into action where every-  
body 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 should  
be able to lead ..... The said enemy is the pass. And  
if we win this we will rule our country. The Pan-  
Africanist Congress will lead us to freedom and independ-  
ence. We are to go step by step until we reach the  
Parliament house. We are to abolish the pass laws  
Afrika Afrika Iseleta."

Who was the next speaker?-- Abel Gari.

What language did he speak?-- Northern Sesoto.

Who was the interpreter?-- Solomon Ndube.

What language did he speak?-- Zulu.

And to whom did you listen?-- To Abel Gari.

Turn to page 14 of your notes, commencing read-  
ing from the beginning of Abel Gari's speech,?--  
"Afrika; fellow Africans we are slaves and we are  
struggling on a political point view. We even lost our  
brothers through this political campaign. We have been  
given a pass and ordered to pay 3/6d. by oppression.  
Waar kem jy en waar gaan jy? Everybody is devising  
some means how the pass should be dealt with. There is  
no African who knows that a pass is an enemy and what a  
pass laws means. We get arrested daily through it.  
What will happen on that political pass campaign in  
Africa. When I lost my pass the police are worried ag-  
ainst me. As the laws says I should be in possession  
of it."

Turn to page 16 of your notes: "If we abolish ...  
...?-- "If we abolish the pass laws the whites will  
starve because they are getting paid through pass laws,  
fine when arrested and ..... The Pan-Africanist Congress  
says it is 200 years looking and investigating the pass-  
laws and the time has come to do away with them. Since  
1760 the passes were introduced to enslave the African  
people of this country. The passes prevent us to look  
for work wherever we like. The Government never shows  
anything wrong about the pass laws. I would like to hear  
from you whether we burn them or leave them at home. "

Was there any reaction from the audience when  
that was said, "whether we burn them or leave them at  
home" ?-- They all called "Iseleta."

And what did that mean ?-- That means "Our country."

What emotion did it express ?-- They showed being  
willing and happy to do the thing.

Carry on from page 17, the pass laws ?-- "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 that what will happen when they get you because  
there is no bail, no fine, no defence."

How much of each speaker's speech were you able  
to take down at this meeting ?-- The whole.

I hand you notes; are those your notes ?-- Yes.

And do they refer to a meeting held on the 28th  
February 1960 at No. 3 Square, Alexandra Township (Exh.  
R.) L ?-- Yes.

Was this held on an open piece of ground?-- Yes

And approximately how many persons were present?  
?--80.

What race were these persons?-- They were the black people, the Bantu.

4 And which sex was in the majority?-- Men.

(Page 57 of extracts) And was there a platform at all?-- Yes.

And how did the platform compare with the description of the platform you have already given?-- The same.

Was there a flag?-- Yes.

And how did the flag compare with the description of the flag you have given at the other meetings?-- They are the same.

And where was the flag hoisted in relation to the platform on the square?-- It was still hoisted in the same place, a few paces away from the audience.

And from the platform?-- A short distance away from the platform.

And who was the chairman?-- Solomon Matuba was the chairman.

Who was the first speaker?-- Solomon Matuba was the first speaker.

Was there an interpreter?-- There was an interpreter.

What language did Solomon, the chairman, speak?-- Northern Sesete.

And what language did the interpreter speak?-- He spoke in the Zulu language.

To whom did you listen?-- I listened to Solomon Matuba.

Commencing at page 1 of your notes, of Solomon Matuba's speech?-- "Fellow Africans, we meet here as



this Square every week-end to discuss our political view under the policy of the Pan-Africanist Congress movement. We are to teach and create the spirit to others in order to have more members. You all know what the political views of Pan-Africanist Congress are as we are under oppression. My wife and I have agreed to obtain passes but they are snakes and the best remedy is to throw all the passes away. We have all heard what happened in Nyasaland, Algeria, and Belgian Congo. That black Africans are struggling for independence. The Pan-Africanist Congress policy does not allow other races than black Africans to join the organisation. We are a political country of pass laws. The day of the struggle some of us may die. The whites in Parliament are not willing to abolish pass laws because we will be free. The Pan-Africanist Congress says we are to abolish passes this year. It will call upon its members to go direct where they are ordered to go. If you are being arrested don't say we make you to get arrested. We Pan-Africanist Congress members are abolishing the pass laws. These pass laws oppress Africans all over on the farms and in town still the same. Our livestock has been reduced and we are being refused to enter in towns and other places through pass laws. Organise this pass laws campaign all over even in beer halls."

Who was the next speaker?-- Johannes Pashe.

What language did he speak?-- Northern Sesoto.

Did he have an interpreter?-- Roy Alfred Mtembu.

And what language did Mtembu speak?-- Zulu.

To whom did you listen?-- Johannes Pashe.

Now, if you turn to page 5 of your notes?--

Slaves of Africa, I say let us not leave our tradition.

Basutoland has just been freed. What about ourselves. Let us go to gaol for this passes. Let ..... Africans you got the gaol key and let us die brave like Jesus Christ. If you are a minister of religion when you go to Benoni or Brakpan they check your pass and say you got no permit. The English people also struggled to get into this country. Let us all be brave on this pass campaign. Let us all not fear to go to gaol. The Pan-Africanist Congress says you are all free if you want to."

Who was the next speaker -- Simon Setchuana.

What language did he speak? -- Northern Sesoto.

Did he have an interpreter? -- Phineas Qolobo.

And what language did Phineas speak? -- Zulu.

And to whom did you listen? -- To Simon Setchuana.

Turn to page 7 of your notes? -- "Fellow Africans, we all read newspapers that the whites are surprised to hear that we are on a pass campaign because the Pan-Africanist Congress is ready for action. The pass laws have been oppressing us for 200 years but the Pan-Africanist Congress promises to abolish them. It doesn't allow any race than a black African. So join the organisation. In meeting which was held at the City Hall last week the crowd feared the movement of the Pan-Africanist Congress and they wanted that the Government should observe it immediately. I am supposed to pay income tax and my wife has to carry a pass. My child of 16 years of age has to carry a pass and go back to stay on the farm. We are tired of oppressive laws. When your relative has died at Bethal farms they don't bring the pass book at home. How many of you this year have been arrested for pass-laws. There is no way of independence...."

Just refer back to that word "No."? -- Yes, it

be "No." I was writing in a hurry and my pen slipped.  
"There is no way of independence.....we can get an  
exception of taking the Pan-Africanist Congress action  
and constitution that when you are being arrested there is  
no bail, no fine, and no defence. The whites are being  
paid according to their labour but we are not through these  
pass laws. There is a rumour have you heard that we are  
going to start our struggle against the pass laws on the  
31st March 1960. Even if I get arrested for six months it  
is nothing. I will come back. Africans, prepare food and  
pay money because the spirit of the struggle is on and is  
coming. "

Who was the next speaker ?-- Abraham .....

What language did he speak ?-- He spoke Northern  
Sesoto.

Did he have an interpreter ?-- Ndezi interpreted.

What language ?-- In Zulu language.

Who did you listen to ?-- I listened to Abraham Mogale;

If you turn to page 11 of your notes, the words

"Independence ...?-- ?....

Read from the beginning : "Sons and Daughters..."

?-- "Sons and Daughters of Africa greetings to you. There  
is nothing you can get without hard working. Independence  
cannot come to us without having struggled. We are to meet  
all difficulties <sup>during</sup> the struggle in the whole Continent of  
Africa. We are to shoot what to do for the country is ours.  
and the rule of the whites should be dominated. In 1963  
whether the whites like or not we are prepared to rule our  
country. Whites are oppressors and their first arms are  
pass laws. The whites have taken our livestock on the farms  
and they have reduced our fields, issued passes to families  
(females)  
which mark the badge of slavery. The Dutch people are busy

issuing passes on the farms to our relatives. We know that people are being buried at Bethal farms through passes. The whites may come armed with saracens and sten guns we are not afraid. We will go where we like without passes. I say away with passes, from black Africans. I am prepared to die for the black people of this country. You know what happened... you know that 429 Africans died at the Coalbrook Mine through passes. We have demonstration but don't follow the drums of the A.N.C." (African National Congress) "Follow the Pan-Africanist Congress action. I beg our father to give us luck to win the pass campaign."

How much of each speaker's speech were you able to take down at this meeting?— I was able to take the whole of the speech.

And what was the average age group of the men who were present at this meeting?— The age was from 15 years onwards.

And how did the audience react to the speakers at this meeting?— <sup>Not through interpreter:</sup> (All the speakers reacted being incited they actually were greatly impressed of the speech.)

(No further questions)

CROSS-EXAMINED BY MR. UNTERHALTER: You told us that in regard to these speeches, you were able to take them all down?— Yes.

Are you perfectly sure about that?— I will say I am perfectly sure about it, I was there.

You know evidence has been given by several of your colleagues who are also members of the Special Branch, and who also took down notes of various speeches at various times and at various places?— Yes, I know.

Not one of these has claimed that he was able to

take down everything that the speaker said. Do you still claim that you took down everything?— I say what I took down in writing there that is the speech which was delivered by the speakers.

Yes, but is it everything that the speaker said at the meeting?— In exception of other points which he may have said which are outside the scope of the meeting.

What exactly do you mean by that "outside the scope of the meeting...."

BY THE COURT: Now, let's have it clear; did you take down every word the speaker said?— I took everything down.

Do you mind telling me whether you took down every word he said?— Yes, I can say it but one will find at the meeting some of the speakers will make mention of things which are not the concern of the meeting.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD: For example, what is it that was said that was not the concern of the meeting that you remember hearing and which you didn't write down?— For an example, say a member of that organisation records that his child or one of his relatives child, or an adult person has passed away, that is to say during the course of his speech.

In other words, what you are saying is, only things that appeared to you to be entirely irrelevant to the meeting were omitted by you?— No, that is not so.

Well, have you understood what I have said?— Yes.

Well, I really thought that if a person made an announcement about a private bereavement, and you heard it, you left it out because it was irrelevant to the meeting and that was the reason why it was <sup>not</sup> taken down; am I wrong?— As a persons who attends these meetings, I do not deem it necessary to have them recorded in writing.

Exactly, because they are irrelevant to the meeting, isn't that so?— Not to say that they are irrelevant to the meeting, but that I personally those things I cannot write to take down in writing.

But you didn't take them down because they had no bearing on the meeting, isn't that so?— I personally deemed it not necessary to record such things because according to my duty as a person recording notes at those meetings, they are not to be included, like the bereavement of relatives, and children.

So are why are you quarrelling with me; we really agree about this. Is it because you want to say "No," to everything that I am putting to you?— No, I was not contradicting you but I was just trying to show to you that there are things to which one is not supposed to record at a meeting.

Now, that was the only factor that caused you not to write certain things down, the example such as you gave me, that is one of them?— No, that is not so.

Well then, what else was there, if it wasn't that you heard something that you didn't think it was your duty to write down, what else prevented you from writing it down?— There is no other reason which stopped me from recording it.

Then why did you contradict that proposition which I have just put to you?— I was just trying to show to you that there are some instances which you are not supposed to record that in writing; as you know yourself, you have been to many meetings.

Now, you understand quite clearly what I am putting to you?— Yes, I do understand.

Namely, that the only thing that prevented your

taking down what was heard was what you thought was your duty as to what you should record and what you should not record; is it clear in your mind now?— There I did record them.

I can't make much progress when you won't listen; let me put it to you another way: I take it you had no physical difficulty in recording everything that was said. You could keep up with the speaker in everything that he said?— There is some difficulty that I tried to write words, unless sometimes I tried to write that thing in brief.

BY THE COURT: I'm afraid I can't understand this evidence; "I tried to write..."?— I try to write every word that the speaker says, but unless perhaps I want to write that something in brief then there is difficulty.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: Now, whether you wrote it in longhand or whether you wrote it in brief, did you in fact get down every word of the speech as you heard it?— Yes, I did write it.

You had no difficulty in finding that the speaker was a sentence or two ahead of you and therefore you had to skip something?— I wrote that I was a sentence behind but waited until that sentence was completed and then recorded it.

So that even though you were a sentence or two behind, you were always able to catch up to get the full speech?— Yes, that is what I say, Sir.

Which means you can therefore claim that you wrote down 100% of the speech?— I can say perhaps I was unable to record in writing... that is to say that I tried to bring these sentences together so that they could formulate a sentence in themselves, not making something senseless.

Everyone of the other witnesses who has given evidence has not made a claim of 98%; they have said to the Court that the speaker was talking quite fast, and that they were somewhat behind?— I also say the same that I remained behind, I was left behind when the speaker made his speech, but then I was supposed then to complete that sentence as it is supposed to be.

You see, the most that any other speaker claims, if my memory serves me arghh, is about 75% record, not really a complete record. Would you claim to be a superior note-taker; better than your colleagues, for example?— No, I am not saying that I am superior.

BY THE COURT: You hear the words in Northern Sesoto, for instance, and you have to translate them into English before you write them down?— Yes, Northern Sesoto.

And you can keep up with what the speaker says?— I can try to keep up....

You can "try" -- can you keep up?— I can.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: Now, certain speeches were interpreted, and certain were not interpreted?— That is true.

And do I understand you to say that whether they were interpreted or not interpreted, you showed the same degree of efficiency, 98%?— If the interpreter was not there, then I would be able to write down everything which is said. If I keep that.... which I happen to have been left behind with it, in my memory. At that time as I record down the speech.

Are you trying to say to us that where there was no interpreter you would do it 100% -- or rather, where there was an interpreter you could do it 100%; where there was no interpreter, you did it 98%. Is that what you mean?—



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No, I am not saying that.

You do agree that it is easier to take down a speech when you are given time because of an interpreter intervening, than you have when the speech is direct and you have to put it down direct?— No, I am not saying so.

Well, now will you explain to us why it isn't easier to take down a speech when it is interpreted, rather than one which is interpreted?— When there is an interpreter there is a gap perhaps when this interpreter will go right into your ears, but then if there were no interpreter, then you can be able to write what the speaker says to the extent he makes his speech. But not to say I claim to be 100% in perfection and that I surpass all the other members of the Special Branch who also took notes.

You agree that when a speech is interpreted he pauses while his speech is relayed by the interpreter to the audience?— That is so.

During that time if you have heard the speech in the original, you can record it while it is being interpreted?— Unless that interpreter says the same thing which was originally said by the speaker.

But surely whether he says it or not, he is giving you time to write down what you originally heard from the speaker?— He does not give me time to record that because he goes right into my ears.

So that you say it is really easier for you not to be given time by an interpreter; it is easier for you to take it down direct from a speaker and not have your hearing disturbed by an interpreter; is that so?— I listen to both the speaker and the interpreter, but then if the interpreter does not interpret correctly what is being said, then that disturbs my hearing.

Please answer my question. I repeat it. Do you say that it is easier for you to record directly without an interpreter having intervened at all?— No, I did not.

Easier than if there were an interpreter?— I do not understand the question.

BY THE COURT: I just don't understand you. I can't understand your evidence at all on this point. I might say here that I have that experience in Court proceedings. I find it much easier when there is an interpreter because I have more time than when I have to make notes directly when Europeans are giving evidence in official languages; I have more time. I have had more experience in taking notes than you have.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD: You understand English fairly well?— Yes, a very little. Because it is not my mother tongue; I cannot claim to know it all.

You nevertheless chose to record these speeches in English, translating them yourself as you heard them in the vernacular?— That is true.

They are your own composition, aren't they?— Yes, that is true.

You find it easier to understand or easier to compose English?— To understand it I understand it well. And to write it, I can write it but cannot write it to the extent it can be written by a person who has attended a university.

Well, we agree on this because it is a universal rule, it is more difficult to compose than it is to understand; do you agree?— It is not so; we are not allowed to take down our notes at these meetings in a Bantu language. We are only to record the speeches in one of the official languages.

I'm not quarrelling with you about that. You seem to wish to disagree with everything I say just because I am

putting it to you as counsel for the Defence; is that so?—  
No, you want to put me in a bag.

I take it that the speed at which the speakers spoke  
was the ordinary rate of speech?— No.

Well, was it faster or was it slower, than what I  
am speaking to you now?— They spoke differently, different  
rates than this.

Generally did the people address that meeting at a  
quicker rate than what I am now addressing you, or at a  
slower rate than what I am now addressing you?— There were  
others who spoke at the rate you speak now, who were not  
speaking fast. There were others who spoke a little faster  
than you, and slower than you. There were others who did  
speak little faster. None of them spoke at the same rate.

4 Would you say that the way I am speaking to you now  
is the average rate at which you heard speakers addressing  
the meeting?— I would say it is not of an average rate.  
An average rate is much slower than the one you are speaking  
at, to the person who is recording what you say.

Josias Madzanya, for example, did he speak slower than  
the way I am addressing you now, or faster?— There were  
instances when he spoke at the rate you are now speaking to  
me. Like when he is seated he speaks at a different, a  
faster rate than you.

Now, notwithstanding that, you were still able to  
get down what he was saying?— Yes, I did write.

And if I now address you in a test which I shall ask  
His Worship to put to you, do you claim that you would then  
be able to record to you, if I spoke at the rate which I  
now address you?— I can perhaps not be able to get down  
everything.

But why do you say that you are unable to do it if

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you admit that some of the speakers spoke even faster than I did, and yet you got down all their speeches?-- I will be unable to record that because here it is in Court. It is sometime that I have been standing here in the witness box. But outside there it is in the open even when I record my notes there, my mind is quite free. I also believe that I am not the person who can be unable to write some of what is said here in Court. It is for the Defence perhaps if I read the notes to it, perhaps it can be unable to record it.

BY THE COURT: You claim to be able to take down every word that the speaker said; well, you mustn't be surprised if people are querying you, and want to test your ability. The witness could rest during the lunch hour?-- I make a request that I be tested outside, not here in Court.

Why outside, what is the difference? Now, at the meeting, do you stand writing, or do you sit down at a table?-- I stand.

You stand with a notebook in your hand; do you find that easier than when you sit at a table?-- That is true;

I can't see what difference it would make to have the test outside; you can be tested in Court.

COURT ADJOURNS:

COURT RESUMES 2.15 p.m.

GABRIEL RAMOEBA, still under oath:

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: At the adjournment I said to you that I proposed with the consent of the Court to test your ability to record a speech. Now, are you prepared if the Court permits it to take down something that

I am going to say to you?-- I am unable to take down in writing what counsel proposes to dictate to me because my right hand is not as flexible as it was on that day when I made these notes. My right thumb has been injured.

When did this injury occur?-- It is already three weeks that I have injured my right thumb.

Have you not been doing any clerical work at all during that time?-- No, I have not done any clerical work.

What work are you doing?-- I do general patrol.

And you have not taken notes at a single speech at a single political meeting in the last three weeks?-- I only went there in company of others.

Did you take notes?-- No, I did not take any notes in writing.

Why didn't you tell His Worship before the adjournment that you wouldn't be able to take it, instead of suggesting that it be done in the open air and not in Court?-- I say even if I can write, I will not be able to write to the same extent that I used to write at the meetings.

Are you going to answer my question; why didn't you explain that to His Worship before lunch, that you had an injury, that you were unable to write properly today?-- Seeing that I was in Court, I was now heated by the questions which came from the Defence. I then happened to forget the reason that I was injured.

How long do you think it is going to be before you are better?-- I do not know.

A couple of weeks, would you say?-- I cannot say.

Well, if and when you get sufficiently well to manipulate a pen or pencil easily, would you then be prepared to submit to the test that I suggest?-- I will be able to do that test on condition the Defence will give me a speaker who is going to utter those words in my own language.

BY THE COURT: A feature of his evidence has been that there was always someone speaking Northern Sesoto?-- That is so.

*... in ... Township,*

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: So do I understand that you would require a speech to be addressed to you in Northern Sesoto, and you would then transcribe it into English in the way these notes suggest that you have done?-- That will be on the day when my finger has healed.

I don't intend to press you this afternoon if you say that you are not well enough to do it, but I shall ask His Worship for permission to have you recalled in due course to permit this test being done?-- That is in order.

Now, when you gave your evidence you were asked about meetings that took place at Alexandra Township on 6th September, as recorded by you in Exh. H. Before the 6th September, 1959, had you ever been to a P.A.C. meeting?-- No, I do not know because I don't have my notes; that is my record here in front of me.

This is the earliest date of the speeches that you deposed to; since the 6th September, is this a complete record of all the meetings that you have attended, where P.A.C. speakers have spoken?-- No, I cannot say because I have not yet checked on my books.

Well, the best you are able to, can you not say round about the 6th September was the first time that you met with the P.A.C. at political meetings?-- No, I will not be able to say unless I check on my notes.

Let me try and put the question to you another way: One of the most prominent speakers there, appears to have been Josias Madzunya; had you ever heard Madzunya speak before the beginning of September of last year?-- I cannot say whether I heard him speak before the 6th September because I have not yet checked on my books, in order to ascertain which meetings he attended, so that I can be certain and give full evidence before this Court.

You have done a lot of work in Alexandra Township,

Haven't you?-- Yes, I have done it.

You have been on duty in that area for how long?--

At the meetings of which organisation?

No, just generally, stationed at Wynberg, for how long?-- That is true.

For how long have you been doing duty as a policeman in Alexandra Township?-- I went there to the Wynberg police-station as a uniformed constable before I was given authority to attend the meetings.

And that was when?-- From 1954 $\frac{1}{2}$

Now, haven't you known of Madzunya from before last year; if you've worked in Alexandra Township since 1954?-- I already heard people make mention of his name, but I did not know him. I only began to know him when I attended these meetings.

You can't tell His Worship when you first attended these meetings where you first saw Madzunya?-- No, I cannot say that. If I had already checked on my books then I would be able to give correct evidence.

Now, the first time that you recorded his name in his notebook, how did you get that name; was it told to you by somebody at the meeting, or did you get it by some other means?-- He was shown to me by my colleagues, and they told me that this is the person whom they have heard as Josias Madzunya.

And you accepted that as being correct?-- Yes, I accepted that, because ...

And he is a man of very striking appearance, isn't he?-- He is not of a striking feature.

What I mean is, that if you see him, you would easily recognise him again?-- I know him very very well.

Now answer my question: If you saw him once you would recognise him again?-- Very well.

So that when this person made his appearance at the previous meetings, you recorded his name because your colleagues had told you that earlier?— I knew that he would be the one because my colleagues with whom I work told me his name and I trust them. ?

Now, regarding the other speakers whose names you have recorded in your notes, did you likewise get this information from your colleagues, or did you get it from some other source?— All of them were made known to me by my colleagues with whom I was working. |

Now, you said in mentioning this meeting of the 6th September that there was a flag there, and you have described the design on the flag, and then the Prosecutor asked you what flag it was, and you said it was the flag of the organisation known as the P.A.C.?— Yes.

What was the source of your information?— This flag was hoisted there and on it were written the words P.A.C., and that flag belongs to them.

So, is it fair to say then that when you answered the question and said that this was the flag of the organisation known as the P.A.C., you answered it in that way because you were making the deduction from the words P.A.C. on the flag and its general design that it was the flag of the P.A.C. organisation, that that was the source of your information?— I did not make my deductions from that, but it was brought by Josias Madzunya, and he hoisted it there. |

Did you see him hoist it there?— Yes, I saw him. |

4 Now, I am a little surprised to hear you say that. Because my recollection of your evidence is that on each occasion that you were there, you found the flag already hoisted?— I was at a football ground when Madzunya came and hoisted the flag there; not very far. After he had



hoisted it there then I proceeded there to the place and found the flag already hoisted.

Are you then saying from what you have just told us that in fact you noticed the flag being hoisted while you were some distance from the place where the meeting was to be held?— Yes, it was a distance away.

You did see it in the act of being hoisted?— Yes, I did.

Did this happen on each occasion in respect of each of the meetings that you reported on?— At some other instances, in the mornings, we already found the flag hoisted there.

Now, in respect of how many meetings did you actually observe the flag in the act of being hoisted while you were at a distance from the meeting?— There I cannot say because I did not take notice.

Was it in respect of more than one meeting then?— The first time when I noticed it, it was brought there by Josias Madzunya; thereafter I did not take notice how many occasions it was brought.

I am not asking you for how many; I don't suppose you can say, but I am just asking you, did you notice it being hoisted by someone on more than one occasion?— Yes, I did see the flag being hoisted on more than one occasion.

On each of these occasions was it Josias Madzunya who hoisted the flag?— Yes, and on other days it was hoisted by other people.

BY THE COURT: Don't you understand the question: "on each occasion" — or do you mean sometimes Josias hoisted it and sometimes somebody else hoisted it?— Yes.

DISCUSSION ON EVIDENCE BY MR. ENTERHALTER AND HIS WORSHIP:

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: Can you explain why you did not in your evidence in chief say to His Worship that you saw this flag being hoisted on some occasion by Josias Madzunya and on some occasions by others?-- I could not say anything about that, because I was never asked about it in evidence in chief.

Do you agree that the fact of the flag being there is an important piece of political information for you as a member of the Security Branch of the police?-- No, I do not agree.

Why do you say it is not important?-- Because I have often seen various flags of various descriptions hoisted i.e. the white one.

You don't think or you didn't think that it was important as tending to identify the meeting as a P.A.C. meeting?-- When it was then explained that a new flag must be obtained, it is then that I thought that the information concerning the flag.....

Please try to answer my question: Did you not think that this was an important piece of political information as tending to identify the meeting as a P.A.C. meeting, and therefore worthy of being noted down?-- No.

And is that the reason you offer for not having a note in any of these exhibits in regard to the flag?-- Yes, because various organisations do have flags.

Now, in respect of each one of the meetings to which you have testified, you have been quite clear that the flag was there?-- Yes, in all the meetings I have made mention of the flag was there.

In respect of none of these exhibits H to R is there a note of the flag recorded by you?-- No.

Now, if that is so, how can you be so certain without

this reference in your notes, that in fact the flag was hoisted at each and everyone of these meetings?— Because I am giving before this Court true evidence that on each day I attended the meeting the flag was hoisted.

No, my question is how can you remember it without a note to refresh your memory?— There is no way of making me recall or remember but I knew that where a flag is hoisted there a meeting would be held if it is nearby.

Do you remember when I asked you a little earlier your recollection of the first occasion you met Mr. Madzunya, you said you couldn't remember without going through your notes?— But then a flag on each and every day that I have been at a meeting it was there being hoisted.

Don't anticipate my question. You remember having said that you couldn't answer the questions about Madzunya without the notes?— Yes, there I know.

You couldn't answer those questions without notes, then how is it that you can speak so definitely about the flag without notes?— The flag was always there at each and every meeting, and referring to the notes, I can then refer to them if being asked something concerning what was said by a certain speaker at the meeting.

Now, do you also remember the position of the flag in relation to the audience, in regard to each meeting?— Yes, I do remember.

Without the notes?— Yes, without referring to the notes, the flag I do remember.

Tell us, where was the flag in relation to the audience; away from the audience, near the audience, in the audience?— At the meetings of the Pan-Africanist Congress the flag is hoisted a few paces away from the people, and not very far from the audience, that is to say next to where the

audience is standing, on an iron pole.

Now, is it separate from the audience?-- There are others who are there next to the flag. But the majority usually sit not near the platform.

So generally is it correct to say that the flag is a little distance away from the audience?-- Not very far from the flag, but because some of the audience attending the meeting usually hold on to the iron post that supports the flag, but the majority of the audience stand not very far from the platform.

Are the majority of the audience seated some distance from the flag?-- Yes, the majority.

I am asking you these questions because I made a note of the evidence that you gave in chief in respect of the meeting that you recorded in Exh. O, on the 7th February. You said in regard to this meeting that the flag was six paces from the platform, but it was amongst the audience attending?-- Not very much in the midst of the audience but just in the audience.

Now, according to the notes I made of your evidence regarding Exh. M., that is the meeting of the 24th January, you said that the flag was hoisted on an iron pole 6 paces from the audience?-- That is so.

At the moment I am not concerned about the possible conflict between what you said in your evidence in chief and what you have just told us. But what I do want to ask is this: How is it that without making a note you can say in respect of the meeting of the 24th January that the flag was 6 paces from the audience; and in respect of the meeting of the 7th February, that the flag was among the audience; how can you possibly remember that?-- It is because on certain days while we are always find that there is a great

audience attending the meeting, to such an extent that some of them sit as far as where the flag is and even encircle it.

Do you say then that there was a difference in the size of the audience at which Exh. N., the notes, were taken, compared with the audience to which Exh. O relates, and for that reason you have been able to give us detail as to where the flag was situate?— I cannot say anything like that unless I see my notes.

You suggested that to His Worship just now, by saying that because there is a different size of audience, that there may be some of them who surround the flag, and some not?— Now, do you or do you not give that as a reason for describing the flag in a different position at these meetings?— There is nothing I can say except by looking at my notes. My notes will then be able to reveal to me how many people attended the meetings

BY THE COURT: But will your notes tell you where the flag was standing?— If I see my notes I can see the number of the persons attending the meeting, then I will be able to ascertain where the flag was.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: I hand you your notes, have a look. They are Exh. N. and Exh. O., just check on the dates of the meetings?— I am referring to Exh. N.

Turn over the little white piece of paper, there is a mark of His Worship. You refer to Exh. N. and you also refer to Exh. O., is that correct?— Yes.

It is correct that each of them is headed at the top of page 1 with the remark by you that there were about 80 people present?— Yes, that is my estimate.

In view of the fact that the size of both these meetings is approximately the same, how is it that you describe the flag as being in different positions in your evidence in chief?— That is to say on certain days in the mornings the audience attending the meeting, they used to sit at a certain angle, trying to evade the sun, and when it is cold then they would sit there where they could get some sunshine.

BY THE COURT: Where do your notes tell you whether it was cold or not, and what angle the sun was?— They will not help me because I did not record that in writing.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: I want to put it to you that you are not being candid with the Court, and that in fact you are mistaken when you describe the position of the flag and that you are refusing to admit to His Worship that you were mistaken. I put it no higher than that M?— No, that is not true.

Then do you persist in the evidence that you gave in chief in saying that it is true in regard to the position of the flags as you gave them on the 24th January and the 6th February?— I have already said that on a cold day then the audience is inclined to sit where the sunshine is. And on a warm day the audience attending is inclined to sit away from the sunshine.

Now, when you commenced your evidence you spoke of the languages that you knew. I have recorded it as follows that you speak and understand Zulu and Shangaan, you speak and write English?— Not to such an extent, not very much.

I am not tackling you on that; you have got some kind of knowledge of English?— Yes.

And that in Johannesburg you came across many native dialects having lived with the people?— Yes, that is true.

Am I correct in saying that when you gave evidence you made no specific reference to the fact that you knew and understood the Xosa language ...

BY THE COURT: No, you are wrong, Mr. Unterhalter; he didn't say that.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: I withdraw the question. Now, you recollect giving evidence about the speech made by Robert Sobukwe?-- Yes, but not very much, it is because I don't have my notes.

Never mind about that; do you recollect saying that he interpreted Mr. Sobukwe's speech into Sesoto; it was interpreted by Peter Molotsi?-- Yes, I said that.

You also said "I listened to Peter Molotsi"?-- Yes

You recollect that I then stood up and made technical objections?-- Yes, I do.

You were then asked some questions by the Prosecutor?-- Yes.

You said "I also listened to Sobukwe"?-- Yes, I did

Why did you not tell His Worship right at the beginning that you listened to both these speeches, one by Molotsi and one by Sobukwe?-- I wanted to hear whether Molotsi knew Xosa very well, so that I could write full notes containing full evidence.

My question is, why didn't you tell His Worship right at the outset: "I listened to both his speeches"?-- I did say that when I was giving evidence in chief; the time when the objection was then made. I did say that I was listening to Peter Molotsi in order to find out whether he knew Xosa well. So that I would be able to make out whether to write what the speaker said or what the interpreter said, even if perhaps I may be left behind.

I put it to you that you did not inform the Court that you listened to both these people until my learned friend endeavoured to clear it up after I had voiced my objection?— It is true that when the Prosecutor raised that point then I also spoke.

My question is — don't let's waste time with it — it is a simple thing; why didn't you tell His Worship this piece of information before my objection?— There was nothing there.

BY THE COURT: Perhaps I can clear it up; you said that the speaker was Robert Sobukwe, and the interpreter spoke in Xosa, and then the Prosecutor asked you to which one of the two did you listen, and you said you listened to the interpreter; then as a result of the objection I asked the Prosecutor whether he was going to call Peter. The point is that your reply was that you listened to Peter?— I did also listen to Sobukwe because I already said that I knew Xosa.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: Why was it necessary to listen to Peter if you understood Xosa and the principal speaker was talking in that language. ?— I wanted that if I am left behind then I should catch up with him while he is speaking.

Do you want His Worship to understand that you performed this rather wonderful feat of listening to the Xosa, of listening to the Sesoto, of comparing the Xosa with the Sesoto, of then recording it in your notebook in English and then recording the whole speech. Is that so?— No, that is not so.

BY THE COURT:

Did you listen to the Xosa of Sobukwe?— Yes.

And then you listened to the Sesoto used by Peter?—



I put it to you that you did not inform the Court that you listened to both these people until my learned friend endeavoured to clear it up after I had voiced my objection?— It is true that when the Prosecutor raised that point then I also spoke.

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BY THE COURT:

Did you listen to the Xosa of Sobukwe?— Yes.

And then you listened to the Sesoto used by Peter?—

Yes.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: Most of these meetings lasted about an hour to an hour and a half?-- I cannot say, I don't know, because I don't have my notes.

Let's take Exh. H., you record that it started at 11.15 and it finished at 2.15. Just have a look, just to make sure (notes handed to witness) Is that correct?-- Yes.

Occupied all of the time with speeches?-- At other times they were signing songs.

How much of the time was taken with singing songs and making speeches; a great deal of the time or a short time?-- I cannot say because I did not make a note.

I'm not going to delay the Court, I am just going to put it to you that the times occupied in the reading out of these speeches will be considerably shorter than the times occupied by the whole meeting, as recorded in your notes; do you have anything to say to that?-- No, I cannot say.

One last thing on this aspect, you were asked by my learned friend what was the reaction of the audience at the end of each of these meetings, and you intimated that there was always some approval, in one form or another?-- Yes, that is true.

You made no note of the approval?-- No.

Is it possible that on certain occasions there was mingled with the approval the disapproval of certain critics who might have been there?-- No, there was no criticism or disapproval.

At any meeting?-- At any meeting.

Now, Exh. H., the meeting of the 6th September, page 3, you record the following note: Dr. Verwoerd and De Wet Nel are both preventing white domination; would you have a look at

it (notes handed to witness) ?-- I see it.

Is that a correct transcript of what you heard said ?-- It is as you have read it out, but I have already said that English is not my mother tongue.

Well, even if it is not expressed in the exact words, does it convey the meaning of what the speaker said ?-- It seems as if it means that from this here.

You agree with me that in the context of the political situation, it seems a rather strange thing to have recorded. ?-- I do not agree because I have already told the Court that there are instances when I write fast that is more than what I can, as in this way that we are supposed to write "no," then I wrote "now." I have made mention of that point in Court.

Is it correct that you read these notes over shortly after the meeting ?-- Once I have written them down then that is the end of them. Unless perhaps I discover a mistake while I am still there at the meeting. There is nothing I can change.

Do you never read your notes over quietly after the meeting and all this shouting has subsided ?-- I can only read them at the office.

I'm not asking you where; I am just asking you whether you do ?-- Yes, I do read them.

I expected to hear that from you because the other witnesses have said also that they read their notes over quietly when they have the opportunity; why did you suggest a moment ago that you don't read them over ?-- I say I read them at the office.

Did you read these at the office ?-- I did read them but then I did not see this mistake. That is just like any other person who can make a mistake.

BY THE COURT: Mr. Unterhalter didn't ask you about a mistake,

Just answer the question

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: You read them over because it is part of your routine as a policeman to check them, isn't that so?— That is true.

You are aware that it is important that they should be checked?— Yes.

Because they may be used in evidence as to what a certain person said, and you may have to speak to it under oath?— Yes, that is true.

Can I assume that as a conscientious policeman you did your work carefully and properly?— Yes, I did my duty in a proper way, but I did make a mistake.

You agreed with us this afternoon that that sentence seems to be wrong?— I see it like that.

Did you not think when you read it over in the office that it must have been wrong?— No, I did not see, that is why I say I made a mistake.

Can you explain why it didn't strike you; it seems the most obvious thing in the world that you couldn't associate those ideas?— Yes, this is a mistake, just like you as you do mistakes from day to day.

Didn't it even occur to you that it was doubtful and that you should strike it out if you were certain that it was incorrect?— I did not see the mistake; it is now that I see it.

I want to show you Exh. O. Refer to page 8, you will see the name of Josias Madsunya; do you notice that?— Yes.

You turn to the last page you will see a list of suspects?— Yes.

Josias Madsunya's name is struck out?— Yes.

Can you tell us why?— It is because of certain confidential matters of the Special Branch that I cannot say here

in Court.

Are you claiming that the information which would explain this is privileged?-- I can only disclose the information if I am empowered by those in authority.

Your Worship, I propose to put the question. The name of Josias Madzunya appears as one of the speakers in these notes; why is his name as listed among the suspects been struck out by the witness?

BY THE COURT: The witness says he can only give that information .... he says that it is because of certain confidential information which he doesn't want to disclose.

BY MR. UNTERHALTER: I persist in requesting the explanation.

P.P. ADDRESSES COURT:

COURT ADJOURNS:

COURT RESUMES:

BY THE P.P.: Your Worship, the Crown is not opposing the question being put, but I might just mention to the Court in passing, the witness seems rather frightened of incurring the displeasure of his superior officers by saying something he thinks they might not approve of. They might disclose something they shouldn't disclose, that seems to be the whole fear.

BY THE COURT: There is one privilege and one privilege only which the police have, and that is the disclosure of an informer; otherwise the head of the department must show that it is not in the interests of the public.

BY THE P.P.: There is nothing like that here, Sir.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: You understand the question as I put it to you before the adjournment?--

Yes.

Will you explain why that name was struck out?-- It is because when I arrived at the meeting, I took down in writing the names of all the suspects who were there, including that of

Josias Madzunya. During the course of the meeting Josias Madzunya was the first speaker who made his speech. According to the regulations I was not supposed to write down his name then I cancelled it.

BY THE COURT: Why were you not supposed to write his name?— I wrote his name and then cancelled it because he addressed the meeting as the third speaker; I then left those un-cancelled who did not speak at the meeting. (Notes handed to His Worship).

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: That is the only reason that you care to offer in reply to my question?— Yes.

I would like you please to explain why, if you took down all these names ....?— There I will not say, it is beyond my bound....

BY THE COURT: Your duty as a witness is to answer questions.

CROSS-EXAMINATION BY M. UNTERHALTER CONTD.: You record your information in a little notebook similar to the one I show you?— Yes.

You had such a notebook at this particular meeting on the 7th February, 1960?— That is true.

And you say when you came to the meeting you wrote down the name of the suspect?— Yes.

Only one note made of that?— Yes.

I understood you to tell His Worship that -- as you have just told me now, you noted down these names that you mentioned at the meeting, and then when Madzunya spoke you struck it out?— Yes, that is true.

I have some difficulty in understanding that because the list of suspect appears right at the end of the meeting, on page 15, immediately after the last sentence of the speech; and you suggest to me that the note of the suspects were made

not at the beginning of the meeting, but at the end of the meeting; have a look at it. (Handed to witness) ?-- Yes, I do understand very well.

In the light of that would you care to offer an explanation as to your evidence ?-- Immediately on my arrival at the meeting when I wrote these names I left one page clean to be written on it at the back, when the chairman announced that the meeting was nearing the end I was writing across an extent that I should then need a space in that paper which I had originally left blank. If then I had written on a different page and not the one I had left blank then I would have tried to cancel that page there.

BY THE COURT: Have you got that, Mr. Unterhalter ?

BY MR. UNTERHALTER: No, Your Worship, I haven't, but I am not going to persist in the question.

BY THE COURT: You see, you end, the last few words of the speech on page 15, and then you make a note: Suspects observed are as follows..... To me that is very clear that you noted those names on that occasion at the end of the meeting ?-- I say I wrote down the names on my arrival there.

You insist that you wrote the names on the first page of the book; is it correct now that you listed the names on your arrival at the meeting on the first page ?-- I left a short open space just above.

Did you record them on the first page leaving a little space at the top ?-- Yes, that is true.

And that is just how you managed to finish off at the end of the meeting, in that little space you left at the top ?-- Yes, that is when the meeting came to an end, I then tore that paper, above there, and placed it at the back.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: I want to refer you to exh. J., being the meeting of the 20th September, 1959. Page 3 of that exhibit records the following as having been said by Abel Mogari. I don't think that you gave this in your evidence in chief: "We are not prepared to throw back the Europeans into the sea, so when we get our freedom they should be ruled by our country laws." Will you look at that and confirm that that was in fact said?— That is correct.

Exh. K., page 2, record: "The Pan-Africanists are not connected with the African National Congress because it is out of the way. Its policy allows whites to join the organisation..." I don't think you gave this in your evidence in chief either; just check it?— That is true.

On page 5 of the same exhibit, there is a reference to another organisation. It reads as follows: "Now we received a certain pamphlet from another organisation which has been fighting against Peri-Urban areas..." To which organisation do you know he was referring?— That is the organisation known as the Standholders and Tenants Organisation.

Do you also know the organisation known as the Re-Conquest of Africa?— Yes, it is that one where the flag is written that way.

And that organisation also has meetings in which they attack the pass laws, is that correct?— Yes, that is true.

And it also has a fair number of people attending the meetings?— That is true.

Now, I see on page 12 of your notes, you draw two lines diagonally across half the page, and you have written the words "Cancelled by error as scrapped," and you signed your name and put your number there?— Yes, that is true.

Why was that done?— I dumped this paper without not seeing it.



Didn't you jump it because you missed some of the speech and you thought you might be able to go back and fill it up later?— No.

There is something on pages 11 and 12 of Exh. K that I am not very clear about, perhaps you could explain it; at the bottom of page 11, I read from your notes: "Africans please wake up and fight against such things because it is not Dr. Verwoerd who oppressed us." Would you read that and give me an explanation (Notes handed to witness)?— Yes, I recorded it in that way, as it appears there, because he said Mr. Verwoerd, that is to say the Prime Minister, that is to say he is not the one who made these laws, and that he is not the one who is oppressing us now, and that before that it was always like that.

Now, Exh. L, page 6, has this same cancellation that I have referred to earlier?— Yes, this indicates that I omitted this page by mistake, I jumped this page, in error. BY THE COURT: It seems to me that you were taking speeches ahead of time, before they were made. (Speaking together) ?— If I am listening...

You go half way down a page and start a new page?— That is not so.

That is so.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: Let me put it to you this way: A portion of this page 6 is written on; it seems to me since only two lines of this page are written on, that it is the easiest thing in the world to continue with this page. How did you come to jump it, what caused you to jump it?— There are instances when the speaker ends his speech I then take my notebook and close it, and look and see what they are doing when they are singing their songs, then when the turn comes for the next speaker to make his speech then

I page through my pages, and I do not usually make certain where I did end.

BY THE COURT: Then when the new speaker starts, you start with a new page, is that what you are saying?— According to the regulations it is not so.

According to the regulations it is not so, but is that the explanation why you have made that mistake?— Yes.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: Now, on page 13

of Exh. L., you record certain remarks of Mr. Sobukwe. I read: "We are fighting for freedom we are in difficulties and what you should do in this organisation is to have no violence." Have I read it correctly?— Yes, that is true.

Page 16, there is a similar remark "We will call you in thousands one day but there will be no violence." Is that correct?— That is true.

Now, on the 7th February you record in Exh. O, at page 2, some remarks of the chairman, Solomon Matoba, as follows: "At all corners of this ..... there are other organisations fighting the same thing, but only God will admit and receive our complaints." I am not sure that I have read this correctly, and I don't want to read the rest of the sentence because it may be out of context. Perhaps the witness should read the sentence?—"At all corners of this square there are other organisations fighting for the same thing. But only God will admit and receive complaints as he get us ....? to you."

Now I have understood it correctly. The other organisations to which he was referring, did that mean there were other meetings taking place at the same time on that square?— Yes.

Do you know which the other organisations were?—

They were the Standholders and Tenants Organisation.

Were the A.N.C. having a meeting?-- The A.N.C. also hold meetings there.

On that particular day were the A.N.C. also holding a meeting?-- I cannot say.

Whoever was holding the meeting, was it a meeting in which they were complaining about passes?-- Are you referring to the one of the P.A.C.?

No, the other organisations?-- Yes, they were complaining about passes.

On the same square and on the same date?-- Yes, but not at the same place, the same area.

COURT ADJOURNS:

COURT RESUMES 12/10/60:

GABRIEL RAMABOE, duly sworn.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTD.: When you were giving us evidence of the meeting held on the 14th February 1960, you referred to an announcement about prayer?-- Yes.

This was to be held at No. 3 Square on the 21st February in Alexandra Township?-- Yes.

Have you ever heard reference to prayers previously at meetings of the P.A.C.?-- No.

Did you attend the prayer meeting on the 21st?-- No.

Have you been able as an observer at meetings of the P.A.C. to form any impression as to the attitude of the leaders as to religious questions?-- Yes.

Would you agree with me that it is probable that Pan-Africanist Congress is anti-Christian?-- No, I do not agree.

Do you say that it is Christian?-- Amongst the members of the organisation there are those who are Christian inclined.

But among the leaders, isn't the tendency rather to refer to the forefathers of the African people rather than Christ?— They do also speak about Christ.

Have you not come across criticisms of the church by these leaders?— I do get some criticisms, but not amongst them all, just some.

Among the speeches that we have listened to, there have been references, for instance, to Hinza, a leader of the African people?— That is correct.

Would you say that you have noticed a disposition of something like worship to people like Hinza?— Not all of them.

Some of them?— Yes, some of them.

Insofar as you have noticed this disposition amongst some of them, would you not say that the P.A.C. movement represents a threat to Christianity?— No, I would not say it.

You see, I am asking you these questions because of certain remarks which appear from Exh. R., on page 13. At the bottom of the page you have recorded the following: "I beg our forefathers to give us luck to win the pass campaign" — and to me that suggests that an address is really being made to forefathers of the people, where as ordinarily one would invoke the Deity if one wanted help. Would you please look at what I have just read, and tell me if it was in fact said (notes handed to witness)?— Yes, that is correct.

Now, as a person who attends these meetings and has heard the speech in its context, can you give us the meaning that should be attached to that phrase, we beg our forefathers?— That is to say we beg the ancestors who were the leaders who are now dead, we cry to them that they should help us in obtaining what we aim at.

(the passage) or leave them at home." And then the speaker says "I will hear from you the day we start our campaign."

They were the Standard  
were the A.N.A. and  
held meetings there  
On that particular  
a meeting?— I cannot  
Whoever was held  
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COURT ADJOURNS:  
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GROSS-EXAMINATION BY  
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Would you agree with me that in tribal society in fact, the ancestors are worshipped?— Yes, that I know very well.

And you agree that any man who has been converted to Christianity who is an African, rejects entirely this worship of ancestors?— No, that is no more the case.

Are you actually agreeing with me that an African who has been converted to Christianity actually rejects the worship of ancestors?— No, that is not so.

Did you not say that the vast bulk of Christians who are Christians today do not worship their ancestors; those who are members of Churches, for example?— There are still those who still worship their ancestors but still attend churches, that is during certain intervals when they have to conform to certain ancestral things which they have to do when they go back to their original homes and go and do it.

But the vast majority do not follow these practices; do you agree with that?— I cannot say.

The reason for my putting these questions to you is the following: I want to suggest to you that any respectable church going African who learns of these particular beliefs of some of the leaders of the P.A.C. would reject any leadership by the P.A.C. on that ground?— No, that is not so.

And what reason do you give for disagreeing with me?— Because there are others who can go to this organisations but we have again seen them going to churches.

Now, at this meeting of the 21st February to which you refer in Exh. Q., you refer on page 17 to a question that was asked of the audience by the speaker. The phrase is as follows: "I would like to hear from you whether we burn them (the passes) or leave them at home." And then the speaker goes on: "I will hear from you the day we start our campaign."

Now, would you look at that and see if I have read it to you correctly?— Yes, that is correct.

Now, can I assume from that that it was the speaker who was inviting suggestions from the audience?—Yes, that is true.

He was not putting proposals to the audience as far as you can remember from the context?— The proposal had already been done before that.

When had the proposal been made?— There I cannot say because this thing was something which they spoke about from day to day and it was in the community there.

Have you personal knowledge of what you have just said or are you merely speaking of a rumor?— I heard.

So you agree that you are only speaking of a rumor?— Yes, I agree because this thing came from the meeting.

There is just one last thing, in Exh. F., page 15, "I am feeling sorry for the African police who died in Durban" is that correct?— Yes, that is correct.

(no further questions)

NO QUESTIONS BY ACCUSED Nos. 1, 3, 4, 18 & 39.

RE-EXAMINED BY P.P.A. As far as you could gather, what was it that was worrying most of these speakers at the meetings you attended; what was their prime concern?— Passes.

And from your knowledge of the African people, would it make any difference to them whether an appeal was made to their forefathers, or if an appeal was made to Christ, so long as the passes were abolished?— No, no difference would be made.

Now, if you will have a look at Exh. K., on page 2 where it says: "The P.A.C. is not connected with the A.N.C. because it is out of the way."?— "The Pan-Africanist Congress is not connected with the African National Congress be-

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... follows: "I ...  
... (the passes) ...  
... goes on: "I will ...